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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 26 September 2016

Notice of meeting:

Planning Committee

Tuesday, 4th October, 2016 at 2.00 pm,
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 8
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise:	
4.1.	APPLICATION DC/2013/00349 - A CHANGE OF USE OF THE PUBLIC HOUSE GROUND FLOOR TO A RETAIL USE AND A CAFE. CONVERSION AND ALTERATION OF THE FIRST FLOOR OF EXISTING PUBLIC HOUSE TO PROVIDE A FLAT. AMENDMENT TO THE DESIGN OF THE PROPOSED NEW DWELLINGS IN THE CAR PARK TO FORM A PAIR OF DUPLEX APARTMENTS. THE BRIDGE INN, BRIDGE STREET, CHEPSTOW, NP16 5EZ.	9 - 20
4.2.	APPLICATION DC/2015/00938 - DEMOLITION OF EXISTING DWELLING AND DETACHED GARAGE. ERECTION OF REPLACEMENT DWELLING AND DETACHED GARAGE. RELOCATION OF EXISTING VEHICULAR ACCESS. ORCHARD HOUSE, LLANBADOC, USK.	21 - 28
4.3.	APPLICATION DC/2015/01431 - DEMOLITION OF EXISTING INDUSTRIAL SHEDS AND THE ERECTION OF 60 NO. SERVICED HOTEL APARTMENTS, 3,700 SQM DESTINATION SPA, ANCILLARY MIXED USE DEVELOPMENT (UP TO 3,000 SQM), ENERGY CENTRE, LANDSCAPING, CAR PARKING AND OTHER ANCILLARY DEVELOPMENT. ALSO, RESERVED MATTERS FOR ACCESS APPROVAL. VALLEY ENTERPRISE PARK, HADNOCK ROAD, MONMOUTH, NP25 3NQ.	29 - 52
4.4.	APPLICATION DC/2016/00714 - TWO SEMI DETACHED DWELLINGS. LAND REAR OF 61 PARK CRESCENT, ABERGAVENNY.	53 - 60

5.	To consider the following report presented on behalf of the Chief Officer - Enterprise:	
5.1.	Confirmation report for Tree Preservation Order MCC264 - Cae Elga, Osbaston 2016.	61 - 72
6.	FOR INFORMATION - The Planning Inspectorate - Appeals.	
6.1.	Appeal Decision - Palace Farm, St. Tewdric Church Lane, Mathern, Monmouthshire, NP16 6JA.	73 - 76
6.2.	Appeal Decision - 22 Punchbowl View, Llanfoist, Abergavenny, Monmouthshire, NP7 9FL.	77 - 78
6.3.	Appeals received.	79 - 82

**Paul Matthews
Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Edwards
P. Clarke
D. Blakebrough
R. Chapman
D. Dovey
D. Edwards
D. Evans
R. Harris
B. Hayward
J. Higginson
P. Murphy
M. Powell
B. Strong
P. Watts
A. Webb
A. Wintle

Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon the day before the meeting. Details regarding public speaking can be found within this agenda or is available here [Public Speaking Protocol](#)

Access to paper copies of agendas and reports

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Watch this meeting online

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Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with 5 days notice prior to the meeting should you wish to speak in Welsh so we can accommodate your needs.

Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Purpose

The purpose of the attached reports and associated officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule, having weighed up the various material planning considerations.

The Planning Committee has delegated powers to make decisions on planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an officer recommendation to the Planning Committee on whether or not officers consider planning permission should be granted (with suggested planning conditions where appropriate), or refused (with suggested reasons for refusal).

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the Monmouthshire Local Development Plan 2011-2021 (adopted February 2014), unless material planning considerations indicate otherwise.

Section 2(2) of the Planning (Wales) Act 2015 states that the planning function must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.

The decisions made are expected to benefit the County and our communities by allowing good quality development in the right locations, and resisting development that is inappropriate, poor quality or in the wrong location. There is a direct link to the Council's objective of building sustainable, resilient communities.

Decision-making

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary to make the proposed development acceptable;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions, or against the failure of the Council to determine an application within the statutory time period. There is no third party right of appeal against a decision.

The Planning Committee may make decisions that are contrary to the officer recommendation. However, reasons must be provided for such decisions, and the decision must be based on the Local Development Plan (LDP) and/or material planning considerations. Should such a decision be challenged at appeal, Committee Members will be required to defend their decision throughout the appeal process.

Main policy context

The LDP contains over-arching policies on development and design. Rather than repeat these for each application, the full text is set out below for Members' assistance.

Policy EP1 - Amenity and Environmental Protection

Development, including proposals for new buildings, extensions to existing buildings and advertisements, should have regard to the privacy, amenity and health of occupiers of neighbouring properties. Development proposals that would cause or result in an unacceptable risk /harm to local amenity, health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk:

- Air pollution;
- Light or noise pollution;
- Water pollution;
- Contamination;
- Land instability;
- Or any identified risk to public health or safety.

Policy DES1 – General Design Considerations

All development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. Development proposals will be required to:

- a) Ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community safety and encourages walking and cycling;
- b) Contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;
- c) Respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;
- d) Maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable;
- e) Respect built and natural views and panoramas where they include historical features and/or attractive or distinctive built environment or landscape;
- f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials;
- g) Incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;
- h) Include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- i) Make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion l) below;
- j) Achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- k) Foster inclusive design;
- l) Ensure that existing residential areas characterised by high standards of privacy and

spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

Other key relevant LDP policies will be referred to in the officer report.

Supplementary Planning Guidance (SPG):

The following Supplementary Planning Guidance may also be of relevance to decision-making as a material planning consideration:

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (adopted March 2016)
- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)

National Planning Policy

The following national planning policy may also be of relevance to decision-making as a material planning consideration:

- Planning Policy Wales (PPW) Edition 8 (January 2016)
- PPW Technical Advice Notes (TAN):
- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)

- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

Other matters

The following other legislation may be of relevance to decision-making.

Planning (Wales) Act 2015

As of January 2016, Sections 11 and 31 of the Planning Act come into effect meaning the Welsh language is a material planning consideration.

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the local planning authority, and the decision whether or not to take Welsh language issues into account should be informed by the consideration given to the Welsh language as part of the LDP preparation process. Section 11 requires the sustainability appraisal, undertaken as part of LDP preparation, to include an assessment of the likely effects of the plan on the use of Welsh language in the community. Where the authority's current single integrated plan has identified the Welsh language as a priority, the assessment should be able to demonstrate the linkage between consideration for the Welsh language and the overarching Sustainability Appraisal for the LDP, as set out in TAN 20.

The adopted Monmouthshire Local Development Plan (LDP) 2014 was subject to a sustainability appraisal, taking account of the full range of social, environmental and economic considerations, including the Welsh language. Monmouthshire has a relatively low proportion of population that speak, read or write Welsh compared with other local authorities in Wales and it was not considered necessary for the LDP to contain a specific policy to address the Welsh language. The conclusion of the assessment of the likely effects of the plan on the use of the Welsh language in the community was minimal.

Environmental Impact Assessment Regulations 2016

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are relevant to the recommendations made. The officer report will highlight when an Environmental Statement has been submitted with an application.

Conservation of Species & Habitat Regulations 2010

Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. Examples of EPS are all bat species, dormice and great crested newts. When considering planning applications Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests are set out below.

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned as a favourable conservation status in their natural range.

Well-being of Future Generations (Wales) Act 2015

This Act is about improving the social, economic, environmental and cultural well-being of Wales. The Act sets out a number of well-being goals:

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;
- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

- **Long term:** balancing short term need with long term and planning for the future;
- **Collaboration:** working together with other partners to deliver objectives;
- **Involvement:** involving those with an interest and seeking their views;
- **Prevention:** putting resources into preventing problems occurring or getting worse;
- **Integration:** positively impacting on people, economy and environment and trying to benefit all three.

The work undertaken by Local Planning Authority directly relates to promoting and ensuring sustainable development and seeks to strike a balance between the three areas: environment, economy and society.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

Equality Act 2010

The Equality Act 2010 contains a public sector equality duty to integrate consideration of equality and good relations into the regular business of public authorities. The Act identifies a number of 'protected characteristics': age; disability; gender reassignment; marriage and civil partnership; race; religion or belief; sex; and sexual orientation. Compliance is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. Due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Consultation on planning applications is open to all of our citizens regardless of their age: no targeted consultation takes place specifically aimed at children and young people. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Protocol on Public Speaking at Planning Committee

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below.

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee. Only elected members of community and town councils may speak. Representatives will be expected to uphold the following principles: -

(i) To observe the National Code of Local Government Conduct. (ii)

Not to introduce information that is not:

- consistent with the written representations of their council, or
- part of an application, or
- contained in the planning report or file.

When a town or community councillor has registered to speak in opposition to an application, the applicant or agent will be allowed the right of reply.

Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public may appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where, by the deadline, letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday.

The number of objectors and/or supporters will be clearly stated in the officer's report for the application contained in the published agenda.

The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application.

When is speaking permitted?

Public speaking will normally only be permitted on one occasion where applications are considered by Planning Committee. When applications are deferred and particularly when re-presented following a committee resolution to determine an application contrary to officer advice, public speaking will not normally be permitted. Regard will however be had to special circumstances on applications that may justify an exception. The final decision lies with the Chair.

Registering Requests to Speak

Speakers must register their request to speak as soon as possible, between 12 noon on the Tuesday and 12 noon on the Friday before the Committee. To register a request to speak, objectors/supporters must first have made written representations on the application.

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request by calling 01633 644219 or by email to registertospeak@monmouthshire.gov.uk. Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

Parties are welcome to address the Planning Committee in English or Welsh, however if speakers wish to use the Welsh language they are requested to make this clear when registering to speak, and are asked to give at least 5 working days' notice to allow the Council the time to procure a simultaneous translator.

Applicants/agents and objectors/supporters are advised to stay in contact with the case officer regarding progress on the application. It is the responsibility of those wishing to speak to check when the application is to be considered by Planning Committee by contacting the Planning Office, which will be able to provide details of the likely date on which the application will be heard. The procedure for registering the request to speak is set out above.

The Council will maintain a list of persons wishing to speak at Planning Committee.

Content of the Speeches

Comments by the representative of the town/community council or objector, supporter or applicant/agent should be limited to matters raised in their original representations and be relevant planning issues. These include:

- Relevant national and local planning policies
- Appearance and character of the development, layout and density
- Traffic generation, highway safety and parking/servicing;
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Speakers should avoid referring to matters outside the remit of the Planning Committee, such as;

- Boundary disputes, covenants and other property rights

- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

Persons registered to speak should arrive no later than 15 minutes before the meeting starts. An officer will advise on seating arrangements and answer queries. The procedure for dealing with public speaking is set out below;

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the objector will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the supporter will then be invited to speak for a maximum of 4 minutes by the Chair.
- The Chair will then invite the applicant or appointed agent (if applicable) to speak for a maximum of 4 minutes. Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to speak for a maximum of 5 minutes.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - The community or town council representative or objector/supporter or applicant/agent may not take part in the member's consideration of the application and may not ask questions unless invited by the chair.
 - Where an objector/supporter, applicant/agent or community/town council has spoken on an application, no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the committee unless there has been a material change in the application.
 - The Chair or a member of the Committee may, at the Chair's discretion, occasionally seek clarification on a point made.
 - The Chair's decision is final.
- Officers will be invited to respond to points raised if necessary.
- Planning Committee members will then debate the application, commencing with the local member of Planning Committee.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Response by officers if necessary to the points raised.
- Immediately before the question being put to the vote, the local member will be invited to sum up, speaking for no more than 2 minutes.
- When proposing a motion whether to accept the officer recommendation or to make an amendment, the member proposing the motion shall state the motion clearly.

- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th September, 2016 at 2.00 pm**

PRESENT: County Councillor R. Edwards (Chairman)
County Councillor P. Clarke (Vice Chairman)

County Councillors: D. Blakebrough, R. Chapman, D. Dovey, D. Edwards, D. Evans, R. Harris, B. Hayward, J. Higginson, P. Murphy, M. Powell, B. Strong, P. Watts, A. Webb, and A. Wintle

County Councillors: M. Hickman, A. Easson and V. Smith attended the meeting by invitation of the Chairman.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Paula Clarke	Planning Applications and Enforcement Manager
Shirley Wiggam	Senior Strategy & Policy Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declarations of Interest

County Councillor Ruth Edwards declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DC/2016/00803, as she knew the applicant. She left the meeting taking no part in the discussion or voting thereon.

2. Confirmation of minutes

The minutes of the Planning Committee meeting dated 2nd August 2016 were confirmed and signed by the Chair.

3. APPLICATION DC/2015/00938 - DEMOLITION OF EXISTING DWELLING AND DETACHED GARAGE. ERECTION OF REPLACEMENT DWELLING AND DETACHED GARAGE. RELOCATION OF EXISTING VEHICULAR ACCESS. ORCHARD HOUSE, LLANBADOC, USK

We considered the report of the application and late correspondence, which was recommended for approval subject to the 10 conditions, as outlined in the report.

The local Member for Llanbadoc, attending the meeting by invitation of the Chair, outlined the following points:

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- The application is a very different proposal to the previous application. It is a unique and individual scheme with an interesting design.
- However, residents have expressed concern regarding the access to the proposal.
- Traffic along this route is extremely fast.
- One of the speed signs impedes visibility at the proposed new access.
- Concerned regarding safety issues in respect of the new access. It would be safer to retain and improve the existing access.
- If the access remains in its existing position, the development will have less of an impact on nearby properties because the original hedge would be retained.

Mr. P. Williams, attending the meeting by invitation of the Chair, outlined the following points:

- He had supported the original application with privacy issues being addressed.
- However, there were objections to the new application, namely:
- Modern design, which exceeds the volume of the existing property by 57%, exceeding the volume increase allowed.
- The proposed development will result in a cube like property which would not be in keeping with the surrounding properties.
- The relocation of the access will not improve the visibility splays with inappropriate site lines being created.

Mr. G. Buckle, representing the applicant, outlined the following points:

- It would be more economical to demolish the existing property and create a new dwelling that would be well insulated and energy efficient.
- The design is contemporary which had been received favourably by officers.
- The new proposal will use modern materials with the roof being insulated to a high standard.
- The height of the property will be reduced by two metres compared to the original property.
- The new access is an improvement on the existing access. It will have greater visibility splays following months of discussion with officers.
- The modern designed property will create low carbon emissions.

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- The design of the new proposal will complement the surrounding area.
- A construction environment plan will be provided.

Having considered the report of the application and the views expressed, the following points were noted:

- Concern was expressed regarding the proposed new access and the visibility splay. It was considered that retention of the original access would be a better option.
- The design of the property was good but it would be inappropriate at this site.
- The increase in the size of the proposed dwelling was a concern and was not in keeping with the surrounding properties.

Officers stated that the increase in the size of the proposed new dwelling would not create an adverse impact on the surrounding area.

In summing up, the local Member reiterated that the proposed new dwelling was a unique design. However, the proposed new access was a concern.

Having considered the report of the application and the views expressed, it was proposed by County Councillor R. Harris and seconded by County Councillor D. Evans that application DC/2015/00938 be approved subject to the 10 conditions, as outlined in the report and also subject to the issues regarding the proposed new access being addressed.

Upon being put to the vote, the following votes were recorded:

For approval	4
Against approval	12
Abstentions	0

The proposition was not carried.

We resolved that we be minded to refuse application DC/2015/00938 on the grounds of access, scale, appearance / design and that the application be re-presented to a future Planning Committee meeting with appropriate reasons for refusal.

4. APPLICATION DC/2015/00606 - RESIDENTIAL DEVELOPMENT OF ALLOCATION SITE SAH11 (XII) TO PROVIDE 10 DWELLINGS (INCLUDING 60% AFFORDABLE). LAND TO THE SOUTH WEST OF PENALLT, MONMOUTH, NP25 4SB

We considered the report of the application and late correspondence, which was recommended for approval subject to the 10 conditions, as outlined in the report and also subject to a Section 106 Agreement.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th September, 2016 at 2.00 pm

The Planning Committee on 1st December 2015 had resolved to approve the application subject to planning conditions and a legal agreement. The legal agreement has yet to be signed as there is a question regarding the viability of delivering the development, as approved. The financial viability relates to build costs and the logistical implementation of the highways drainage. A revised scheme has now been submitted for consideration today.

The local Member for Trellech, also a Planning Committee Member, outlined the following points:

- Concerned that the quality of affordable housing was being compromised.
- The design of the properties was not in keeping with other properties within the rural setting.
- The size of the affordable houses was a concern, as it was believed that these plots were below the minimal floor area.

The Senior Strategy & Policy Officer informed the Committee that Social Housing Development Quality Requirements (DQR) were being met. The affordable houses were therefore appropriately sized.

