

DC/2013/00456

CHANGE OF USE TO THE STORAGE AND REPAIR OF LIGHT MOTOR VEHICLES; STORAGE AND REPAIR OF UP TO TWO HGV MOTOR VEHICLES AND A TRAILER; RETENTION OF VEHICLE WASHING AREA AND ANCILLARY PARKING

LAND INCLUDING NEW BARN WORKSHOPS, TINTERN ROAD, ST ARVANS

RECOMMENDATION: REFUSE

Case Officer: Philip Thomas

Date Registered: 27 June 2013

- 1.0 This application was deferred at the Committee meeting held on 4th August 2015 to enable the applicant to consider additional green infrastructure mitigation including the removal of the adjacent builders yard area and that the amended application be re-submitted for consideration by the October 2015 Planning Committee. The related planning application for the retention of the builders yard and associated works (DC/2012/00613) was resolved to be refused by Committee at the August meeting although before the decision could be issued the applicants withdrew the application. In the meantime, the Council has served an enforcement notice to secure the removal of the builders yard and associated works, including the gates and hardstanding area.
- 2.0 There has been no response from the applicants in relation to the submission of additional green infrastructure which was required to be submitted in readiness for consideration at today's meeting. In the event that insufficient mitigation has been offered to offset the harm caused by the retention of this development to the landscape character of this sensitive location then the application is re-presented for refusal on the basis of the previous recommendation to the August meeting, subject to modification to the reason for refusal as set out below. To be clear, it is considered that to mitigate successfully the effects of the site on rural surroundings the following areas would need to be greened up:
 - the site of the builders yard (planning permission for the retention of which was subject to a Committee resolution to refuse at the August meeting and the site is subject to an Enforcement Notice);
 - the areas of hardstanding south-west of the access road/ current route of the public right of way;
 - there should be additional planting in front of the walled enclosure to screen the development from the public right of way;
 - the triangular area to the south-east of the workshop building (and the unsightly palisade fence removed); and in addition
 - the existing gates to the workshop would need to be replaced with a means of enclosure of a more rustic nature, possibly a traditionally designed timber gate, with an agricultural character.
- 3.0 There has been a letter of complaint/ objection from a third party which is presented in full as an appendix to this report. While several of the issues raised relate to code of

conduct / procedural matters which are not relevant to be considered within the scope of this report there are several planning matters identified which warrant a response.

- 4.0 The objection cites other local policies that have not been referred to as follows:
- 4.1 Policy ENV6 - noise (*a UDP policy now superseded by policy EP1 of the LDP*); *the issue of noise is considered later in this report in par.7 below.*
ENV14 - lighting (*a UDP policy now superseded by policy EP3 of the LDP*); *this is considered under nature conservation issues/ policy NE1 below.*
S16 transport
S11 visitor economy
NE1 nature conservation
DES3 advertisements (N.B. this application relates to retention of use and associated works and the impact of any associated advertisements would have to be considered under a separate application for express consent to display an advertisement).
- 4.2 In respect of LDP policy S16 this states that all planning applications for developments which are likely to have a significant impact on trip generation and travel demand must, as appropriate, be accompanied by a Transport Assessment, etc.,. It continues, ‘development that is likely to create significant and unacceptable traffic growth in relation to the capacity of the existing road network and/ or fails to provide a safe and easy access for road users will not be permitted unless appropriate proposals for related improvements to the highway system, etc., are made. It is noted in the context of this site that the Highway Authority are satisfied with the level of information submitted within the application (a transport assessment has not been requested for this scale of development) and that it considers the existing access off the A466 to be acceptable in highway safety terms. The application is not therefore considered to be contrary to Policy S16 of the LDP.
- 4.3 In relation to LDP policy S11 this sets out that development proposals that would have an unacceptable adverse impact on features and areas of tourism interest and their settings, or that would result in the unjustified loss of tourism facilities will not be permitted. The Wye Valley AONB is renowned for its tourism appeal. The retention of the use of the site would, without adequate landscape mitigation, result in an adverse impact on the local landscape that is integral to the wider area’s appeal to tourists. As such, it is agreed that this policy should be referred to in the landscape-based reason for refusal.
- 4.4 Policy NE1 is relates to nature conservation. The Council’s ecologist has been consulted on the applications at the site and has offered no objection to the proposal, being satisfied that the proposal would not have an adverse effect on the nearby nature conservation designation (a Special Area of Conservation - SAC). Subject to a condition concerning control of any new lighting (beyond the existing, low-key PIR lighting at the site) it is considered the proposal is acceptable and in accordance with policy NE1.
- 5.0 In relation to the site history, the objector contends that the site area of the original permission 21850 was only 0.08ha. Having checked the planning history records, the application form completed by the agent did suggest the site was 0.08ha. However,