The Head of Planning Housing and Place Shaping informed the Committee that the materials being used in the development were of a high quality brick and officers were content with the quality of the new materials.

Some Members supported the local Member and stated that the original application had been approved with larger affordable houses and that the design quality had been reduced.

However, other Members agreed with the officers' recommendation to approve the application and considered that there were no grounds on which the application should be refused.

Having considered the report and the views expressed, it was proposed by County Councillor D. Blakebrough and seconded by County Councillor R. Hayward that application DC/2015/00606 be refused on the grounds of lack of design and quality of the affordable housing.

Upon being put to the vote, the following votes were recorded:

For refusal	2
Against refusal	13
Abstentions	1

The proposition was not carried.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th September, 2016 at 2.00 pm**

We resolved:

- (i) that application DC/2015/00606 be approved subject to the 10 conditions, as outlined in the report and also subject to a Section 106 Agreement;
- (ii) that officers liaise with the developers requesting that consideration be given to providing overhanging roofs instead of providing flush end roofs, as indicated in the application.

5. APPLICATION DC/2015/01389 - OUTLINE APPLICATION FOR RETAIL DEVELOPMENT AND PUBLIC HOUSE ON LAND WHICH IS CURRENTLY BEING USED AS THE CARPARK FOR THE MITEL BUILDING. CASTLEGATE BUSINESS PARK, CALDICOT

We considered the report of the application and late correspondence, which was recommended for approval subject to the nine conditions, as outlined in the report and also subject to a Section 106 Agreement requiring a financial contribution towards highway improvements to the local highway network and infrastructure including improvements to pedestrian facilities for safer routes to local amenities.

In noting the detail of the application, the proposal included the erection of a public house, which Members were in favour of, and four small retail units. Caldicot Town Team was experiencing difficulties in filling retail units within the town with a number of retail units currently vacant. Concern was expressed that the creation of additional retail units outside of the town would create a detrimental effect within the town centre development.

It was noted that the four proposed retail units would comprise of a mixture of A1, A2 and A3 uses.

Officers considered that the additional four retail developments would be relatively small and would not affect the development of the town centre.

In considering the detail of the report, it was noted that this was an outline application with all matters reserved for future consideration. Therefore, it was proposed by County Councillor D. Evans and seconded by County Councillor R. Hayward that application DC/2015/01389 be approved subject to the nine conditions, as outlined in the report and also subject to a Section 106 Agreement requiring a financial contribution towards highway improvements to the local highway network and infrastructure including improvements to pedestrian facilities for safer routes to local amenities.

Upon being put to the vote, the following votes were recorded:

For approval	10
Against approval	6
Abstentions	0

The proposition was carried.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th September, 2016 at 2.00 pm**

We resolved that application DC/2015/01389 be approved subject to the nine conditions, as outlined in the report and also subject to a Section 106 Agreement requiring a financial contribution towards highway improvements to the local highway network and infrastructure including improvements to pedestrian facilities for safer routes to local amenities.

6. APPLICATION DC/2016/00634 - CHANGE OF USE FROM RESIDENTIAL DWELLING TO PRIVATE DAY CARE NURSERY. TALYBONT COTTAGE, LLANELLEN ROAD, LLANFOIST

We considered the report of the application and late correspondence, which was recommended for approval subject to the six conditions, as outlined in the report.

The local Member for Llanfoist, attending the meeting by invitation of the Chair, outlined the following points in support of the application:

- The applicant has a proven professional record with regard to providing private day care nurseries.
- The applicant has two other units which are thriving.
- These have a 5* food hygiene rating.
- The applicant has the support of Estyn.
- There is a need for a day care nursery in Monmouthshire.
- Seven full time posts will be generated if the application is approved.
- Opening hours are from 7.00am to 7.00pm. However, operating hours will most likely be between 8.00am and 6.00pm.
- Drop off times will be staggered.
- Children will be taken into and collected from the nursery.
- Supervised play involving small groups of children will occur outside after 9.00am, which will be staggered.
- Noise levels will be minimal.
- The current site is derelict and in need of development.

Having considered the report of the views expressed by the local Member, it was proposed by County Councillor P. Murphy and seconded County Councillor M. Powell that application DC/2016/00634 be approved subject to the six conditions, as outlined in the report.

Upon being put to the vote, the following votes were recorded:

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th September, 2016 at 2.00 pm**

For approval	16
Against approval	0
Abstentions	0

The proposition was carried.

We resolved that application DC/2016/00634 be approved subject to the six conditions, as outlined in the report.

7. APPLICATION DC/2016/00803 - STABLES FOR FOUR HORSES. RED HOUSE FARM, ROCKFIELD, MONMOUTH

We considered the report of the application and late correspondence, which was recommended for approval subject to the two conditions, as outlined in the report.

Having considered the application, the Committee expressed its support. In doing so, it was proposed by County Councillor D. Evans and seconded by County Councillor D. Edwards that application DC/2016/00803 be approved subject to the two conditions, as outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	15
Against approval	0
Abstentions	0

The proposition was carried.

We resolved that application DC/2016/00803 be approved subject to the two conditions, as outlined in the report.

8. APPLICATION DC/2016/00804 - ERECTION OF A TWO STOREY, DETACHED HOUSE WITH ASSOCIATED CAR PARKING IN PART OF THE GARDEN. 17 BULWARK AVENUE BULWARK, CHEPSTOW

We considered the report of the application which was recommended for approval subject to the five conditions, as outlined in the report.

In noting the detail of the application, it was considered that an informative should be added regarding the developers' need to ensure that construction hours do not cause harm to the local amenity. Advice could be sought via the County Council's Environmental Health Department.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Hayward that application DC/2016/00804 be approved subject to the five conditions, as outlined in the report.

Upon being put to the vote, the following votes were recorded:

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th September, 2016 at 2.00 pm**

For approval	16
Against approval	0
Abstentions	0

The proposition was carried.

We resolved that application DC/2016/00804 be approved subject to the five conditions, as outlined in the report.

The meeting ended at 4.05 pm

DC/2013/00349

A CHANGE OF USE OF THE PUBLIC HOUSE GROUND FLOOR TO A RETAIL USE AND A CAFE. CONVERSION AND ALTERATION OF THE FIRST FLOOR OF EXISTING PUBLIC HOUSE TO PROVIDE A FLAT. AMENDMENT TO THE DESIGN OF THE PROPOSED NEW DWELLINGS IN THE CAR PARK TO FORM A PAIR OF DUPLEX APARTMENTS.

THE BRIDGE INN, BRIDGE STREET, CHEPSTOW NP16 5EZ

RECOMMENDATION: APPROVE

Case Officer: David Wong

Date Registered: 05/08/2014

1.0 APPLICATION DETAILS

- 1.1 The Bridge Inn is a Grade II Listed Building. The Bridge Inn is a 3 storey end of terrace building that has both two storey and single storey additions. The site is located within Chepstow's town centre and is located at the junction between Bridge Street and The Back, fronting both highways. The site has an existing vehicular access off The Back and it is proposed to utilise this, along with some minor alterations to the siting of the actual access of the site, serving the proposals.
- 1.2 The proposed scheme comprises the development of 2 no. two bedroom apartments in the existing car park, with the ground floor of the Public House to be converted to form a café and a retail unit. The first floor of the Public House would be converted to a two bedroom flat with the second floor being retained as a one bedroom flat. The site is situated alongside the River Wye, off The Back. The applicant has demonstrated that there is an existing flat at the second floor.
- 1.3 The car parking is located to the east of the public house and the site lies within Flood Zone C1. Owing to the flood risks, the two new build apartments do not have ground floor accommodation and as such all living space is located at first floor level and above.
- 1.4 The apartments would be finished in timber, stone and brick with a metal standing seam roof. The design of these apartments is contemporary and is considered to be a modern interpretation of the type of warehouse structures that would have once been prevalent alongside the river. The apartments are rectangular with an overall height of some 8.1m to the ridge, 11m in width and 11m in depth. There are no significant physical alterations to the external appearance of the public house. However, a large outbuilding is required to be demolished as part of the proposals.

2.0 RELEVANT PLANNING HISTORY

M/9685 - Addition of 5 No Letting Bedrooms. Refused 31/03/2004
M/00086 - Extension at Rear to Cover In Existing Courtyard, General Internal Alterations. Approved 03/12/1996
GW20952 - Internal Alts. & Extensions. Approved 14/12/1983

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 - Spatial distribution of new housing provision
S12 – Efficient resources use and flood risk
S13 - Landscape, green infrastructure and the natural environment
S16 – Transport
S17 - Place making and design

Development Management Policies

H1 - Residential development in main towns
EP1 - Amenity and environmental protection
DES1 - General design consideration
HE1 - Development in conservation areas
MV1 Proposed developments and highways considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

4.1.1 Chepstow Town Council – Refuse.

The design of the proposed cottages would be out of character within the area, and the detrimental impact of the development on the amenity space provided by the refurbishment of the riverbank.

4.1.2 Glamorgan Gwent Archaeological Trust – No objection; there remains a possibility that the groundworks associated with the proposal will encounter archaeological remains and a condition requiring an archaeological watching brief is to be conducted during the groundworks for the development

4.1.3 Natural Resources Wales – In our previous response to you (reference CAS-11237-V6Q2, dated 23 October 2015) we advised that the FCA had not demonstrated that the consequences of flooding can be acceptably managed over the lifetime of the development, and objected to this application.

The amended details show the two proposed cottages in the car park being replaced with a pair of duplex apartments with cycle and refuse storage on the ground floor. As such an updated FCA, prepared by R J Fillingham Associates Ltd, dated June 2016 has been submitted to

assess the risks and consequences of flooding to the latest proposal. We note a Planning Statement Addendum has also been submitted.

A1.14 of TAN15 is clear in that all new development should be flood free during the 0.5% (i.e. 1 in 200 year) plus an allowance for climate change annual probability flood event (2115). The updated FCA states that the maximum achievable finished floor level for the proposed duplex apartments is 8.80m AOD due to site constraints and other considerations. The predicted 0.5% flood level plus climate change (2115) at the site is stated at 10.9m AOD. Therefore the proposed duplex apartments are predicted to flood to depths of up to 2.1 metres in the 0.5% plus climate change event (2115). This does not meet the criteria of A1.14 of TAN15.

The FCA highlights that the site lies within an area of the floodplain that benefits from flood defences. The protection these defences provide is only for the 0.5% current day scenario and does not provide protection over the lifetime of development up to 2115. The FCA has concluded that the new duplex apartments will be at risk of flooding but highlights that the living accommodation associated with the new apartments will remain flood free through the layout of the building i.e. the cycle and refuse storage on ground floor. TAN15 also requires applicants to assess the extreme flood event, in this case the 0.1% (i.e. 1 in 1000 year) plus an allowance for climate change annual probability flood event (2115). This event should be assessed against the criteria in A1.15 of TAN15. No assessment of the 0.1% plus climate change event (2115) has been included in the FCA. However, from the information in the FCA we can advise that the predicted flood depths to the proposed duplex apartments themselves (i.e. property) could be up to 2.6m AOD, which is above the tolerable conditions set out in A1.15 of TAN15. We are unable to provide advice on the other criteria of A1.15 due to the lack of assessment.

We note this element of the application remains unchanged. At present the public house includes an element of highly vulnerable development (i.e. housing) on the upper floor. On balance, recognising this and the change of use nature of the proposal, we do not object to this element of the application. However, your Authority should be aware that the FCA confirms that the finished floor level for the first floor flat as being 10.72m AOD. Based on this level the flat could be effected by flooding in the 0.5% plus climate change event (2115) by depths of 18cm.

- 4.1.4 MCC Planning Policy – I refer to the above amended application for a change of use of a public house to retail and café on ground floor, conversion and alteration of first floor to provide a flat and the amendment of design of two new dwellings to duplex apartments. The development of the site meets the requirements of Strategic Policy S1 and Policy H1 in principle, subject to detailed planning considerations. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and should also be referred to.

Policy MV1 should also be referred to. The application form refers to the provision of seven car parking spaces, noting that while it is at deficit, its town centre location suggests there is less need. It is noted that the site is located close to a bus stop and two public car parks, it should nevertheless be determined whether the proposal satisfies the requirements set out in the Monmouthshire Parking Standards SPG (2013).

The site is located in Zone C1 floodplain, Strategic Policy S12 and supporting development management Policy SD3 relating to Flood Risk are therefore of relevance. The conversion of the public house to retail/café use on the ground floor and residential on the first floor complies with Policy SD3 in principle. However, strictly speaking the new build element of the proposal is contrary to Policy SD3 as it does not relate to the conversion of existing upper floors. It is necessary to consider whether the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15. In this respect the proposal represents a 'windfall' brownfield development within the existing settlement boundary that contributes to meeting the housing targets set out in LDP Policy S2 and thereby assists in achieving the objectives of the LDP strategy. It is also noted a revised Flood Consequences Assessment has been submitted and it must be considered whether the FCA sufficiently demonstrates to the satisfaction of the NRW whether the risks and consequences of flooding can be acceptably managed. In this respect, compliance with national policy in TAN15 may be considered to be sufficient to outweigh any potential non-compliance with Policy SD3.

The site is located within the Chepstow Conservation Area, Policy HE1 must therefore be referred to. The conversion also relates to a Grade II Listed Building and the new build development will be located in its setting, as there is no specific local planning policy in relation to listed buildings it is important to ensure DES1 in relation to General Design is considered along with Chapter 6 of Planning Policy Wales (PPW) relating to Conserving the Historic Environment. This chapter of PPW should also be referred to due to the site's location within an Area of Special Archaeological Sensitivity. Policy EP1 should also be taken into consideration.

- 4.1.5 MCC Conservation – no objection to the proposal.
- 4.1.6 SEWBREC Search Results – No significant ecological record found on site.
- 4.1.7 MCC Highways – The proposed development comprises the 2 development of 2 x 2 bed cottages in the existing car park, with the ground floor of the public house to be converted to form a café and a retail until. The 2nd floor of the public house would be converted to a 2 bed flat with the 3rd floor being retained as is. The site in its existing form

has an existing off-street car park for a maximum of 8 vehicles and it is proposed to retain the 8 car parking spaces for the proposed development.

In accordance with the Monmouthshire Parking Standards 2012 the site in its existing form requires parking provision for 34 car parking space and the proposed development requires provision for 22 car parking spaces. In both scenarios the existing car parking provision of 8 spaces is below the requisite standard.

Taking into consideration that the proposed development demands less parking provision than its current use and the fact that the site has functioned historically under its current use with no reported problems and its close proximity to the Town Centre and nearby public car parks, the development will not exacerbate the existing situation to the detriment of highway safety.

In light of the aforementioned comments there are no highway grounds to sustain an objection to the application subject to the existing level of parking being maintained in perpetuity.

4.2 Neighbour Notification

There are eight objections received:

Loss of character of the Conservation Area.

The proposed design is out of character to the character of The Bridge Inn in design and appearance.

A new building would look out of character with this part of the lower conservation area in Chepstow with the historic Wye Bridge and the grade II Bridge Inn

The proposal would have a detrimental visual impact on the 1816 cast iron Wye Bridge along with the grade II listed Bridge Inn and other listed buildings surrounding.

The proposal is overpowering and is within close proximity of the river and footpath.

The proposal would increase traffic generation in this part of the riverbank area.

Access from the front doors would lead straight onto road with no pavement.

The increase in traffic generation on a small space when turning into the riverbank area off the main road and with the added increase of pedestrians visiting a now very popular social space could increase the possibility of an accident.

The proposal will overlook 5 St Ann's Street and Somerset Cottages.

Lower Chepstow and the riverbank is a conservation area and this large new building proposed and its visual impact is not in keeping with the character or appearance of the area.

The additional vehicles that will be attracted to the riverbank area are also a cause for concern, particularly during the summer months when families and school trips are regular visitors to the area.

There is no objection to the proposal of the conversion to flats within the main Bridge Inn building.

The proposal will affect my enjoyment of the area and not enough people know about this potential development.

The first thing that you would see when entering into Chepstow over the Wye Bridge would be a building that isn't in keeping with the area.

The proposal is within close proximity to the river and would surely bring safety issues to those using the footpath.

There are enough new properties in this area already.

Losing the Bridge Inn is never a good idea.

This is a well-used open area; the adjacent river and footpath will be harmed by a sense of enclosure created by the overwhelming scale of this building.

The proposal does not preserve or enhance the character and appearance of this Conservation Area.

5.0 EVALUATION

The main issues are:

Principle of Development having regard to the Local Development Plan

The impact of the proposal upon the character or appearance of Chepstow Conservation Area

Effect on the listed building

Neighbour amenity

Highway issues

Biodiversity

Flood

Other issues

A response to the Town Council

5.1 Principle of Development having regard to the Local Development Plan

5.1.1 Policy H1 of the Local Development Plan (LDP) applies as the proposed site is within the Chepstow Town Development Boundary. In such an area planning permission would normally be granted for residential development subject to detailed planning considerations.

5.2 Effect on the character and appearance of the Chepstow Conservation Area

5.2.1 Policy HE1 of the LDP applies as the site is within the Chepstow Conservation Area. Properties in this part of Chepstow are of diverse character and layout with a variety of architectural designs and plot sizes, and it is considered there is no single, distinct character to influence the scale, mass or design of the proposal. The site is highly visible from the public realm. Also, the proposal relates to land within the curtilage of a Grade II listed building. As such, the Council's Conservation Team has been consulted.

- 5.2.2 The Council's Conservation Team has offered no objection to this proposal. The overall scale and bulk of the new apartments would complement The Bridge Inn and the adjacent properties. However, the siting of the new apartments would be set away from The Bridge Inn itself and the use of 'secondary' natural materials i.e. timber cladding with bricks on the principal elevation of the apartments would mean that The Inn would remain the dominant feature on site. The appearance of the proposal is contemporary and would add interest to this part of the River Wye corridor; a contemporary design approach was applied to the housing development along Lower Church Street, nearby. A condition would be imposed so that the detail of the materials and finishes would be presented to and approved by the Development Management Section prior to commencing development.
- 5.2.3 There is no doubt that the proposal would alter the 'streetscape' of this part of the Chepstow Conservation Area. However, it is considered that the proposed apartments would form part of a cluster of properties of different styles, ages and designs, and so would not adversely affect the character of the area. The overall density of development and spacing of this proposal is comparable with some of the properties in the vicinity.
- 5.2.4 It is considered that the proposal would have some visual impact upon the setting of the area, although given its layout, scale, appearance and design, this would be positive. To conclude, the overall character and appearance of this part of the Conservation Area would be enhanced by this contemporary addition, in accordance with Policies HE1, DES1 and EP1 of the LDP and the thrust of Chapter 6 of Planning Policy Wales (PPW), as well as meeting the statutory duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.3 Effect on the listed building
- 5.3.1 The Bridge Inn is a Grade II listed building. Thus, any proposed development within the curtilage of the listed building must relate sensitively to the parent building in terms of its scale, location, design, detail and materials and avoid dominating the parent building's appearance as advised within national policy guidance for listed buildings.
- 5.3.2 It is considered that the proposed development will have some visual impact on the setting of The Bridge Inn in terms of the proposal's size and proximity. However, the appearance of the proposed apartments is contemporary and, as referred to above, would be finished in 'secondary materials' to underline its subservient relationship to the Inn. In addition, the new apartments would be set away from The Inn; this gap allows a 'breathing space' for the 'parent' building.
- 5.3.3 It is acknowledged that the proposed apartments are relatively large buildings but the mass of the proposal is comparable to some of the nearby properties and moreover, would be set away from the Bridge Inn.

In addition, it is noted that there is no predominant style or grain of adjacent development, with properties having been built at different times and in different styles. The Council's Conservation Team has advised that the design of the proposal will not be in direct competition with the listed building, it being designed to be from its own time as a quality building as opposed to modern pastiche. This is considered an acceptable approach in this context. Given the above, it is considered that this application complies with the national policy for listed buildings, and the listed building's character or appearance and its setting would be preserved.

5.4 Neighbour amenity

5.4.1 There has been an objection from neighbours that the proposed apartments would have an overbearing impact. It is considered that the separation distance between the existing neighbouring properties and proposed apartments would be sufficient (i.e. greater than 21m) to ensure that the proposed apartments would not have an unacceptably overbearing effect, or that the outlook from the neighbouring properties would be unacceptably affected.

5.4.2 With regard to light, the proposed apartments would be set well away from the neighbouring properties to the south of the site and due to the orientation of the site (in relation to the neighbouring properties), the proposed apartments would be unlikely to cause any unacceptable loss of light to the neighbouring properties.

5.4.3 In terms of overlooking, it is considered that the separation distance between the existing neighbouring properties and proposed apartments would be sufficient to ensure that the proposed apartments would not have an unacceptable effect. Given the above, it is not considered that any impact on neighbour amenity would be so harmful as to warrant refusal of this application.

5.5 Highway matters

5.5.1 Under the current proposal, seven spaces are be proposed for residential purposes with one space for the proposed commercial units. As part of the submitted Planning Statement, the agent has demonstrated that (based on adopted parking standards) the existing uses require more parking spaces than the proposals. Highways advised that whilst the proposal does not meet local standards there is indeed betterment from the reduction in the overall requirement. In addition, the site is located in the town centre and is within walking distance of a bus stop. Furthermore, there are two public car parks located within 250m of the site. Given the above, there is no objection to this element.

5.6 Biodiversity

5.6.1 Having checked the local ecological records there is no significant ecological activity identified on site. The submitted Bat Scoping Survey informs that the surrounding habitat is suitable for bat usage, particularly the riparian corridor on the opposite bank of river. The desktop survey identified 29 bat records within the search buffer. However, there are no records relating to the actual site. There will undoubtedly be bat foraging activity around the proposed development site in summer, but there is no evidence that bats have ever interacted with this building in any way. Given the above, no further information is requested.

5.7 Flood

5.7.1 The site is located in Zone C1 floodplain, and Strategic Policy S12 and supporting development management Policy SD3 of the LDP relating to Flood Risk are therefore of relevance. The conversion of the public house to retail/café use on the ground floor and residential on the first floor complies with Policy SD3 in principle and there is no objection from NRW. However, strictly speaking the new build element of the proposal is contrary to Policy SD3 as it does not relate to the conversion of existing upper floors. It is necessary to consider whether the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15. In this respect the proposal represents a ‘windfall’ brownfield development within the existing settlement boundary that contributes to meeting the housing targets set out in LDP Policy S2 and thereby assists in achieving the objectives of the LDP strategy. NRW objects to the new build element as the ground floor cycle and refuse storage area of the proposed apartments would flood during the 0.5% (i.e. 1 in 200 year) plus an allowance for climate change annual probability flood event (2115).

5.7.2 However, the ground floor level of the proposed apartments will be used as a cycle and refuse storage area, which is no different to the existing use of the site (a car parking and storage area for the public house). In addition, the proposals demonstrate that the living accommodation associated with the new apartments will remain flood free. In addition, the vehicle access to the site is in Zone C1 land and so the proposals are on an area of the floodplain that benefits from flood defences. Given the above, compliance with national policy in TAN15 is considered to be sufficient to outweigh any technical non-compliance with Policy SD3.

5.8 Other issues

5.8.1 There is no objection from Glamorgan Gwent Archaeological Trust. However, there remains a possibility that the groundworks associated with the proposal will encounter archaeological remains. Therefore, a condition is proposed requiring an archaeological watching brief to be conducted during the groundworks for the development.

5.8.2 Strategic Policy S4 of the LDP refers to financial contributions to the provision of affordable housing in the local planning authority area for

proposals below these thresholds. However, this application was submitted in 2013, under the consideration of the Unitary Development Plan (now, superseded by the LDP). However, the site is extremely sensitive i.e. within a Conservation Area, within the curtilage of a Listed Building, a flood zone and an archaeologically sensitive area. Due to these factors, there had been a series of long-term negotiation between the planning authority, the developer, the agent and NRW. Therefore, it is considered unreasonable to apply the affordable housing financial contribution requirements at this late stage.

5.8.3 Some objectors are concerned that there are safety issues as the proposed apartments will be situated within close proximity of the river and footpath, and there is no pavement along the front (northern) boundary of the site. However, The Back currently has no pavement and there is no objection from the Council's Highway Engineer regarding the access and egress proposed. It is acknowledged that the site is within close proximity to the river but this does not mean it cannot be developed. This is not a planning material consideration but the developer should consult their structural engineer prior to commencing development.

5.8.4 A comment was made about not enough people knowing about this proposed development. The adjoining neighbouring properties have been consulted directly. In addition, site notices were posted and the application was publicised on the local a newspaper. Thus, the application has been publicised in accordance with the statutory publicity procedures for such an application.

5.9 A response to Chepstow Town Council

5.9.1 The responses given in Sections 5.2 and 5.3 above address these concerns.

6.0 **RECOMMENDATION: APPROVE**

Conditions/Reasons

Standard 5 years for the development to commence.

The development shall be carried out in accordance with the approved plans (as listed in the table on the decision notice).

Sample of materials shall be submitted to the LPA and agreed in writing by the LPA prior to the development commence.

A detailed drainage scheme shall be submitted to the LPA and agreed in writing by the LPA prior to the development commence. The development shall be carried out in accordance with the approved details.

An archaeological watching brief is to be conducted during the groundworks for the development.

Permitted development rights parts 1 & 2 removed

Informatives:

Party Wall Act.

If any archaeological remain is found during the course of the development, please contact the Glamorgan Gwent Archaeological Trust immediately for more guidance. It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

Foul water and surface water discharges shall be drained separately from the site.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Surface water drainage shall not be drained onto the adjacent highway.

The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.

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DC/2015/00938

DEMOLITION OF EXISTING DWELLING AND DETACHED GARAGE. ERECTION OF REPLACEMENT DWELLING AND DETACHED GARAGE. RELOCATION OF EXISTING VEHICULAR ACCESS

ORCHARD HOUSE, LLANBADOC, USK

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Registered: 28/08/2015

1.0 APPLICATION DETAILS

- 1.1 This application was presented to Committee on 6th September 2016 with an officer recommendation for approval. Members did not agree with this recommendation and deferred the application to be refused on the grounds of scale, design and highway safety.
- 1.2 Following the Committee meeting, the applicant has provided further detailed drawings of the existing and proposed access in order to demonstrate that the proposed new access will be an improvement on the existing, in terms of visibility and therefore highway safety. The Council's Highway Officer was asked to comment on the additional information and has provided the following additional advice:

Highway comments -

"I refer to the recent submitted plans from the agent to support the above application. The submission shows on plan the existing achievable visibility from the site as being 2.4m x 14m and 2.4m x 13.6m.

This visibility splay is seriously below the current standards and would be deemed unsafe.

The proposed relocated access offers an improved access in terms of actual dimensions as well as providing a substantially improved available visibility to the site. The proposed visibility is 2.4m x 28m and 2.4m x 60m.

An increase in both directions and importantly improvement to the right leaving the site.

The submissions therefore endorses the views of the highway authority to support the improved point of access to the site that improves highway safety for the site users as well as improves highway safety for the users of the adjacent public highway."

- 1.3 The applicant has also provided visualisations of the proposed new dwelling together with an overlay of the existing dwelling.
- 1.4 If Members are still minded to refuse the application the following reasons are provided;

Reason(s) for Refusal

1. The scale and design of the proposed new dwelling are considered to be out of keeping with the character and appearance of the surrounding area, contrary to criterion (c) of Policy DES1 of the Adopted Monmouthshire Local Development Plan.

2. The proposed new access is considered to be substandard given the road speeds on the highway fronting the site and would unacceptably harm highway safety.

1.5 The previous report and recommendation is below.

PREVIOUS REPORT

1.0 APPLICATION DETAILS

- 1.1 This application relates to an existing detached two storey dwelling with detached single garage. The existing property is a 4 bedroom two storey double bay fronted detached dwelling, with hipped tiled roof. The elevations are principally red/orange drag faced brickwork with rough cast painted render over, extending from underside of first floor window cills to eaves. A detached garage located to the south of the dwelling is built in a similar style to the main dwelling. The property is in a fair condition but is in need of modernisation and insulating to reduce heat loss and energy consumption. Having considered the extension and alteration of the existing structure it was resolved by the applicant that construction of a new replacement dwelling would be the most economically viable solution.
- 1.2 The design of the proposed replacement dwelling has been amended following discussions with officers regarding the volume of the proposed new house in relation to the existing.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

S1 – Spatial Distribution of New Residential Development
S12 – Efficient Resource Use and Flood Risk
S13 – Landscape, Green Infrastructure and the Natural Environment
S16 – Transport
S17 – Place Making and Design

H5 – Replacement Dwellings in the Open Countryside
SD3 – Flood Risk
LC5 – Protection and Enhancement of Landscape Character
NE1 – Nature Conservation and Development
MV1 – Development and Highway Considerations
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection

4.0 REPRESENTATIONS

4.1 Consultation Responses

Llanbadoc Community Council – Main Comments: Out of keeping – too bold, modern design, site lines, Size. Privacy issues. Safety concerns on access.

Three relevant parties were represented at the Llanbadoc Community Council meeting held on 6th July 2016, this included the applicant and two neighbours. The two

neighbours raised concerns over privacy, style and size. Another neighbour commented on shift in access, considered a retrograde step. Cllr. Laura Jones commented on the build stating that it was out of character with the area and that access changes were a valid concern.

The applicant confirmed that the architect had worked within the guidelines, and the agent had considerable contact with MCC.

Cllr. Laura Jones view was that it would completely change the character of the village, this was supported by Cllr. James Lawrence who also felt it would be a powerful dominating property and would impact on neighbouring properties.

The applicant stated that it was energy efficient, and the design was steered by MCC and worked within parameters on a design and energy efficient point of view.

4.1.3 MCC Highways - No adverse comments.

4.1.4 MCC Biodiversity Officer – No objections subject to conditions (see below). Considering the now extensively glazed appearance of the east elevation the planting enhancements recommended within the Ecology report and referenced in the DAS will be even more important to maintain foraging/commuting corridors.

4.2 Neighbour Consultation Responses

6 representations received. Object on the following grounds;

- No need to demolish the existing house as sound well built by Sweet & Sons who were recognised as the best firm of builders in the area for very many years.
- Proposed new dwelling completely out of character with anything else in the area.
- Proposed new dwelling looks more urban.
- Proposed new dwelling too large.
- Manipulation of maximising size to prescribed volume limitations has resulted in a distorted, unconventional, alien, modern design.
- Question the volume calculations submitted by the applicant.
- Overlooking from bathrooms and west facing balcony.
- Change of access to a more dangerous location.
- Demolition and construction work will bring lots of noise and dust.

4.3 Local Member

Local Member Cllr. V Smith – Initially requested that the application be determined by Planning Committee owing to concerns about the size of the garage and overlooking of neighbour by roof lights in the proposed garage. Subsequently considered that negotiations had been undertaken (revisions made so there were now no roof lights in garage) and therefore no need for Committee. No comments to revised drawings offered to date.

5.0 **EVALUATION**

5.1 Principle of Development

- 5.1.1 Although the existing dwelling does have some architectural merit, the building is not a traditional farmhouse, cottage or other building that is important to the visual and intrinsic character of the landscape and so the principle of demolishing the existing dwelling is accepted as it is considered to meet the terms of Policy H5 of the Local Development Plan (LDP).
- 5.1.2 In order to comply with the Supplementary Planning Guidance (SPG) that supports Policy H5, the volume of the new dwelling should normally be no more than 50% larger than the existing dwelling. The existing building has a volume of 580m³ and the proposed new dwelling a volume of 910m³. This equates to an increase of 57% which is considered to be close enough to the limits normally allowed by policy whilst not compromising the success of the design of the proposed new dwelling overall. It should be noted that the proposed dwelling and hard landscaping will cover a total area of some 768m² which equates to 27% of the site when taking in to account the site as a whole. There will therefore be ample space around the dwelling for soft landscaping which it is considered should be a condition of any consent.

5.2 Visual Amenity

- 5.2.1 The site as existing is divided into two plots with a relatively recent boundary of shrubs. It is proposed to remove this boundary to enable the proposed replacement dwelling to be shifted more centrally within the site and increase the size of the curtilage of the proposed new dwelling to include both plots. This increase in curtilage is considered to be acceptable as the whole area has been used in association with the dwelling historically, even though not all as formal garden and the area is within the ribbon of built development along the road into Usk. It is noted that the northern side of the site is within the flood plain and so there can be no new built residential development in this area anyway.
- 5.2.2 The new dwelling is proposed to be sited closer to the highway than the existing dwelling. Given that the building line in this area varies significantly and in places is right up to the road then this is considered to be visually acceptable.
- 5.2.3 In terms of design, the existing property is a twin bay-fronted hipped roofed property of post war construction and cannot be considered to be typical of more traditional dwellings found in the open countryside but is more suburban in character. The replacement dwelling was originally designed with a hip roof and was generally well received, however the footprint area required by the applicants combined with a traditional house design created substantial unused space in the loft. The result was the structure as a whole significantly exceeded the LDP policy criterion in respect of proportionate volume increase for replacement dwellings in the countryside. Thus, it was decided to revisit the design.
- 5.2.4 The dwelling now proposed is a more contemporary design with a vertical emphasis, large glazed areas with aluminium frames, a mix of finishes and most strikingly perhaps, a flat roof. The revised design has reduced the massing of the elevations with the general ridge line approximately 2m lower than the original proposals. Variation in the eaves line and storey heights add interest to the facades and depth to the elevations thereby helping to break up the massing of the building. The roof will be covered in a slate grey coloured single ply membrane for flat roof elements and colour-coated standing seam panels to the pitched areas, sympathetic to adjacent slate roof planes, replacing the plain clay tile of the existing Orchard House. Dark grey matt finish colour-coated aluminium window frames would enable the maximum glazing to be achieved to apertures with clean slim-line sightlines. The stone element proposed would be constructed using a slate building stone or dark grey linear-shaped stones

with deep recessed joints. Rendered walls are proposed to be finished with a silicone scraped texture through colour render or fined down and painted.