this is contradicted by the approved site plan which shows a site that equates broadly to the present site of DC/2013/00456 and DC/2012/00613 which has a significantly larger site area (around 0.7 ha). The objector also suggested that the original permission, 21850, did not refer to any successors in title having rights to continue the approved use after the applicants for application 21850 had ceased using the site. However, successor in title, occupiers and lessees are specified in clause 6 of the section 52 agreement accompanying and forming part of the 1985 permission.

6.0 There is criticism that the officer report in relation to DC/2013/00456 suggests that Cadw's comments have been offered and referred to as a formal response to the planning application. It is explicitly stated in the report that Cadw's observations were made in response to an EIA screening process, and should be taken in that context.

7.0 The objector also makes reference to the lack of a noise assessment to support the application, suggesting the process would be flawed without such a document. Although no noise assessment was formally requested for the retention of this B2 use, some reference and acknowledgement of context is appropriate here. As mentioned previously, the application is for retention of a repair garage use and as the use has been in place for some years (albeit unauthorised) it has been able to be monitored by staff in the Council to gauge its impact on amenity. Although a point contested by the objector, Council staff monitoring the B2 use have found the use in general to be low key and one which has presented only sporadic disturbance in relation to noise. Numerous noise-related complaints have been received from the residents however investigations by Environmental Health colleagues have not found there to be a statutory nuisance, and unannounced visits by planning officers have not provided evidence of noise disturbance. It is acknowledged that the objector has posted YouTube footage showing, on one occasion, a car roof being removed with an angle grinder, in the yard area. This matter is a material planning consideration. However, officers consider that, were Planning Committee minded to approve this application, noise concerns could be mitigated and addressed by imposing planning conditions. Conditions could be imposed to limit the use of the site (including vehicle movements of all vehicles associated with the site, including the HGV vehicles) to reasonable hours and to exclude working on Sundays and Bank Holidays. In addition, conditions could be imposed to ensure there is no outside servicing or repair of vehicles and that the garage doors are kept shut during the operational hours of the business could be reasonably imposed.

8.0 In the light of the above, it is considered that the proposed retention of use should be refused as per the previously presented reason, but with the additional policy reference regarding Policy S11 – visitor economy. Reference has also been added to the utilitarian palisade fencing at the site which is unsightly in this rural location. Therefore the reason for refusal now offered should read:

‘The development, which can be clearly seen from a public right of way that leads to and from the Piercefield Park historic parkland, includes the external storage of utilitarian equipment and vehicles of variable condition, and features utilitarian entrance gates and fencing of a significant scale, that, without substantial green infrastructure / landscape mitigation (that is not offered as a part of this planning application), causes unacceptable harm to the local landscape, which forms part of the Wye Valley Area of Outstanding Natural Beauty (AONB). The development is

therefore contrary to Policies S11, S13, S17, LC4, LC5, GI1, RE2 and DES1 of the adopted Local Development Plan (LDP).’

PREVIOUS REPORT (4th AUGUST 2015 MEETING)

1.0 APPLICATION DETAILS

- 1.1 This application has been remitted back to the Council to re-determine following the decision of the High Court to quash the planning permission granted on 4th October 2013. This application seeks the retention of the use of buildings at New Barn Workshops for the storage and repair of light motor vehicles; storage and repair of up to 2 HGV motor vehicles and a trailer; retention of a vehicle washing area and ancillary parking.
- 1.2 There is a separate planning application DC/2012/00613 for change of use to builders’ storage currently being considered which relates to land adjoining this site.
- 1.3 The application has been screened for the need to submit an Environmental Impact Assessment. The Council’s decision was that the proposal would not be likely to have significant environmental effects by virtue of factors such as its nature, size or location, so that an EIA was not required in this instance.