- 5.2.5 The adjacent cottages and houses are primarily pitched slate roof two-storey structures and the plot shares a boundary with a storey and a half stone barn, which has been converted and partially rendered. Further along Usk Road towards Caerleon, Myrtle Villa is a predominantly brick clad house with stone detailing and a hipped slate roof.
- 5.2.6 Given the mix of building types within the vicinity of the application site as well as the large plot, it is considered that a contemporary approach would be appropriate in this case rather than trying to mimic other smaller original structures. As the materials and finishes of a building of the type proposed will be critically important to achieving a high quality design, it would be appropriate to condition samples of the materials for approval via condition.
- 5.2.7 The proposed double garage has been redesigned taking into consideration the concerns of the neighbouring property and the case officer. The structure has been reduced to a single storey structure with a flat roof and proportionally sized to the dwelling, accommodating two cars on a daily basis. An additional area has been added onto the garage to provide space for a hobby room. The outbuilding has been designed in a style to match the proposed replacement dwelling whilst remaining detached and subservient to the main part of the house.

5.3 Residential Amenity

- 5.3.1 The proposed building is sited at its closest point 8.0m from the southern boundary with Ty-Mawr Farm, 12m to the aforementioned barn conversion and 28m to the adjacent farmhouse, respectively. The small southern elevation first floor window serving a bedroom would be obscure glazed. To the south a dense mature privet hedge approximately 2.0m tall provides privacy at ground floor level, and therefore overlooking issues and loss of privacy are not anticipated. Similarly, the distances between the proposed new dwelling and the reduction in overall height as a result of the design mean that the dwelling would not appear overbearing to any neighbours.

5.4 Access

- 5.4.1 The proposal relocates the vehicular access to a more central location achieving improved and acceptable visibility in both directions compared to the existing access point. There is more than adequate parking and turning available as shown on the submitted plans. The proposed alteration to the access will not therefore adversely affect highway safety.
- 5.4.2 The application site is predominantly bounded by an established native species hedgerow. The majority of the hedgerow is proposed to be retained. Relocation of the vehicular access and forming of visibility splays for improved highway safety will result in parts of the hedge to the eastern boundary being disturbed. However, the hedgerow would be translocated to the revised alignment and also used to close up the former vehicular access.

5.5 Biodiversity Considerations

- 5.5.1 Based on the current objective survey and assessment available, enough ecological information has been submitted to enable the Council to make a lawful planning

decision. No evidence of bat roosts were found in the house or garage buildings. Two active house sparrow nests were found.

5.5.2 The proposals for this site require the existing dwelling and garage to be demolished, which will result in the loss of all potential bat roosting features and confirmed bird nesting features. The report concludes that there will be no impacts on bats as a result of the proposed development. There will however always remain a possibility of bats being encountered within a building even after a series of negative surveys. The application proposes a precautionary approach with regard to bats and demolition, and the provision of bat boxes as enhancement and bird boxes as compensation for the nesting space lost. These are considered acceptable and conditions are proposed below.

6.0 RECOMMENDATION: APPROVE

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.
4	No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
5	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6	No demolition of any buildings or structures, or removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building and vegetation for active birds' nests immediately before and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
7	The demolition shall be carried out in accordance with section 6.1 Precautionary Measures of the report "Orchard House, Llanbadoc. Bat Survey Report. Acer Ecology. Version 1, Dated 23 June 2015."
8	The development hereby permitted shall not be occupied until the bat box (Schwegler 1FR) and bird box (Schwegler 1SP) have been installed in accordance with details shown on submitted plan 1198 (BD)13.

9	Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building so as to illuminate the bat and bird boxes on the southern elevation.
10	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995, as amended (or any order revoking and re-enacting that Order with or without modification) no development within Part 1 of Schedule 2 to the Order, shall be carried out on land to which this permission relates, without express planning permission having first been obtained from the Local Planning Authority.

Informatives:

Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and the retained ecologist or Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows, or buildings where birds are nesting. The nesting season for most bird species is between March and August inclusive.

The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.

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DC/2015/01431

DEMOLITION OF EXISTING INDUSTRIAL SHEDS AND THE ERECTION OF 60 NO. BEDROOM HOTEL, 6 NO. TWO BED SERVICED HOTEL APARTMENTS, 3,700 SQ.M DESTINATION SPA, ANCILLARY MIXED USE DEVELOPMENT (UP TO 3,000 SQ.M), ENERGY CENTRE, LANDSCAPING, CAR PARKING AND OTHER ANCILLARY DEVELOPMENT; ALSO RESERVED MATTERS FOR ACCESS APPROVAL

VALLEY ENTERPRISE PARK HADNOCK ROAD MONMOUTH, NP25 3NQ

RECOMMENDATION: REFUSE

Case Officer: Craig O'Connor

Date Registered: 27/11/2016

1.0 The application was presented to the Planning Committee held on 3rd May 2016 with a recommendation for refusal and the previous report is outlined below. At the meeting Members weighed up and considered the flood risk implications of the development against the economic benefits of constructing a hotel and spa at the site. The proposed development would provide significant employment and tourism benefits to the area and improve the visual appearance of the site.

1.1 At the previous meeting the Local Member for Wyesham, attended the meeting by invitation of the Chairman and outlined the following points in favour of the application:

- Much consultation had taken place.
- The general consensus is that approval of the application would result in increased employment to the Monmouth town, and would provide much needed accommodation for tourist visiting the town.
- The site would be visually improved if the application was approved.

Mr. D. Cummings, representing Monmouth Chamber of Commerce, attended the meeting by invitation of the Chairman and outlined the following points in support of the application:

- Many letters of support have been received in favour of the application.
- Approval of the application would provide a financial benefit to Monmouth in the sum of £3.1M per year, every year.
- The proposed development would be more in keeping with the surrounding area adding to the improvements that have already been made over the previous 15 years.
- There will be a minimal effect on the local traffic flows.
- The developers have met the demands of the flooding issues in the area.
- There is ample notice of potential flooding in this area, i.e., a minimum of seven hours notice is received.
- There will be no risk to people or property should the application be approved.

1.2 As a result of the particularly significant benefits of the proposed development the recommendation to refuse the application on flooding grounds was not accepted. Members considered that the proposed mitigation measures including

raising the floor levels of the proposed buildings and associated parking areas of the site with the development of a detailed flood management plan would mitigate the potential flood risk to future occupiers and users of the site. Subsequently the application was deferred to be approved via the Council's Planning Applications Delegation Panel, providing the modelling exercise indicated that the proposal would not increase the risk of flooding elsewhere.

- 1.3 Following the Committee meeting the applicants have been liaising with NRW to get their flood modelling reviewed and gain endorsement that the flood modelling exercise evidences that the proposed development will not result in flooding elsewhere.
- 1.4 NRW are of the view that the flood modelling is not conclusive and that there are outstanding questions of confidence over the results of the modelling, both of the level of flood risk on and off site. Therefore NRW are unable to advise as to whether there will be an impact on flooding elsewhere, and if so, what that impact will be. NRW's latest correspondence dated 13/09/2016 is provided within an appendix to this application.
- 1.5 The applicants do not agree with NRW's conclusion and are of the view that they have evidenced that the proposed development will not result in additional flooding elsewhere. The applicants have stated that the modelling outlines that in the extreme 1 in 100 + climate change scenario there is actually a beneficial effect. The applicants consider that they have produced a model, which was scoped with NRW and completed accordingly. A statement from the applicants that responds to the NRW correspondence (13/09/2016) will be provided within late correspondence.
- 1.6 The applicants are of the understanding that they have met the requirements of Planning Committee and the specific question posed by Members has been answered adequately. The applicants have requested that the application now be re-considered by Committee for approval.
- 1.7 Members are respectfully requested to review the submitted correspondence from NRW and the applicant before considering whether to approve the application subject to the following conditions and S106 agreement:

2.0 S.106 and financial contributions

- 2.1 The applicant will be required to make a financial contribution of £35,000 towards improving walking and cycling routes between the site and local facilities and amenities.

Conditions:

1. Approval of the details of the layout, appearance of the buildings, and the landscaping (including hard and soft landscaping) of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.

Reason: The application is in outline only.

2. (a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

3. The development shall be carried out in accordance with the list of approved plans set out in the table below including the proposed site levels details. The height for the main hotel building shall be no higher than 15m, the mixed use building shall be no higher than 17m and the energy centre shall not be any higher than 10m, with the associated flue being no higher than 21m. The aforementioned heights shall relate to the ground levels specified on Drg BRS5426_19C.

Reason: For the avoidance of doubt

4. No vegetation clearance or manipulation works shall in any circumstances commence until the local planning authority has been provided with a copy of the relevant licence for Dormouse issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity / development to go ahead.

Reason: To safeguard a population of European Protected Species (Dormouse) in accordance with the Conservation of Habitats and Species Regulations 2010.

5. No building stripping or demolition shall in any circumstances commence until the local planning authority has been provided with a copy of the relevant licence for bats issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity / development to go ahead.

Reason: To safeguard populations of European Protected Species (bats) in accordance with the Conservation of Habitats and Species Regulations 2010.

6. The Reserved Matters application shall include an Ecological Design Strategy addressing details of avoidance, mitigation, compensation and enhancement measures for:

- Bats (including the provision of a bat house and suitable vegetated flight corridors)
- Dormouse
- Otters and other mammals present at the site
- Nesting birds
- Reptiles and amphibians

The Ecological Design Strategy shall be submitted to and approved by the Local Planning Authority before works commence on site (such works shall include demolition, ground works and vegetation clearance). The Ecological Design Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed works
- b) Review of site potential and constraints
- c) Detailed designs, dimensions and working methods to achieve stated objectives

- d) Extent and location of proposed works on appropriate scaled plans
- e) Type and source of materials to be used e.g. bat house materials
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
- g) Details of initial aftercare and long term maintenance

The Ecological Design Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To protect, compensate and provide enhancements for populations of Protected Species in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), Wildlife and Countryside Act 1981 (as amended), the Biodiversity Duty in Environment (Wales) Act 2016 and LDP Policy NE1.

7. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be strictly adhered to and implemented throughout the construction period in accordance with the approved details.
Reason: To protect the River Wye SAC in accordance the Habitats Regulations Assessment undertaken by the LPA as required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010.
8. A Green Infrastructure Management Strategy Plan shall be submitted to and be approved in writing by the local planning authority prior to the building being brought into beneficial use. The content of the Management Plan shall build upon the principles in the submitted Green Infrastructure Strategy and shall include the following:
 - a) Description and evaluation of Green Infrastructure assets to be managed.
 - b) Trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: To safeguard all Green Infrastructure Assets at the site in accordance with LDP Policies, DES1, S13, GI1, NE1, EP1 and SD4.

9. Prior to the building being brought into beneficial use a monitoring strategy shall be submitted and approved in writing by the local planning authority. The purpose of the strategy shall be to assess the effectiveness of the Ecological Design Strategy and Green Infrastructure Management Plan. The content of the Strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that aims and objectives are not being met) how contingencies and/or remedial action shall be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning Ecological Design Strategy and Green Infrastructure Management objectives as approved. The monitoring strategy shall be implemented in accordance with the approved details.

Reason: To monitor the effectiveness of the Ecological Design Strategy and Green Infrastructure Management Plan to ensure that legislative and policy requirements are being met.

10. Prior to the building being brought into beneficial use, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or

prevent the above species using their territory or having access to their breeding sites and resting places. The strategy must demonstrate that the hedgerows and screen planting are not illuminated to allow dark corridors for dormouse, bats and other wildlife to persist.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed at the site without the prior consent of the local planning authority.

Reason: In the interests of maintaining the amenity value of the area and to safeguard roosting and / or foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies S13, LC5, GI1, NE1 and EP3.

11. The reserved matters application shall include full details of the Sustainable Urban Drainage System for the proposed development. A schedule and plan shall be provided and include details of the following:

a) Design ETC

b) Appropriate oil interceptors or other methods of reducing impacts on the River Wye SAC.

The approved plan shall be implemented in accordance with the approved details and prior to the building being brought into beneficial use.

Reason: To provide detail of green infrastructure and measures which help to protect the River Wye SAC.

12. Retained trees shown on the Tree Protection Plan (7651-S1-3-1) shall be protected in accordance with Arboricultural Method Statement described in Section 5 of the Arboricultural Implications Assessment and fenced off in accordance with the specification shown at Appendix D of the AIA.

Reason: To safeguard all Green Infrastructure Assets at the site in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4.

13. No development, including demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project for the duration of the development and who shall be responsible for:

1) Supervision and monitoring of the approved Tree Protection Plan;

2) Supervision and monitoring of the approved tree felling and pruning works;

3) Supervision of the alteration or temporary removal of any Barrier Fencing;

4) Oversee working within any Root Protection Area;

5) Reporting to the Local Planning Authority;

6) The Arboricultural Consultant shall provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer prior to any tree works commencing.

Reason: To safeguard Green Infrastructure Assets at the site in accordance with Policy GI1 in the Local Development Plan.

14. No part of the development hereby permitted shall commence until:

a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.

b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS

10175:2011, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.

c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

d) Following remediation a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

15. Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

16. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

17. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. The scheme shall include the programme for its implementation. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensue no pollution of or detriment to the environment.

18. The car parking provision for the site shall be in accordance with the Monmouthshire's Parking Standards 2012 and shall not be reduced from the

proposed 276 car parking spaces proposed in this outline planning application.

Reason: To ensure that the constructed development is in accordance with Monmouthshire Parking Standards 2012.

19. No development shall commence until a Construction Traffic Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The proposed development shall be constructed in accordance with the details within the approved CEMP only.

Reason: To ensure that the construction work at the site does not have a detrimental impact on the highway network.

20. The mixed use building shall comprise uses that are ancillary to the hotel complex only. Prior to this building coming into beneficial use the exact uses of the building shall be approved in writing by the Local Planning Authority and no other uses shall be implemented within the building other than those approved by the local planning authority, including any other purpose in the same use class of the Town and Country Planning (Use Classes) Order 1987.

Reason: In the interests of amenity and to safeguard the vitality and viability of Monmouth town centre.

21. The serviced apartments shall not be occupied as a person's sole or main place of residence or by any persons occupying the accommodation that would exceed a period of 60 days in any calendar year.

Reason: The provision of permanent residential accommodation would not be acceptable.

22. An up to date register containing details of the names, main home address, and dates of arrival and departure of occupants using the serviced apartments shall be made available for inspection by the Local Planning Authority upon request.

Reason: The provision of permanent residential accommodation would not be acceptable.

Informatives:

1. The reserved matters application shall include full details of both hard and soft landscape works. These details should reflect the guidelines set out in the Landscape plan and GI Strategy Plan. Details shall include :-

- Detailed plans / elevations of the proposed building
- proposed finished levels or contours;
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas with specific focus on deliverability of the pedestrian connectivity beyond the site and vehicular circulation approaching the site;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, artwork, refuse or other storage units, signs, lighting, floodlighting and CCTV installations etc.);
- proposed and existing functional services above and below ground (e.g. drainage, power,
- communications cables, pipelines etc. indicating lines, manholes, supports and CCTV installations.);

- retained historic or other landscape features and proposals for restoration, where relevant.
 - Soft landscape details shall include: planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.
 - Water Features /SUDS features
 - Clarification of access connections beyond the site
 - Impacts and mitigation as a result of the proposed new access requirements.
 - Where historic environment impacts are identified these are reflected through appropriate mitigation.
 - The reserved matters application shall include details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.
2. The reserved matters application shall include details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.
 3. The reserved matters application shall include full detailed plans indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. This boundary treatment shall be implemented :
 - a) before the use hereby approved is commenced or
 - b) before the building(s) is / are occupied or
 - c) in accordance with a timetable agreed in writing with the Local Planning Authority.
- 3.0 Alternatively if Members consider that they do not wish to support the proposals given the uncertainty over the flood modelling the application may be refused and the following reason is presented for consideration:
1. The development would result in the location of a form of highly vulnerable development in Flood Zone C2 as identified by development advice maps referred to under Technical Advice Note 15 - Development and Flood Risk. The applicants have not evidenced through conclusive flood modelling techniques that the proposed development would not result in flooding elsewhere. The development would therefore result in an unacceptable flood risk contrary to Technical Advice Note 15 and Policies S12 and SD3 of the Monmouthshire Local Development Plan.

PREVIOUS REPORT (3rd May 2016)

1.0 APPLICATION DETAILS

- 1.1 The site is located to the west of Monmouth town centre and forms part of Hadnock Road Industrial Estate. The site is approximately 5ha in area and accommodates four large industrial sheds and associated hardstanding areas. The existing use of the site is for general industry (Use Class B2) however the site has been vacant for over eight years. The vehicular access to the site is off Hadnock Road which connects to the A4136 which is to the south of the site. The site is enclosed by the River Wye to the west and there are a mix of different uses in the surrounding sites including residential, industrial, offices and educational uses. The site lies within the Monmouth' development boundary and is allocated as a Protected Employment Site under Policy SAE2 of the Local Development Plan (LDP). The site lies entirely within Flood Zone C2.
- 1.2 The proposal is for demolition of the existing industrial buildings and the construction a new 60 bedroom hotel, six serviced hotel apartments (each containing two beds), a spa, ancillary mixed use development, an energy centre, landscaping, car parking and other associated works. This application seeks outline consent for the principle of the proposed development with the access and the scale of development being considered at this stage. The appearance, landscaping and layout would all be reserved matters for consideration at a later date if this outline application was to be approved. The proposed spa facility would provide spa pools, fitness studios, relaxation rooms, clinic and treatment rooms and associated spa retail. The mixed use building would accommodate ancillary uses that would function in association with the spa and would include uses such as a cookery school, wellness clinic and associated hairdressers. The applicants have outlined that the uses within this building could be conditioned. The proposed serviced apartments would be utilised for holiday purposes only and would not be permanent residential properties.
- 1.3 The proposed plans outline that there would be two main access points to the site directly off Hadnock Road. The submitted layout plans outline that there the proposed energy centre would be sited in the northern part of the site, the hotel and spa would be located in a central location and the ancillary mixed use building and hotel apartments would be sited to the south. The plans also outline the general proposal for landscaping of the site and associated car parking and overspill car parking areas which could accommodate 280 cars. The hotel and spa would generally be two storeys in height and there would be a maximum ridge height of 15m with the minimum finished floor level being 20.15m AOD. The proposed mixed use building and serviced apartments would have a maximum ridge height of 17m and minimum finished floor level measuring 20.15m AOD. The mixed use building would be three storeys high and the serviced apartments would be two storeys. The applicant was requested to submit streetscene plans to illustrate the proposed appearance of the buildings and on these plans the ridge is shown as approximately 12.5m high. The exact scale of the building would be determined by the overall design and appearance of the development which would be a reserved matter. The

application also includes the construction of an energy centre that would accommodate a combined heat and power (CHP) generator. The proposed building would measure approximately 300sq metres and it would be between 7 and 10 metres in height, with a finished floor level of 21.05m AOD. The plant would also include a flue the height of which would depend on further assessment, although at the most the flue would be 21m high (11m higher than the building) with a diameter of 840mm. Details of how the CHP plant generates energy has been submitted within the application. The CHP plant would service the hotel and spa's heat, steam and water requirements, as well as generating electricity for the site. It could provide up to 4MW of electrical power with excess power being fed into the local grid connection.

2.0 RELEVANT PLANNING HISTORY

DC/2014/00676 Partial change of use from B2 to sui generis and the associated equipment for standby, top up or reserve energy generation. Previous application DC/2012/00052 - Withdrawn April 2014

DC/2012/00052 Application for partial change of use from B2 to Sui Generis and the associated equipment for standby top up or reserve generation - Withdrawn April 2014

DC/2011/00142 Use of site for biomass recycling centre - Approved April 2011

DC/2010/00658 Change of use of an existing factory/warehouse building and the addition of an exhaust vent stack to accommodate a renewable energy generation facility - Refused February 2002

DC/2007/00613 Change of use - timber yard to cycle hire; placement of two storage containers - Permitted development February 2008

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S6 Retail Hierarchy
- S8 Enterprise and economy
- S11 Visitor Economy
- S12 Efficient Resource Use and Flood Risk
- S13 Landscape, Green Infrastructure and the Natural Environment
- S16 Transport
- S17 Place making and design

Development Management Policies

- EP1 Amenity and Environmental Protection
- DES1 General Design Considerations
- SAE2 Protected Employment Sites
- E1 Protection of existing Employment Land

SD3 Flood risk
GI1 Green Infrastructure
NE1 Nature Conservation and development
LC4 Wye Valley Area of Outstanding Natural beauty
LC5 Protection and enhancement of landscape character
RET4 New retail proposals
MV1 Proposed development and highways considerations
MV2 Sustainable transport Access
SD2 Sustainable construction and energy efficiency
EP2 Protection of water sources and water environment
SD4 Sustainable drainage
EP5 Foul sewerage disposal

4.0 REPRESENTATIONS

4.1 Consultations Replies

Monmouth Town Council – recommends approval; the CHP plant should not be expanded / used in the future as a diesel or biomass generation plant.

Natural Resources Wales – the planning application proposes highly vulnerable development – a hotel - within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Wye. Our records also show that this site has previously flooded from the River Wye during the 1947 flood event. We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

The addendum has confirmed that all proposed buildings on site will remain flood free in the predicted 1% (plus climate change) annual probability flood event. The predicted 1% (plus climate change) flood level is 19.47m AOD and the proposal intends to raise all the buildings to a minimum level of 20.15m AOD. However this mitigation measure does not extend to the external areas of the site, including the car parking areas and internal access roads. Having considered the risks and consequences of flooding and the hazard ratings to the entire site, and specifically to the car parking and internal roads, it is our advice that flood risk cannot be acceptably managed.

NRW objects to the principle of the development and that it has not been demonstrated that the proposed development is in line with criteria set out in TAN15.

MCC Highways Officer - although we have concerns from a highway perspective particularly regarding the traffic impact and lack of sustainable travel provision, particularly pedestrian and cycling provision, we consider that due to the site's extant use we would be unable to substantiate an objection to the proposal on highway grounds subject to the suggested conditions. Through

the trip rate comparison between the sites extant, allocated and proposed use it has been identified that the proposed development will have fewer two-way trips during the AM and PM peak periods. Through assessment of the data obtained on the existing traffic flows, junction capacity analyses and queue lengths on the existing highway network the transport statement concludes that the traffic generated by the proposal will have no detrimental impact on the existing traffic flows on the existing highway network. Despite the findings in the Transport Statement we as Highway Authority are still very mindful of the ongoing congestion experienced in this particular area and are unconvinced that the additional traffic generated by the proposed development will have no significant impact on the existing network. However, we are mindful that the application site has existing allocated B1 Business and B2 Industrial land uses and therefore we are unable to object to the application on the grounds that the proposed development will generate significantly less traffic than would be generated should the site be redeveloped under its existing allocated use.

MCC Biodiversity Officer – based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision. It is worth noting that despite the perceived low ecological value of the site, it is very sensitive due to the presence of Protected Sites nearby and the presence of Protected Species on and adjacent to the site. There are no objections to the proposals subject to the proposed conditions and informative.

MCC Green Infrastructure Team – there are no objections to the proposals. A Green Infrastructure Strategy has been submitted to support the application in accordance with LDP policy GI1. The strategy sets key principals for taking forward the detailed design work at the Reserved Matters stage and reviews GI assets and opportunities including landscape and ecological links. The proposal has positively and comprehensively through the GI Strategy addressed landscape setting and quality of place through the provision of a high quality design both in terms of the built structure which has been sensitive in height, massing and scale to ensure the proposal is not intruding on the profile of the town or surrounding landscape and has also sought to incorporate quality materials in the structure. There will also be a significant increase in the amount of green space incorporating new planting together with reinforcement of the existing woodland along the riverside which will supplement the overall Green Infrastructure provision of the site together with proposing long term management.

MCC Planning Policy Officer - the site is located within the Monmouth Town Development Boundary on a Protected Employment Site where Policy SAE2 of the Local Development Plan (LDP) applies (SAE2m). The criteria set out in Policy E1 relating to the Protection of Existing Employment Land must therefore be taken into consideration, which if satisfactorily addressed could enable a change of use to non-B uses. The marketing exercise and economic impact report submitted should be considered in order to determine whether the relevant criteria have been fully addressed. Strategic Policy S8 provides support in principle to the proposal subject to detailed planning considerations. The addition of over 100 full time equivalent jobs would be welcomed (the exact

figure is not known, the planning statement refers to 120 and the economic statement to 167). The site is located within Zone C2 floodplain as shown by the latest Welsh Government TAN15 maps, Policy SD3 relating to Flood Risk therefore applies. It is considered that as the proposed development is a form of 'highly vulnerable development' it would be contrary to both Policy SD3 and national planning policy as set out in TAN15.

MCC Environmental Health Officer – No objections to the proposals subject to the suggested conditions and informative.

MCC Business Insight Manager – Valley Enterprise Park is the only industrial site in Monmouth that has significant spare capacity for B2 uses, given that there is very little other vacant property of this kind in and around the town. My starting position on this development has therefore been a desire to see the existing industrial premises retained on the site. We continue to receive enquiries from businesses seeking properties suitable for B2 uses, although they usually tend not to require large premises. I had contact with two of the businesses that showed an interest in this site in autumn 2014 and have no reason to doubt the level of interest indicated in page 12 of the marketing report. Furthermore, I am not aware of there having been any interest in the site as a whole since September 2011. However, I also have the following observations:

- Quite a number of the buildings on the site now appear to have been deleted from the business rates register or given a zero rateable value by the Valuation Office Agency
- Given the business rates status of these buildings it is hard to imagine that they would be considered commercially attractive by many businesses looking for alternative premises
- On the basis of the repair quotes provided in appendices 7-11 of this report it is also hard to see how the existing premises can be returned to an economically viable state
- It is also unlikely that the site would be redeveloped for B1/B2/B8 uses given the economic challenges associated with speculative developments of this kind and scale

Given all of the above, I suspect there is little prospect of the site being brought back into industrial use in the future and I therefore have no objection to this proposal. Furthermore I would welcome the economic and employment benefits that the project would bring to the town.

MCC Tourism Officer – fully supports the proposals and outlines how the proposed development would address a specific lack of hotel accommodation in Monmouth and it would deliver more robust, less seasonal and less weather-dependent future tourism growth. The proposed development also has the potential to deliver wider benefits to the destination. Destination hotels like this can help put a town 'on the map' and draw new business. Whilst they could be seen initially as a threat to existing hotel and visitor accommodation providers, potentially eating into their market share, this could be positive, in terms of shaking up existing operators, making them re-evaluate their offer and pricing policies, and encouraging them to invest and to differentiate themselves to secure their corner of the market. In some cases new hotels can hasten the exit

from the market of poor quality accommodation businesses, which could be good overall for Monmouthshire's reputation and visitor satisfaction ratings.

MCC Emergency Planning Manager – Awaiting comments on the flood management plan which will be presented to the Committee as late correspondence. Flood Management Plan received in April 2016.

Welsh Government Transport – no objections to the proposals as the traffic generation would be significantly less that likely to be generated by the extant planning permissions. There is no new access proposed directly onto the trunk road network.

Cadw – considers that the proposed development will have no impact on the designated historic assets outlined within their correspondence.

Dwr Cymru-Welsh Water – no objection to the positive determination of the application subject to the suggested conditions and informative outlining that a full drainage scheme should be submitted and approved prior to the commencement of development.

Gwent Wildlife Trust – issued a holding objection as there are concerns that there is insufficient information on the protected species issues and proposals for mitigation and habitat enhancement.

Glamorgan Gwent Archaeological Trust – no objection to the positive determination of the application subject to the suggested conditions and informative.

Gwent Police Traffic Management Officer – There are concerns relating to the road network that will be used to access this area when completed. The development would greatly increase vehicle numbers which would lead to road safety issues.

Gwent Police Community Safety Officer – No adverse comments to the proposals.

4.2 Neighbour Notification

There have been three letters of objection to the application and 86 letters of support.

The letters of objection have outlined the following concerns with the proposals:

- The increased traffic would have a detrimental impact on the existing road network particularly at peak times
- The existing bottleneck at Hadnock Road and on Wye Bridge is already heavily congested at peak times.
- The proposed CHP unit would require engineering work to create industrial grade supply to the site.
- Concerns over the need for the CHP and its size and whether additional plants would be required in the future.

- The CHP would generate noise and harmful emissions

The letters of support outline the following:

- The development would be an asset to the town
- It would bring employment opportunities into the area
- Excellent addition to Monmouth's existing facilities
- It would generate less traffic than the existing historic use
- The development would enhance the visual qualities of the area
- The development would support the local economy and create jobs.
- It raise the town's profile and help sustain the Monmouth economy
- It would encourage visitors to the area and provide a high quality hotel in the vicinity of the AONB and heritage assets.
- Local artisan producers would benefit from supplying the high end restaurant
- Monmouth is short of accommodation for visitors and this hotel would meet this need
- The development regenerates the area of river bank that has fallen into disrepair and is an eyesore
- The introduction of the hotel to the area would benefit other local businesses.
- There needs to be a consideration of the construction phase of the development in terms of traffic controls

Within the letters of support there were three letters that did raise concerns with the energy centre aspect of the proposed development and the following comments were made:

- The energy centre is excessive for the hotel/spa
- The CHP would create additional emissions
- Concerns whether this development will come forward and the CHP unit will just be built
- The scale of the CHP is excessive and could it be expanded in the future?

4.3 Other Representations

Monmouth Chamber of Commerce – fully supports the proposals and outlines that if the plans are approved it will increase local employment, further improve the economy of the town through increased tourism and continue to raise the profile of the Monmouth brand.

4.4 Local Member Representations

None received to date

5.0 EVALUATION

5.1 Flooding

- 5.1.1 The principle of the development is considered to be unacceptable based on the flooding issues relating to the proposed development and the site. The proposed hotel is categorised as a form of 'highly vulnerable' development within Technical Advice Note (TAN) 15 - Development and Flood Risk, and the site lies entirely within flood zone C2. TAN15 clearly outlines that highly vulnerable forms of development should not be permitted in flood zone C2 areas. Policy SD3 also outlines that highly vulnerable forms of development would not be permitted in this flood zone. The principle of the proposed development being sited in this particular location is therefore contrary to both TAN 15 and Policies S12 and SD3 of the Monmouthshire Local Development Plan.
- 5.1.2 Natural Resources Wales (NRW) has formally objected to the proposals and NRW is the Local Planning Authority's expert advisor on flooding grounds. As such, NRW's professional advice is normally accepted unless there is evidence to warrant a different view. NRW considers that the proposed development would be subject to an unacceptable flood risk and in addition, the applicants have not demonstrated that the risks can be acceptably managed. The proposed hotel is a highly vulnerable form of land use that would not be appropriate for this particular site which is liable to flood and cause risk to human life and property. The submitted Flood Consequences Assessment (FCA) has outlined that the buildings would be flood free. The predicted 1% (plus climate change) flood level is 19.47m AOD and the proposal involves raising all the buildings to a minimum level of 20.15m AOD. However, the mitigation measures do not extend to the external areas of the site, including some of the car parking areas and internal access roads. The applicants have amended their proposals since NRW's consultation response and have increased the level of the proposed car parking areas associated directly with the hotel element to 19.47m AOD to meet the 1 in 100 year event. However, TAN15 (A1.14) states that all new development, regardless of vulnerability, should be flood free in the 1% plus climate change event and the FCA has not demonstrated that all of the parking areas and internal roads would be flood free. There are concerns relating to whether the access road off Hadnock Road would also flood in the 1 in 100 event and NRW have confirmed that during the 1% plus climate change event, the site and the access should be classed as 'Danger for all – includes the emergency services'. NRW are of the view that the proposed access route along Hadnock Road would also become flooded during a flooding event which would result in the proposed hotel not being accessible resulting in people not being able to leave the site and emergency services not being able to get access to the site.
- 5.1.3 The applicants have provided a Flood Response and Management Plan (FRMP) that outlines that there could be an alternative exit route through the school but this route is also at a level of 17.66m AOD and would potentially also flood. The submitted FRMP outlines that the overall strategy would not be to escape from the site but to minimise flood risk to staff and visitors by retaining them within the building. The document also outlines how the car parking areas within the 1 in 100 year event would not be overnight parking spaces and there would be precautions in place to remove vehicles from the site in the case of a flood event. After reviewing the FRMP and considering NRW's response and

the fact that the access along Haddock Road and some elements of the site would not be flood free in the 1 in 100 year event, the development would result in an unacceptable level of flood risk to its visitors. The hotel would be isolated in the event of a flood and emergency services would find it difficult to access the site. The proposed highly vulnerable form of development of a hotel is not considered to be appropriate for this particular location which is liable to flood particularly with the impact of climate change. The proposed development is therefore contrary to Technical Advice Note 15 (TAN 15): Development and Flood Risk and policies S12 and SD3 of the Monmouthshire LDP.