2.0 RELEVANT PLANNING HISTORY

N.B. The applications below relate to both the application site and the adjacent site for the storage of building materials:

A21850 – erection of a garage for a commercial vehicle. Approved 08.02.1985

DC/2011/00697 – Change of use of existing workshop and adjacent land, to now include for the maintenance of motor vehicles and storage of building materials, in addition to the commercial vehicles granted consent under ref A21850. Approved 14/12/2011 Decision Quashed by the High Court of Justice

DC/2012/00243 – Revision to previous consent (ref DC/2011/00697) to allow the storage of metal containers and amendment to operating hours within the area designated for the storage of building materials. Introduction of an office unit for use in conjunction with the workshops and installation of new gates and landscaping. Withdrawn

DC/2012/00445 – Proposed change of use for existing workshop and adjacent land, to now include for the maintenance of motor vehicles and storage of building materials and equipment, in addition to the commercial vehicles granted consent under ref A21850 – Withdrawn

DC/2012/00594 – Certificate of Lawful Use of land for vehicle repairs. Withdrawn

DC/2012/00613 – Change of use to allow for the storage of builders materials, construction machinery and equipment, including metal storage containers and

retention of security gates. Decision to approved by Council was quashed in July 2014 by the High Court of Justice

DC/2012/00886 – Variation of condition 11 of planning permission A21850. Approved on 06/02/2013; Decision quashed by the High Court of Justice; remitted back to Council to determine but later withdrawn by applicant.

3.0 NATIONAL PLANNING POLICY

Section 85 of the Countryside and Rights of Way Act 2000 states:-

“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

Planning Policy Wales (7th Ed.)

Par. 5.3.5 ‘The primary objective for designating AONBs is the conservation and enhancement of their natural beauty. Development plan policies and development management decisions affecting AONBs should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas. Local authorities, other public bodies and other relevant authorities have a statutory duty to have regard to AONB purposes.’

Par. 5.3.6 ‘National Parks and AONBs are of equal status in terms of landscape and scenic beauty and both must be afforded the highest status of protection from inappropriate developments. In development plan policies and development management decisions National Parks and AONBs must be treated as of equivalent status. In National Parks and AONBs, development plan policies and development management decisions should give great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage of these areas.’

LOCAL DEVELOPMENT PLAN POLICIES

S8 (Enterprise & Economy); S13 (Landscape, Green Infrastructure & Natural Environment); S17 (Place Making & Design); DES1 (General Design Considerations); LC1 (New Built Development in the Open Countryside); LC4 (AONB); LC5 (Protection and Enhancement of Landscape Character); GI1 (Green Infrastructure); EP1 (Amenity and Environmental Protection); Policy RE2 (Conversion or Rehabilitation of Buildings in the Open Countryside for Employment Use); Policy M2 (Minerals Safeguarding Areas)

SUPPLEMENTARY PLANNING GUIDANCE

Wye Valley AONB Management Plan 2009-2014

This plan sets a vision and a policy framework for the protection and enhancement of the natural beauty of the AONB. The Plan sets out that the purposes of the AONB designation are:-

- The primary purpose of designation is to conserve and enhance natural beauty
- In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, and other rural industries, and of the economic and social needs of local communities.
- Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment
- Recreation is not an objective of designation, but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

Draft Wye Valley AONB Management Plan 2014-2019

The draft sets out that most of the issues in the 2009-2014 Plan are still relevant, and the emerging version aims to build on and develop the approach of the previous one, updating and making changes where necessary, and setting out current priorities and actions. The Strategic Objectives in the last Plan have been reviewed and in some cases updated or refined. An Action Plan is also produced to ensure that these Strategic Objectives are implemented.

The Plan 'is intended to provide guidance and strategic objectives, giving support and direction to help steer positive landscape change, particularly to those bodies that make up the Wye Valley AONB Joint Advisory Committee and the wider AONB Partnership. It also provides guidance to the many landowners, residents and visitors in the area. The Management Plan is thus for all the bodies and individuals whose actions affect the AONB and who can play an important part in helping to conserve and, where appropriate, enhance the outstanding landscape of the lower Wye Valley, for the benefit of both current and future generations. However this Plan does not provide all the answers for the next five years. It addresses the implications for the conservation and enhancement of the natural beauty of the area. Meanwhile it complements a range of plans, strategies and programmes that cover other aspects in the administrative areas covering the Wye Valley AONB. In this context it articulates the value of the landscape and the added value brought by the designation and the role of the partners in the AONB in supporting society's needs through an integrated approach to land management.'