- 5.1.4 The applicants have outlined within the submitted FCA that the proposed development would not increase flood risk elsewhere in the locality through the displacement of water and alterations to the topography and have referenced hydraulic modelling prepared by Edenvale Young. The work outlines that flood risk is not increased discernibly off site. However NRW have outlined that this conclusion has not been verified through a review of the hydraulic modelling. If the application is to be recommend for approval this hydraulic modelling needs to be reviewed in more detail to ensure that the conclusions within the FCA are accurate and that the development does not result in additional flood risk elsewhere.

5.2 Protection of existing employment land

- 5.2.1 The existing site is a protected employment site and Policies SAE2 and Policy E1 aim to protect these sites and retain them for industrial and business use to retain employment opportunities for the locality. Policy E1 of the LDP outlines the following:

Proposals that will result in the loss of existing or allocated industrial and business sites or premises (classes B1, B2 and B8 of the Town and Country Planning Use Class Order 1987) to other uses will only be permitted if:

- a) the site or premises is no longer suitable or well-located for employment use;
- b) a sufficient quantity and variety of industrial sites or premises is available and can be brought forward to meet the employment needs of the County and the local area;
- c) there is no viable industrial or business employment use for the site or premises;
- d) there would be substantial amenity benefits in allowing alternative forms of development at the site or premises;
- e) the loss of the site would not be prejudicial to the aim of creating a balanced local economy, especially the provision of manufacturing jobs.

The proposed development would result in the loss of 5ha of industrial land. The existing site, however, has been vacant for over eight years and has fallen into poor condition. The demand for this type of large scale industrial unit is not considered to be particularly high in this area. The applicants have submitted a marketing report which outlines that there have not been many potential purchasers of the site coming forward and as a result the site has been vacant for many years. There is a lack of demand for this type of site. The buildings are in poor condition and the marketing report also outlines that they have come to the end of their 'economic life' so that significant investment would be

required to renew the 'B' use employment prospects for the site. The report outlines the economically unviable cost of redeveloping the site for business use. It is accepted that the submitted evidence justifies that the site would be no longer suitable for such employment uses in accordance with criterion a) of Policy E1 of the LDP.

5.2.2 Criterion b) of Policy E1 of the LDP outlines the need for the County and the Monmouth area to have a sufficient amount of industrial land available for employment requirements. The Employment Sites and Premises Review Addendum (2010) produced by the Council for the LDP evidence base outlined "There was no recorded employment land take up in Monmouth between 1991 and 2009". In addition the site has been vacant for over eight years and thus there is evidence that there is a lack of demand for this type of industrial land in this area particularly given the economic costs of developing the site and the poor access arrangements. The LDP also makes provision for additional industrial land within the Wonastow Road Strategic Mixed Use Site (SAH4) and therefore the local area would retain a sufficient amount of this type of employment land. On balance, it is considered that the area would remain to be served by a sufficient amount of industrial land to meet the employment needs of the area and given the investment required to redevelop the site, it is not considered to be a viable B use industrial site. Thus, the proposal is considered to be in accordance with criteria b) and c) of Policy E1 of the LDP.

5.2.3 The proposed hotel and associated spa development would clearly be a substantial improvement to the amenity of the area. The existing site is vacant and dilapidated and the proposed development would significantly enhance the visual appearance of the site. The proposed development would also introduce additional health facilities for residents in the area through the spa facility and would provide economic benefits to the local area via the creation of jobs and investment to the local economy. The current site has been vacant for many years and is not delivering any jobs and income to the local economy and from the evidence submitted within the application the site is not considered to be likely to be redeveloped as a viable industrial site. The proposed development would create employment, enhance the site and benefit the local economy and therefore would be in accordance with criteria d) and e) of Policy E1 of the LDP. The business insight Officer for the Council has reviewed the proposals and has concluded that "there is little prospect of the site being brought back into industrial use in the future and I therefore have no objection to this proposal. Furthermore I would welcome the economic and employment benefits that the project would bring to the town." On balance, given the financial constraints of the existing dilapidated site, the lack of demand for this type of industrial site, the improvements to the visual amenity of the area and the economic benefits of the proposed re-development in terms of employment and investment in the local economy the proposed development is considered to be in accordance with Policy E1 of the LDP. The change of use of the site for the proposed alternative use would be acceptable.

5.3 Economic Development Implications

- 5.3.1 The proposed development would have a considerable positive impact on the local economy of Monmouth. The application has outlined that proposed development would create approximately 300 jobs during construction and 120 jobs within the operating hotel, spa and mixed use development. The proposals outline that the hotel would work closely with local tourism businesses and suppliers for goods and services and as such the development would support other local businesses. The development would also increase visitor spending on businesses in the area who would visit Monmouth's town centre and engage with leisure and tourism attractions in the area. The Tourism officer has outlined the potential of the proposed development, "According to Scarborough Tourism Economic Activity Monitor (STEAM) 2014, each serviced bed space in Monmouthshire in 2014 was worth £22,458.79 to the local economy over the course of the year. A new development like this, therefore, which provides 144 new serviced bed spaces has the potential to generate an additional £3.2m pa for the local economy from staying visitors when the hotel opens. This is in addition to spend by day visitors using the leisure and spa facilities, and cookery school."
- 5.3.2 Within the application the applicants have outlined that the STEAM figures are based on average spending patterns and as this proposed hotel would target higher spend visitor categories and provide comprehensive state of the art spa and wellness facilities the benefit to the local economy could be worth up to £5.6 million per year. The proposed development would create wealth and employment and support existing business and services in Monmouth and the surrounding area and it would significantly promote tourism in the area. The proposed development would be in accordance with the LDP's strategic Policy S11 which promotes sustainable forms of tourism.

5.4 Highway Safety and existing road network

- 5.4.1 The existing B2 industrial use of the site is a material consideration when reviewing the proposed implications that the development would have on the existing highway network. The site has been vacant for a number of years and therefore at present the site has no impact on the existing highway network. If an industrial use was reinstated at the site then the amount of additional traffic movements associated with this use would generate high levels of traffic movements that would also include HGV's utilising the local roads. The application was supported by a detailed transport statement that outlines that the proposed development would be acceptable and can safely accommodate the expected traffic associated with the development. The Council's Highways Officer has also reviewed the proposed development and the transport statement and has outlined that "Despite the findings in the Transport Statement we as Highway Authority are still very mindful of the ongoing congestion experienced in this particular area and are unconvinced that the additional traffic generated by the proposed development will have no significant impact on the existing network. However, we are mindful that the application site has existing allocated B1 Business and B2 Industrial land uses therefore we are unable to object to the application on the grounds that the proposed development will generate significantly less traffic than would be generated should the site be redeveloped under its existing allocated use." The

proposed access arrangement utilise existing access points to the industrial site that are suitable for HGVs and that have sufficient visibility splays for the proposed use. The plans outline sufficient parking for the proposed use including provision for staff. Given the fall back position of the existing use of the site the proposed development is considered to have an acceptable impact on the existing road network and would be in accordance with Policy MV1 of the LDP.

5.5 Design, Scale and layout of development

5.5.1 This application seeks outline planning consent with the design and appearance of the proposed development being a reserved matter that would be considered at a later date within a reserved matters application, if consent was to be granted. This application does consider the scale of the proposed development via the submitted scale parameters within the outline submission. The proposed hotel and spa development would largely be two storey in height with the proposed ancillary mixed use building being three storeys high. The application was supported by a Landscape Visual Impact Assessment (LVIA) that has assessed the development and which has outlined that the proposals will have beneficial effect on the local landscape character and specific landscape features. The LVIA assessed the hotel and spa building having a maximum height of 15m above the proposed site level and the mixed use building having maximum height of 17m above the proposed site levels. The existing site consists of large dilapidated industrial buildings and therefore the replacement of these building with well-designed structures would enhance the appearance of the site. The site is well screened by existing trees to the north western boundary which would be retained and continue to screen views into the site. Also the existing large scale buildings that surround the site would also continue to screen it from vantage points from the north, east and south. The LVIA concludes that “the proposals result in a neutral to beneficial effect for both landscape and visual environment and as a whole can be regarded as a great improvement in comparison to the existing situation.” The scale of the buildings has been considered as part of this application and the proposal of a two storey hotel, spa, serviced apartment block and three storey ancillary mixed use development is considered to be acceptable.

5.5.2 The proposed ancillary energy centre building would also be a maximum of 10m high although it would also have an external flue that in that in the worst case scenario (depending on health considerations) could be up to 21m in height (11m above the highest part of the building). Given that the proposed flue would be situated in an area characterised by industrial buildings to the north and would be sited on lower land with the land rising to the east and screened by existing trees, its visual impact is considered to be acceptable. The design of the proposed buildings would be considered in more detail within a reserved matters application if consent were to be granted. At this stage, though, the proposed scale parameters of the building are considered acceptable and the development would not have an adverse impact on the wider area.

5.6 Energy Centre

5.6.1 The proposed energy centre is an ancillary element of the proposed development that would provide power and heat and could also provide surplus power into the local grid network via the substation adjacent to Hadnock Road. The principle of constructing the combined heat and power (CHP) system is considered to be acceptable and this type of power generation is widely supported by the Government as a way to reducing overall carbon emissions. The Council's Environmental Health Officer has not objected to the principle of the proposed energy centre and is reviewing the exact details of the levels of emissions and impact on human health and the environment. There have been concerns raised regarding the energy centre outlining that it would be excessive in scale and would create additional emissions in the area. The scale of the energy centre is considered to be acceptable and its size is largely determined by its function, supporting an 'energy hungry' use involving a spa and hotel. The proposed building would not be visually intrusive and it would appear as an ancillary element of the overall proposal. The proposed energy centre would provide a form of sustainable energy production for the site and subject to the appropriate measures being taken it would not have a detrimental impact on air quality or result in unacceptable levels of noise. Subject to such measures that would be agreed with Council's Environmental Health Officer (EHO) this aspect of the development would not have an unacceptable impact on the amenity of any other party, human health or the harm the environment so as to warrant refusing the application. The applicants have outlined that the building would have to be well designed and not generate an unacceptable level of noise, smells or other emissions as this would disturb the residents and visitors of the hotel complex. If the application was to be deferred for approval further details relating to the energy centre would have to be submitted and reviewed prior to any decision being made to ensure that there is a clear demonstration that the proposed CHP unit would not have an adverse impact on the environment. In conclusion, the Council's EHO is satisfied that the principle of this element is acceptable and emissions can be adequately controlled, subject to the submission of additional detail.

5.7 Planning balance

5.7.1 When considering the recommendation for this application the Local Planning Authority (LPA) has had to review the planning balance of the development and consider the economic benefits that the proposed development would bring to the town and the wider area. Section 38 (6) of the Planning Act requires that decisions should be assessed against the Development Plan unless material considerations suggest otherwise. The applicant has presented the case that the economic benefits of the proposals and the enhancement of the site outweigh the flooding concerns at the site and the conflict of the development with TAN 15 and Policy SD3 of the LDP. Having considered the proposals and been in regular dialogue with NRW it is considered this form of highly vulnerable development should not be sited in an area that is liable to flood and cause risk to life and property. The applicants have outlined that the building would be flood free within the 1% flood event as the ground levels would be raised but as outlined in TAN15 this type of vulnerable residential development should not be sited within these flood risk areas to minimise the risk of flooding harming

life and property in the first instance. The stance of the Welsh Government on this matter is that this type of development should be sited in flood protected areas to minimise any risk to life and property. A material planning consideration when determining an application is whether the proposed land use is appropriate for the site and given the highly vulnerable nature of this development in this location the risk of flooding is considered to be unacceptable.

- 5.7.2 The applicant has outlined the economic benefits to the town and wider area and although these benefits are recognised an alternative site outside of a flood zone would still bring the same economic benefits to the area. In correspondence dated 29th March 2016 the applicant's agent has outlined several benefits that the development provides and outlines how Technical Advice Note 23 (TAN23) - Economic Development, offers very strong support for the application. There is a recognition of the economic benefits of the development but in this particular case it is considered that the economic benefits of the development do not outweigh the flooding concerns and potential risk to life and property that could be caused by the development. This particular site is not suitable for this type of highly vulnerable development and thus it is recommended that the application is refused.

5.8 Conclusion

The proposed development is located within flood zone C2 where TAN 15 presumes against all highly vulnerable forms of development such as the proposed hotel. Planning Policy Wales, TAN 15, and Policy S12 and SD3 of the LDP, seek to ensure that flood risk to development is kept to a minimum and that the adverse consequences of flood risk are avoided. The proposed development is not acceptable in terms of flood risk and the economic benefits of the proposed development do not outweigh the flood concerns. This site is not suitable for highly vulnerable forms of development and accordingly, it is recommended that the application is refused.

6.0 **RECOMMENDATION: REFUSE**

Reason

2. The development would result in the location of a form of highly vulnerable development in Flood Zone C2 as identified by development advice maps referred to under Technical Advice Note 15 - Development and Flood Risk. The proposal, therefore, would be contrary to the advice contained in Planning Policy Wales Technical Advice Note 15 - Development and Flood Risk, and Policies S12 and SD3 of the Monmouthshire Local Development Plan.

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DC/2016/00714

TWO SEMI DETACHED DWELLINGS

LAND TO REAR OF 61 PARK CRESCENT, ABERGAVENNY

Case Officer: Kate Bingham

Registered: 22/07/2016

RECOMMENDATION: APPROVE

1.0 APPLICATION DETAILS

- 1.1 This is a full planning application for the erection of a pair of semi-detached two storey dwellings on land to the rear of an existing dormer bungalow in Abergavenny.
- 1.2 As part of the application it is proposed to demolish an existing garage and shed on the site.
- 1.3 The existing dwelling has a single access point to the south side of the site off Park Crescent. The previously approved application for a new dwelling to the side of 61 Park Crescent (61A) included a new separate access at the eastern side of the site for the new dwelling. This application proposes to use an existing access off the lane to the rear (north) of the site to serve both of the proposed new dwellings.
- 1.4 The application is presented to Planning Committee at the request of the Council's Planning Applications Delegation Panel.

2.0 RELEVANT PLANNING HISTORY

DC/2015/00210 – Extension to dwelling to form new residential unit (61A). Approved 7/10/15.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

S1 – The Spatial Distribution of New Residential Development
S4 – Affordable Housing Provision
S12 - Transport
S13 – Landscape, Green Infrastructure and the Natural Environment
S17 – Place Making and Design

H1 – New Residential Development in Main Towns
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
NE1 – Nature Conservation and Development
MV1 – Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Responses

- 4.1.1 Abergavenny Town Council – No comments received to date.

- 4.1.2 Dwr Cymru-Welsh Water - No objection subject to condition ensuring no surface water connects with the public sewerage network.
- 4.1.3 Natural Resources Wales (NRW) – Land potentially affected by pollution. NRW considered that the controlled waters at this site are not of highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.
- 4.1.4 Glamorgan Gwent Archaeological Trust (GGAT) – The Roman road that connected the Roman fort at Abergavenny with that at Kentchester ran immediately to the west of the line of the present Hereford Road. It was common for Romans to establish cemeteries alongside main roads exiting their military bases and this is the case in Abergavenny. Discoveries have identified a large cremation cemetery to the west of the Hereford Road. Indeed, cremation burials have been found at nos. 9 & 11 Park Crescent. However, the London and North-Western Railway ran directly through the development area so any potential archaeologically significant remains would likely have been destroyed. As such there is unlikely to be an archaeological restraint to this proposed development.
- 4.1.5 MCC Highways – No objections.

This site was the subject of a previous application No DC/2015/01291.

The concerns expressed at that application stage by Highways have been addressed and we continue to support the proposal from highway viewpoint. We reiterate comments made at that application.

The access is gained over a public highway as an unnamed access off Ysguborwen in a southerly direction serving a set of six garage plots and at least two further dwellings. The right of access to the plot is therefore confirmed off a public highway of width 4.4m. This shared surfaced highway has been used as such for many years without recorded incidents. The actual point of access with its proposed fencing replacing the hedge will be an improvement in safety terms for existing vehicle users as well as improved pedestrian safety. This betterment is supported.

Drainage of the site is via soakaways which are midway between the dwellings and the highway. This is the best that can be achieved at this location.