Par. 2.2.1 of the draft plan provides 'a 20 year vision and remains a true encapsulation of how we want the AONB to be in 15 years' time and beyond:

The Wye Valley Area of Outstanding Natural Beauty (AONB) will be a landscape

- that continues to evoke inspiration in a wide range of people
- where some degree of change is accepted and its impacts accommodated through positive management including effective adaptation to and mitigation of climate change

- where the distinctive mix of steep valley sides and rolling hills, covered with ancient and semi-natural woodland, mixed farmland, and scattered settlement dominate the landscape along with the meandering river
- where the natural and historic assets are in good order, in fully compatible uses, and not denigrated by unsuitable change
- with a robust mosaic of inter-connected semi natural habitats for native wildlife, particularly around grassland, wetland and woodland
- providing functioning services and resources for society, including flood storage, food, timber, tourism and minerals
- which provides work for local people, who make good use of the varied resources the area has to offer
- where both visitors and residents are able to enjoy the area, particularly for sustainable tourism, recreation and informed appreciation of the historic and natural environment, with minimal conflict or disturbance from other users
- where association with the Wye Valley continues to benefit the surrounding villages, market towns and counties
- supported by the good will, pride and endeavour of local people, visitors, and the public, private and voluntary sectors
- worthy of its designation as an internationally important protected landscape.’

4.0 REPRESENTATIONS

4.1 Consultations Replies

St Arvans Community Council – Approve. There have been only minor changes to the previous scheme; the Community Council considers its earlier comments to be valid and these are set out below:

Whilst recommending approval, please note the following observations:

- 1) St Arvans’ CC comments on the previous application were considered still valid and should be revisited
- 2) Taking into account the business proposed on the site, MCC Planning Department should apply appropriate hours of use restrictions

If consent is given with conditions, the Community Council would like to be consulted should application be made to discharge or change them in any way.

MCC Public Rights of Way Officer – the alignment of Footpath No. 32 is wrongly depicted on the revised application drawing (no. 112/501D). The legally recorded alignment of the path runs through the site of the proposed development and is obstructed by it. This is not consistent with the information submitted in the Design & Access Statement.

Countryside Access is however in receipt of an application and is currently processing an order that would resolve the issue but until such time that the order is confirmed the legally recorded alignment will remain obstructed if consent is granted.

Importantly, public path orders are not guaranteed to succeed. If unsuccessful it is possible that Countryside Access will require the legal alignment of the path is made available.

Natural Resources Wales – no objection, but wish to make comments as follows:

Protected Landscape – site is within AONB. The landscape appraisal and assessment from Jellard Associates is welcomed; having reviewed the appraisal it is considered

that the proposal would not be likely to have a significant adverse effect on the AONB or the setting of Piercefield Historic Landscape. However, there are likely to be some adverse effects locally, which could be mitigated in the long term by a landscape scheme. It is therefore requested that a condition for a long term Landscape Management Plan be imposed on any permission granted. The landscape management plan should be reviewed every ten years. The proposals should adhere to the Development Strategic Objectives within Section 6 of the Wye Valley AONB Management Plan 2009-2014.

The site is in close proximity to the Wye Valley Woodlands Special Area of Conservation (SAC). The Lesser horseshoe bat is a designated feature of the SAC and also a European Protected Species. This species of bat is light sensitive and inappropriate lighting can have a negative effect on both flight-lines and foraging behaviour. A condition for a lighting plan is requested.

The storage of waste building material may require an Environmental Permit from NRA unless an exemption applies. The applicant is advised to contact NRW for further advice. A Planning Advice Note is also attached for the applicant's attention.

AONB Officer – no comments received in relation to the most recent consultation process, but previously recommended the application be refused unless additional tree and hedge screening could be guaranteed through conditions attached to any planning permission that may be granted.

Biodiversity – I note that this application is for retention of the existing use and development has already occurred at the site.

The site is very near to the Wye Valley Woodlands SAC. It is not considered that there is a mechanism for direct or indirect impact upon this site.

There should be no further lighting (further to that illustrated on lighting plan and photographs dated Nov 2013) without written approval of the Council. Please secure this through an appropriately worded planning condition.