The dwellings have two bedrooms each, therefore parking provision is compliant with the MCC supplementary planning guidance. (SPG) The additional increase of two dwellings and the increase of vehicular movement of four vehicles would not be sustainable as an argument to support a refusal at this site.

- 4.1.6 MCC Biodiversity – No objections.
- 4.1.7 MCC Environmental Health – No objection in principle subject to conditions.

We have undertaken an initial desktop study of the proposed site and identified that there has been some historic use of the site, which might have resulted in contamination. Historical maps have identified that a former railway line (The London and North Western Railway - Merthyr, Tredegar and Abergavenny Branch) ran across the site prior to the construction of Park Crescent, and as such there is a risk of historical contamination, from the railway line, the dismantling of the line and made ground. We would therefore recommend that a site investigation/risk assessment procedure be undertaken by the developer.

4.1.8 MCC Housing Officer - Commuted sum of £44,120 towards the provision of affordable housing in the local area required;

Open market value 170,000 x 77% = 130,900 (this allows 20% developer profit and 3% marketing costs)

ACG 161,600 x 42% = 67,872 (42% of ACG is what a RSL would pay a developer if the affordable was on site)

130,900 – 67,872 = 63,028

63,028 x 0.70 = 44,120 (2 units at 35% = 0.70 of a unit)

4.2 Neighbour Consultation Responses

Six representations received. Object on the following grounds;

- Over development of the site and severe alteration of a local amenity.
- Danger to pedestrians, especially children and the elderly and disabled persons using this footpath.
- Monitored the path for an hour and recorded between 124 and 154 people using the footpath.
- Monmouthshire asked to investigate the provision of adequate lighting to ensure the safety of pedestrians.
- Cars may have to reverse onto the public footpath.
- Need consent from MHA to drive a car on the footpath.
- View will be restricted and value of property reduced.
- Persons using the footpath and near neighbours are equally likely to come into contact with contaminated soil and waste as workers on the site. Therefore consideration and risk assessment must also be made for all those who will be subject to these risks on a daily basis.
- Elevations higher than the previous application.
- No other two storey buildings along the old railway; single storey would be more appropriate.
- Incongruous development in wider neighbourhood setting.
- Garden and bedrooms of no.63 Park Crescent will be overlooked.
- Overlooking of garden of no. 59 Park Crescent when obscure glazed windows are opened.
- Noise and disturbance from dwellings so close to neighbours.
- The large tree on the site needs to be cut down as roots are breaking foundations of nos. 9 and 11 Highfield Crescent.
- Development contrary to LDP Policies DES1 (criteria (d) and (l) and EP1
- Ask that the measurements are validated and potential overdevelopment calculated as currently no boundary between 61 and 61a Park Crescent and so difficult to justify the measurements indicated on the plan.

A petition signed by 67 people – Object because of the danger to the public of vehicles sharing the public footpath.

4.3 Other Representations

Monmouthshire Housing Association – No comments received.

4.4 Local Member Representations

Cllr James George – No comments received to date.

5.0 EVALUATION

5.1 Principle of Development

5.1.1 The site is located within the development boundary of Abergavenny within which new residential development is acceptable in principle. The site is not within a flood plain or conservation area. The site has the benefit of an extant outline consent for a pair of semi-detached dwellings and therefore the principle of development has been established.

5.2 Visual Amenity

5.2.1 Whilst the proposed new dwellings would most likely only be glimpsed from the road, the access would be open to views that would make it apparent that there was residential development to the rear of the existing houses. It is proposed to erect a pair of two storey semi-detached dwellings with a hipped roof with accommodation within the roof space. This is broadly in keeping with the surrounding dwellings which vary in style and include detached bungalows and detached and semi-detached houses. As such it is not considered that the proposed new dwellings will adversely affect the character or appearance of the area. There would be a reasonable amount of space around the proposed dwellings for circulation, parking and amenity purposes, and the proposal is not considered to be an over development of the site.

5.2.2 In terms of building to the rear of existing dwellings, land to the rear of 83- 87 has consent for affordable apartments but this is accessed via Old Hereford Road and Ysguborwen and so is not considered to be comparable to this application. However, consent has been granted for a pair of semi-detached dwellings to the rear of no.109 Park Crescent on a similar sized plot. The majority of other dwellings along this side of Park Crescent have gardens and do not have the benefit of access from the north. As such it is considered that the application site is suitable for new residential development whereas the majority of other land along the street is not and granting consent for this application would not set an unwelcome precedent.

5.3 Residential Amenity

5.3.1 The principal elevation of the new dwellings will face west onto the public footpath so as to avoid overlooking of the garden area of no.59 Park Crescent. The north and south gable ends of the dwellings will be left blank so as to avoid overlooking of the host dwelling and nos. 1-7 Ysguborwen to the north at relatively close quarters. Windows at first floor level within the roof space facing east will be obscure glazed as they will serve only bathrooms. This arrangement is considered adequate to prevent any loss of privacy due to overlooking of any existing neighbouring occupiers, including gardens.

5.3.2 By utilising roof space for the first floor accommodation, the ridge height of the proposed new buildings will be limited to approximately 7.2 metres. This will help prevent the dwellings having an unduly overbearing impact on the neighbouring dwellings which have substantial useable garden areas. The proposed new dwellings have been sited as centrally in the plot as possible whilst allowing for parking, resulting in a distance of between 6 and 8 metres between the rear elevation of the new building and the common boundary with the neighbour at no.59 and over 16m to no.63.

5.3.3 Loss of a neighbour's view or a reduction in the value of a neighbouring property are not material planning considerations.

5.4 Access, Parking and Highway Safety

- 5.4.1 Both of the proposed new properties will be accessed from the lane that runs to the north (rear) of the existing property. This lane already serves as access to several garage plots and a maintained car park owned by Monmouthshire Housing Association (MHA). It is not considered that the use of the lane by vehicles accessing two additional dwellings will significantly increase the overall volume of traffic using the lane and will not therefore adversely affect highway safety or the safety of pedestrians using the footpath as a link between Park Crescent and Ysguborwen.
- 5.4.2 The applicant may have to obtain consent from MHA to gain vehicular access over the lane to the rear. However, this is a private legal matter and not a material planning consideration.
- 5.4.3 The parking and turning provision at the site is compliant with the adopted parking guidelines.

5.5 Contaminated Land

- 5.5.1 The applicant has started the site investigation/risk assessment procedure by submitting a Geo-Environmental report that included a desktop study, conceptual site model and soil sample results from three trial pits. The results of the sampling identified elevated levels of lead and zinc, and proposes remediation by cutting the source, pathway, receptor linkage by capping the site with buildings, hardstanding and 600mm of clean cover. This approach will be suitable provided that the imported material meets the required standards and the applicant must therefore submit an imported material declaration form. This can be conditioned.
- 5.5.2 A verification/validation report will also have to be submitted to show the suitability of the imported material and the depth of capping achieved. In addition if any unforeseen contamination is identified during groundworks, the remediation strategy will have to be revised. Any groundwork undertaken on site must properly controlled to protect the health, safety and welfare of onsite workers and neighbours from dust inhalation and contact with contaminated soil. Proposed conditions 6 and 7 (below) are therefore recommended.
- 5.5.3 The Council's Specialist Environmental Health Officer has not raised any concerns about neighbours or members of the public who would be using the adjacent footpath being at any risk from dermal, inhalation or ingestion of contaminated soil or waste from the site. It is therefore reasonable to assume that this is not an issue.

5.6 Affordable Housing

- 5.6.1 Any consent that the Council is minded to grant will be subject to a S106 legal agreement requiring a financial contribution for affordable housing. This is required for all new residential development unless affordable housing is provided on site. The payment can be deferred and eventually waived if the development is a self-build project.

6.0 RECOMMENDATION: APPROVE subject to a s106 agreement to secure a financial contribution towards affordable housing in the area.

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	No part of the development hereby permitted shall be occupied until: d) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority. e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.
4	Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.
5	No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
6	The hedge along the western edge of the site, adjoining the pedestrian path shall be maintained at a height of no more than 1.0 metre in perpetuity.
7	None of the existing trees, shrubs and hedges on the site shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or wilfully damaged. If any of these trees, shrubs or hedges are removed, or if any die or are severely damaged, they shall be replaced with others of such species, number and size and in a position to be agreed in writing with the Local Planning Authority. Any lopping or topping which may prove necessary shall be carried out in accordance with a scheme previously approved in writing by the Local Planning Authority.

Informatives:

<p>The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.</p>
<p>Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).</p>

The developer should address risks to controlled waters with reference to the Environment Agency document 'Guiding Principles for Land Contamination'.

It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

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MONMOUTHSHIRE COUNTY COUNCIL COMMITTEE REPORT

SUBJECT: Confirmation Report: Tree Preservation Order MCC264 (2016)
DEPARTMENT: Tourism, Leisure and Culture.

MEETING: Planning Committee

Date to be considered: 4th October 2106

DIVISION/WARDS AFFECTED: Dixton with Osbaston

1. **PURPOSE**

To consider the confirmation of provisional Tree Preservation Order number MCC264 (2016) without modification.

2. **RECOMMENDATION(S)**

That the County Council confirms Tree Preservation Order No. MCC264 (2016) – Cae Elga, Highfield Road, Osbaston without modification.

3. **REASONS**

a) The Council received a pre-application enquiry from the owners of Cae Elga, Highfield Road, Osbaston. On 11th March 2016 the Case Officer, Craig O'Connor made a site visit to discuss the possibility of infill to development in the large garden at the rear of the property. During the visit, it was noted that a mature Wellingtonia tree was situated on the northern boundary of the plot. Craig advised the landowners that the tree would be a material consideration of a planning application as it adds character to area and would need to be retained and protected during any proposed development

b) Prior to carrying out a site visit I discussed the tree with Craig and in light of his photographic evidence plus views of tree on Google Street View, I formed the opinion that a tree preservation order was expedient in the circumstances. A provisional TPO dated **12th April 2016** was prepared and served on the landowner and adjoining properties giving the recipients opportunity to submit written representations or objections (the notice period). Notice periods are required to be at least 28 days in length. The notice in this instance expired on **25th May 2016**.

c) One letter of objection to the Order was received and is shown as **Item 1** appended to this report. The main reasons given for the objection were of i) safety, ii) alleged subsidence of a neighbouring property and iii) that the tree is deemed unimportant in the landscape as no TPO was issued when the adjacent Berryfields Estate was constructed.

d) A copy of my response to the objection is shown as **Item 2** appended to this report and I trust adequately addresses these concerns.

e) A further letter from the landowner **Page 6** 12nd May 2016 was received and is

appended to this report as **Item 3**. The main thrust of the objections this time is that the tree is “not a good specimen”. The landowners also reiterated their claims that the tree is causing subsidence to No 5 Berryfields Close again and questions the trees’ prominence in the landscape and its amenity value.

My response dated 1st June 2016 and appended to this report as **Item 4** also contains photographs of the tree taken from various vantage points which, I believe, demonstrates the trees’ importance as a landscape feature. I have also invited the landowners to submit further professionally based evidence in support of their assertions which hitherto have been based on conjecture. No further evidence has been forthcoming.

4. **Relevant Policies**

The retention of this tree will be in accordance with Strategic Policy S13 – Landscape, Green Infrastructure and the Natural Environment.

5. **CONSULTEES**

Cllr. Bob Hayward

RESOURCE IMPLICATIONS

None.

5. **BACKGROUND PAPERS**

- **Item 1** initial letter of objection from Mr and Mrs Woodward the landowners dated 3rd May 2016.
- **Item 2** Tree Officer response dated 12th May 2016
- **Item 3** further correspondence dated 22nd May 2016 from landowners.
- **Item 4** Tree Officer response dated 1st June 2016

- **6. AUTHOR** Jim Keech, Tree Officer.
- **CONTACT DETAILS:** Tel: 01633 644962
E-mail: jimkeech@monmouthshire.gov.uk

Reply 12 May 16

1

Cae Elga Highfield Road Osbaston
Monmouth NP25 3HR
Tele: 01600 775354 E-mail: jac.wood2@tiscali.co.uk

Mr Jim Keech
Tree Officer
Monmouthshire County Council
PO Box 106
Caldicolt
NP26 9AN

3 May 2016
Royal Mail Signed For ® 1st Class

Your Ref: JK/TPO/MCC264

Dear Mr Keech

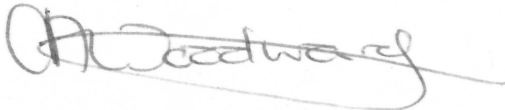
**Re: Tree Preservation Order Number MCC264 (2016) – Cae Elga Highfield Road
Osbaston Monmouth.
Monmouthshire County Council**

Following receipt of your letter dated 12th April 2016 we are contacting you to object to the notification of a Tree Preservation Order on a Wellingtonia in our rear garden.

Our objections are as follows:

1. We have been advised that this tree is not a maiden tree and has already has lost its top.
2. The tree has safety issues. It is on the boundary of our garden and a property adjacent to our boundary on the Berryfield Estate, has suffered subsidence. A Tree Preservation Order will affect the future management of the tree.
3. We have not been consulted or visited by a Tree Officer and would like to know what this discussion/justification has been based on and what the 'Amenity Value' is.
4. If this Wellingtonia is deemed of great interest to the council to necessitate a Tree Preservation Order why was a Tree Preservation Order not put in place when the new estate of Berryfield was built at the rear of our garden?

Yours sincerely



Mr & Mrs AJ Woodward

Enc. Wellingtonia Site Plan

06 MAY 2016

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Mr & Mrs A J Woodward
Cae Elga
Highfield Road
Osbaston
Monmouth
NP7 3HR

Tel/Ffôn: 01633 644962
E-mail/E-bost: jimkeech@monmouthshire.gov.uk
Our Ref/Ein Cyf: JK/TPOMCC264
Your Ref/Eich Cyf:
Date/Dyddiad: 12th May 2016

Dear Mr & Mrs Woodward

TREE PRESERVATION ORDER (TPO) MCC264 CAE ELGA, HIGHFIELD ROAD, OSBASTON.

I acknowledge receipt of your letter of objection to the above TPO dated 3rd May 2016 which was received by me on 10th May 2016 and will respond to your points in the order they are raised. Before doing so however I would like to clarify that the TPO is provisional i.e. temporary for six months only. Before the expiry of the six month period, the Local Planning Authority (LPA) must either confirm the TPO, in other words to make permanent, or, not to confirm it and allow it to lapse thereby removing the protected status of the tree.

On receipt of an objection to a TPO, the matter is decided by Planning Committee for whom a formal report must be prepared and submitted. I will investigate all concerns raised before deciding whether to place it before Committee.

With regards to the points you raised:

1. A tree does not necessarily have to be a maiden, or any other classification of veteran tree in order to qualify for a TPO. Neither does the fact that it has lost its top preclude the making of a TPO though this will be evaluated as part of the decision process.
2. The presence of a TPO does not affect the management of a protected tree and applications in pursuance of appropriate tree management are usually granted consent. As to the question of subsidence to the adjacent property, this will also be investigated as part of the process. We were unaware of this aspect, however, the effect of the provisional TPO will ensure that the tree is fully considered in any subsidence claim and prevents the tree being arbitrarily removed as the first reaction which is often the case.
3. Central Government places a statutory duty on LPAs to protect trees as they are a material consideration to the planning process. An expression of interest in developing your land was made to the LPA in the form of pre-application advice. As part of the process it is standard practice for the Planning Officer to seek the views of the Tree Officer if he or she feels that any significant trees may be affected by proposed development. The issuing of a TPO is often carried out without consultation with the landowner or developer as it common practice for unprotected trees to be removed prior to the submission of a formal planning application, though I am not

suggesting that this would have been your intention. As to the question of Amenity Value this can be a somewhat subjective term, however, the main criteria for the placement of a TPO is the tree's value as a landscape feature and if the landscape value would be diminished if the tree were removed. Your tree is a particularly prominent feature of the locality.

4. The LPA which oversaw the development of the Berryfield Estate at the time was Monmouth Borough Council. They ceased to exist upon local government reorganisation in 1996 so unfortunately I cannot answer why this tree was not protected with a TPO at the time. As the tree was outside the development boundary of the Berryfield Estate the LPA Officers of the time may not have deemed it a material consideration of the development.

In conclusion, I will liaise with the Planning Officer as the scheme progresses and contact you when I make a site visit in future. In the meantime if you require clarification of any points raised in this letter please contact me.

Yours sincerely

Jim Keech

Tree Officer (Tree Preservation Orders, Conservation Areas, Development and Hedgerows)

Reply 1st June 2016

3

*Cae Elga Highfield Road Osbaston
Monmouth NP25 3HR
Tele: 01600 775354 E-mail: jac.wood2@tiscali.co.uk*

25 MAY 2016

Mr Jim Keech
Tree Officer
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN

22 May 2016
Royal Mail Signed For © 1st Class

Your Ref: JK/TPO/MCC264

Dear Mr Keech

Re: Tree Preservation Order Number (TPO) MCC264 (2016) – Cae Elga Highfield Road Osbaston Monmouth.

Following your letter dated 12th May 2016, received 18th May 2016, given your comments a reply is necessary and should be incorporated with our Objections raised in our letter dated 3rd May 2016.

Our understanding is that this is a temporary order and we have the opportunity to raise objections to the TPO. If these objections hold firm a 'Decision Not to Confirm Order' will take place as per the information received 12th April 2016. Given that we had a deadline of the 25th May 2016 to raise our objections we can only expect that the final decision would be made shortly after this date.

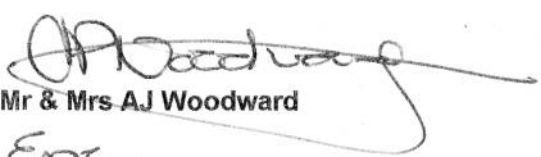
1. Our advice is that the tree is not a good specimen and should also be taken into consideration through the decision process.
2. As a site visit has not taken place we attach a photograph of the positioning of the tree with regards to the property in Berryfield that has suffered subsidence.
3. You state that the 'Amenity Value' is that the tree 'is a particularly prominent feature of the locality'. If this is the case why, was it during an open and honest conversation during a pre-application visit that the tree was discovered and only after this visit was a TPO served. Given these actions we question the trees 'prominence' and again would question if the tree is of local interest why a TPO has not been given before. Therefore we again ask; what is the 'Amenity Value'.
4. As the enclosed picture shows the tree is placed on the edge of our boundary and the edge of the Berryfield Estate, within feet of one of the properties built. If professionals at the time deem the tree to be of no 'material consideration' we question why the tree is now.

Your conclusion confuses us. It does not refer to this TPO and the formal report that needs to be prepared but a planning application which has not been made.

Please confirm what your actions will be with regard to the TPO; recommendations, full report and Planning Committee together with the timescales that will take to do. It would also be interesting to know, should it go before the Planning Committee if this is an Open Meeting.

We look forward to hearing from you by return.

Yours sincerely


Mr & Mrs AJ Woodward

Enc.

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Mr & Mrs A J Woodward
 Cae Elga
 Highfield Road
 Osbaston
 Monmouth
 NP7 3HR

Tel/Ffôn: 01633 644962
 E-mail/E-bost: jimkeech@monmouthshire.gov.uk
 Our Ref/Ein Cyf: JK/TPOMCC264
 Your Ref/Eich Cyf:
 Date/Dyddiad: 1st June 2016

Dear Mr & Mrs Woodward

TREE PRESERVATION ORDER (TPO) MCC264 CAE ELGA, HIGHFIELD ROAD, OSBASTON.

I acknowledge with thanks receipt of your letter and enclosed photograph dated 22nd May 2016.

To begin with point 3 of your letter, the tree was fully and openly discussed in the pre-application meeting with Craig O'Connor the case officer and his written response to you is copied below in italics.

"At the site I outlined that the existing mature tree on the site would be a material planning consideration when considering any new residential development. This tree adds to the character and appearance of the area and it needs to be protected as part of any development. You would need to engage with an arboricultural consultant to survey the root system of the tree and to provide advice as to what development could take place at the site."

To clarify the above matter from my perspective, it is standard practise for the case officer to consult with other officers following a pre-application site meeting. I concurred with Craig's assertion that the tree does indeed add to the character and appearance of the area and therefore, in this Council's view merits retention. This was further borne out by a recent site visit to photograph the tree. The reason that the tree did not have an existing TPO is that it would not have been perceived at risk from proposed development. I again stress that I cannot answer for the actions (or lack of them) by a previous local authority. There are many other prominent unprotected trees throughout the County that may merit a TPO and, if an interest in developing the land on which they are growing is expressed we would consider issuing one.

With regard to your claim that the tree is causing an adjacent property to subside, presumably, this would have been an issue before the TPO was made and, in light of Craig's written response perhaps may have been raised at the pre-application stage. The legislation requires that a copy of the TPO is served on any property which adjoins the land to which the Order relates. Copies of the TPO were served on numbers 4 and 5 Berryfield Rise; however, I can confirm that we have not received any communication from the owners of either property.

I can assure you that all the points you have raised will be included as formal objections in my report. The Planning Committee meets on the first Tuesday of each month, commencing at 2pm and is open to the public. The Committee allow written representations only. Objectors may not speak at the meeting unless they have made a prior arrangement with the Committee Chair to do so. The date for confirmation of the TPO, in other words, when it has to be made permanent is 12th October this year. There is nothing to prevent the Council from confirming the TPO after this date however; the tree loses its protected status after 12th October 2016 where it may be legally removed without the consent from the Council.

Notwithstanding that the deadline for objections has passed we will still accept further written information from you to support your objection which would also be included in the Committee report. In order to give you sufficient time, I will not place this matter before Committee until the September meeting. Further information could be in the form of a professional opinion on why the tree is not considered to be a good specimen plus the engineers report on the subsidence of the adjacent property.

In conclusion as to the question of Amenity Value, this is a standard term used in evaluating trees in the landscape. The noun amenity in this sense equates with pleasantness or attractiveness and whether the loss of a tree detracts from this. I have attached some photographs which show the tree to be visually prominent from a number of viewpoints.



From Agincourt Road



From Berryfield Close



From Berryfield Park



From Highfield Road

Finally I should like to stress that the service of the TPO is in no way meant to obstruct your wish to develop your land. It simply allows the local planning authority to fully consider the tree. I would therefore reiterate Craig's comment in his pre-application response that you seek the assistance of a professional arborist in order ascertain if and how the tree may be incorporated it into a design.

Yours sincerely

Jim Keech
Tree Officer (Tree Preservation Orders, Conservation Areas, Development and Hedgerows)

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/08/16

gan Mr A Thickett BA (Hons) BTP
MRTPI Dip RSA

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 25/08/16

Appeal Decision

Site visit made on 17/08/16

by Mr A Thickett BA (Hons) BTP MRTPI
Dip RSA

an Inspector appointed by the Welsh Ministers

Date: 25/08/16

Appeal Ref: APP/E6840/A/15/3139390

Site address: Palace Farm, St Tewdric Church Lane, Mathern, Monmouthshire, NP16 6JA

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Chris Jones & Mr Martyn James against the decision of Monmouthshire County Council.
- The application Ref DC/2015/00790, dated 24 June 2015, was refused by notice dated 23 December 2015.
- The development proposed is a wind turbine with associated works.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the impact of the proposed wind turbine on heritage assets in the area including listed buildings¹, Mathern Conservation Area² and Registered Parks and Gardens
 - the effect of the proposed development on highway safety

Reasons

Heritage

3. The proposed wind turbine would have a hub height of 60m with 3 rotors with a radius of 26.45m giving a total height to tip of blade of 86.45m. The proposed turbine would be sited in a large open field adjoining the track which leads southwards from Mathern to Palace Farm. A group of buildings at The Cottage lies on the northern boundary of

¹ Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require regard to be had to whether development would preserve the listed buildings or their settings, or any features of special architectural or historic interest which they possess.

² Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires regard to be had to whether the development would preserve or enhance the character or appearance of the Conservation Area.

the field and on its southern boundary are two large farm buildings. Looking beyond those buildings one can see the second Severn Crossing (M4) and 3 lines of electricity pylons, one of which passes close to the south east corner of the field. Standing on the site the high and thick hedge which encloses the eastern side of the track largely obscures views of the first Severn Crossing³ (M48) although one catches glimpses of it and the large industrial estate to the south of Chepstow as one walks up the track back to Mathern. Part of the St Pierre golf course is visible to the west.

4. Despite these modern features the area has a pleasant rustic feel with fields bounded by mature trees and hedges. Standing on the site there are long views to the second Severn Crossing and to hills to the north. However, locally views are confined by local topography and, in summer months at least, the mature trees and hedges already referred to.
5. The appellants' Cultural Heritage Assessment records 25 nationally designated historic assets within 1km of the site of the proposed turbine in addition to Mathern Conservation Area and the Gwent Levels Landscape of Outstanding Historic Importance. Standing on the site, over the trees which partly surround them, I could see the top of the tower to St Tewdric's Church (Grade I) and the tower of Moynes Court Gatehouse (Grade II*). The northern boundary of the field in which the turbine would be sited forms the southern boundary of Mathern Conservation Area.
6. The area has long ecclesiastical associations. There has been a church on the site of St Tewdric's since the 6th century and Moynes Court Gatehouse is the surviving portion of the medieval castle of Moyns built by the Bishops of Llandaff and is thought to date back to the 14th century. Moynes Court (Grade II*) was built in the early 17th century by the Bishops of Llandaff and occupied as the main seat after leaving Mathern Palace in 1610. Mathern Palace (Grade I) dates from the late 14th or early 15th century and after the departure of the Bishops to Moynes Court, continued in ecclesiastical use until 1763. In 1889 it was sold to H Avray Tipping who refurbished the buildings and laid out the gardens in the arts and crafts style. The gardens are on the Register of Parks and Gardens in Wales and listed Grade II*. The gardens at Moynes Court are listed Grade II. This is, therefore, also a historic landscape and all of the above are within the Conservation Area.
7. St Tewdric's Church, Mathern Palace and the buildings around them form a tight knit group and the proposed turbine is unlikely to be visible from the churchyard and the immediate approaches to these buildings from the north. However, given its height it is likely to be visible from their grounds to the south of the buildings and from Moynes Court (and therefore from within the Conservation Area). I walked along the footpath between St Tewdric's Church and Moynes Court. Standing at the top of the field about mid way between the two one can see the church, Mathern Palace and Moynes Court and appreciate the long historical associations between these places. The surrounding fields are all part of the setting of these buildings and their registered gardens and, in my view, the importance of maintaining links between them make this setting even more precious. The proposed turbine whilst not directly intervening between these features would be clearly visible and, in my view the appellants' Cultural Heritage Assessment significantly underestimates its impact. Such an overtly modern, large mechanical structure would inevitably dominate its immediate surroundings including the southern part of the Conservation Area and would appear significantly at odds with the local historic landscape and the setting of the listed assets referred to above.

³ Grade I Listed

8. The appellant points to the Severn Crossing and the industrial estate and argues that the turbine would not detract from the appreciation of the local heritage assets and their setting. The rows of pylons are also a detracting feature. However, the pylons would be much smaller than the proposed turbine. The impact of the bridges is diminished by the distance to them and the strong landscape features referred to above limit the visual impact of the industrial estate. The proposed turbine would be much closer and very much in the immediate setting of these assets. As a result, it would, in my view, have a significantly adverse impact on the setting of the Mathern Conservation Area and the listed buildings and other features within it. I conclude, therefore that the proposed development would conflict with Policies DES1, LC5, SD1, S8, S10, S13 of the Monmouthshire Local Development Plan 2011-2021, adopted 2014 (LDP).

Highway safety

9. The Council's objection in this regard relates to an alleged lack of detail in relation to how the proposed turbine would be delivered to the site. According to the Design and Access statement large vehicles would use the M48, the A48 and then the road through Mathern village to a point just south of the M48 over bridge. From there a temporary access track would be constructed to the west of the remainder of the village (and the church and Mathern Palace) eventually ending at the proposed location for the turbine.
10. I have considered the information sought by the Highway Authority and consider it to be unduly onerous given that this is a proposal for a single turbine. No doubt delivery vehicles and large agricultural machinery uses the road through the village often and I have neither seen nor read anything to suggest that the proposed route up to the railway bridge would be unsuitable. Beyond that large vehicles would be diverted onto the temporary track. It seems to me that a condition requiring details such as the design and construction of the proposed temporary access to the highway would be sufficient to ensure that the proposed development would not have an adverse impact on highway safety. I conclude, therefore, that the proposed development would not have an adverse impact on highway safety and that it complies with Policies S16 and MV1 of the LDP.

Conclusions

11. I acknowledge the benefits of the renewable energy the proposed turbine would produce and the encouragement for such development in national policy. I am also satisfied that the proposed development would not have an adverse impact on highway safety. However, Planning Policy Wales (PPW) states that '*where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses*⁴. The serious harm I have identified provides compelling grounds to withhold planning permission and, for the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Anthony Thickett

Inspector

⁴ Paragraph 6.5.9

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Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 6/07/2016

Site visit made on 6/07/2016

gan Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI

by Declan Beggan BSc (Hons) MSc DipTP
DipMan MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 19/07/16

Date: 19/07/16

Appeal Ref: APP/E6840/C/15/3138247

Site address: 22 Punchbowl View, Llanfoist, Abergavenny, Monmouthshire, NP7 9FL.

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
- The appeal is made by Mrs Tracey Burns against an enforcement notice (EN) issued by Monmouthshire County Council.
- The Council's reference is E14/111.
- The notice was issued on 8 October 2015.
- The breach of planning control as alleged in the notice is 'Without planning permission operational development comprising the erection of a wooden fence and gates'.
- The requirements of the notice are to 'remove the wooden fence and gates completely from the land'.
- The period for compliance with the requirements is 3 calendar months from the date the EN takes effect.
- The appeal is proceeding on the ground set out in section 174(2), (g) of the Act. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under Section 177(5) of the Act does not fall to be considered.

Decision

1. The appeal is dismissed and the EN is upheld.

The appeal on ground (g)

2. The appeal on ground (g) is that the time given to comply with the requirements of the EN is too short. The Council has given 3 months for compliance.
3. The Appellant has requested 12 months to undertake the required works of the EN. The Appellant argues that they do not have the necessary finance at present that would allow them to possibly resolve the matter via the erection of sliding gates, and that a period of 12 months would allow sufficient time to plan and organise such an alternative scheme.
4. The Council contend that 3 months is more than adequate time to undertake the required works and that the compliance period does not relate to any subsequent proposals for future applications or development. In this instance, I must balance the

Council's reason for issuing the notice in the public interest against the burden placed on the appellant.

5. The works required to comply with the EN are not substantial and therefore to my mind could be carried out within the required time frame. Whilst the appellant refers to 12 months being sufficient time to allow an alternative scheme to be planned, organised and implemented, and to allow for the necessary funds to be raised, nonetheless, I am not aware that any such proposal is currently before the Council for consideration, and even if it were there is no guarantee it would be acceptable. I am satisfied that the compliance period should not be extended. The breach and the harm it causes should not be allowed to continue unduly, and therefore I consider that the extended period as requested is excessive and unjustified. The appeal on ground (g) therefore fails.

Conclusion

6. For the reasons given above, I conclude that the appeal should be dismissed and the EN upheld.

Declan Beggan

INSPECTOR

Report Parameters:

Report Requested By:	
Report Date:	20-Sep-2016 at 16:57
Sort Sequence:	

Total Applications Found:	1
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Planning Objects Associated to Appeal

Associated Planning Objects:

Object	Linked	UniqueReference	Description	Type
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Appeal Details

Local Reference:	DC/2015/01322	DOE Reference 2:	/16/3154248
DOE Reference 1:	E6840/A		
Appeal Type:	Written Representation		
Appeal Application Type:			
Reason For Appeal:	Against a Refusal		
Appeal Received Date:	05-Sep-2016		
Appeal Description:	Change of use from converted barn to a small school (Class D) and associated external alterations.		
Site Address:	Monahawk Barn, Hazeldene, Common Road, Mitchel Troy, NP25 4JB		

Appeal Decisions

Appeal Decision Type:	
Appeal Decision Text:	
Appeal Decision Qualifier:	
Appeal Decision Level:	
Appeal Legal Agreement:	N
Date Signed:	
Appeal Decision Date:	

Appeal Conditions

Type:	No:	Text	Effect Date:	Deact. Date:
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Appeal Decision History

Status:	Decision Type:	Dec. Date:
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Other Details / Audit

Team: DC Case Officers	Officers Name: Craig O'Connor		
Telephone Number: 01633 644849	Fax Number:	E-Mail Address: craigo'connor@monmouthshire.gov.uk	
Unclear Plans: N	No Plans Available: N	Major/Key Proposal: N	
Unclear Records: N	No Plans: N	Private Road: N	
Created On: 05-Sep-2016	Created By: BAILEYL	Updated On: 05-Sep-2016	Updated By: BAILEYL
Data Source:	Import Block: N	Checked: N	Deactivated Date:

Notes:

Note ID:					
User Group:	CON29 Question:				
Summary:					
Text:					
Create On:	Created By:				
Updated On:	Updated By:				
Deactivated Date:	Checked:				
Links:					
Local Reference:	Checked:	Created On:	Created By:	Updated On:	Updated By:

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