The Ramblers Association – No comments received. See observations in relation to associated application DC/2012/00613.

MCC Highways – agrees that their previous comments still apply - I would offer no adverse comments to this proposal and therefore have no highway objections subject to the following conditions:

The application site outlined on plan 1123/702 [now updated by plan Rev. c] shall hereby be required to retain visibility splays for the benefit of the existing vehicle access off the A466 connecting into the applicant's site. Nothing which may cause an obstruction to visibility shall be placed, erected or grown in the visibility splay areas.

The application site outlined on plan 1123/702 shall hereby retain vehicle access via the existing A466 access connecting into the applicant's site. A suitable turning area immediately south of the application site access, within ownership of the applicant, shall be retained free from obstruction to ensure all vehicles that enter the site are able to turn and access the County highway in forward gear

MCC Environmental Health – Whilst some noise from vehicle repairs, jet washing and vehicle movements on and off the site has the potential to be audible at the

nearest residential property, I am not in a position to substantiate a level of problems on which to base an objection.

In order to minimise any disturbance at the nearest residential property I would recommend that any approval is subject to the following conditions:

1. The hours of operation shall be limited to:

For the repair of motor vehicles:

08.00 to 19.00hrs Monday to Friday

08.00 to 13.00hrs Saturdays.

No operating on Sundays or Bank Holidays.

- For the movement of Heavy goods vehicles on and off the site:

06.00 to 19.00hrs Monday to Friday

06.00 to 13.00 Saturdays

2. I would also recommend that the advice issued by Natural Resources Wales is conditioned as follows:

- Any effluent from the vehicle wash area must be disposed of appropriately. If any detergents are used, the system must be sealed and all effluent tankered away to a licensed site. If no detergents/chemicals are used, the effluent must be passed through an interceptor and then disposed in conjunction with an appropriate consent or exemption from Natural Resources Wales if required.

3. In 2014 this department received complaints of smoke nuisance following the installation of a solid fuel heating appliance at the premises. This appliance was subsequently removed from the premises. However I would recommend that any approval was subject to the following condition:

- Prior to the installation of any solid fuel heating appliance details of the proposed installation and measures to be taken to minimise impact at neighbouring properties from smoke/odour to be submitted to and approved in writing by the Local Planning Authority.

Open Spaces Society – No comments received.

Cadw (response to EIA screening process) - This proposal is located immediately adjacent to the historic park and garden known as “PGW (Gt) 40 Piercefield Park and the Wyndcliff”, which is included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales. The relevant area is shown outlined in blue on the attached plan.

Although the application area is located immediately adjacent to this grade 1 registered historic park, it is not in any of the identified essential views. The application area will not be visible, or will be screened from view by the topography, a stone wall and existing vegetation from the majority of the registered park, although close views are possible. The impact, therefore, is likely to be no more than local.

The application area is also located outside the Registered Lower Wye Valley Landscape of Outstanding Historic Interest (HLW (GT) 3 The Lower Wye Valley). There will be limited close views of the application area from the edge of the registered landscape but in Cadw’s opinion these will constitute, at most, a local impact.

This development will have no direct impact on any of the historic assets identified and any impacts to their settings can be assessed through the planning process. Cadw consider that this impact is not significant enough, on the historic environment as a whole, to warrant an environmental impact assessment.

MCC - Principal Landscape & Countryside Officer

I have looked at the proposals and offer the following comments.

New Barn Workshop Monmouth DC/2013/00456

The site is situated within the Wye Valley AONB and is identified as being of outstanding value for its visual and sensory and cultural aspects and of high value for its historical and geological aspects and moderate value for its landscape habitats. It is also situated within the Piercefield Historic Park and Garden, and on the edge of the lower Wye Valley Landscape of Outstanding Historic Interest.

The site is further highlighted in the Landscape sensitivity and capacity assessment 2010, (LLCA ST02) as of "High" sensitivity and "Low" capacity for development due to location and proximity to the historic park and garden being situated on rising open ground, abutting the Conservation area and within the AONB.

It is clear therefore that the site is a sensitive one situated on an open rising backcloth to the settlement of St Arvans with mature trees of woodland on the skyline defining the edge of views north east out of the settlement, located within and adjacent to a plethora of landscape and historical designations.

In terms of the AJA report the following are my thoughts;

1. The assessment of the LANDMAP aspect area needs further interpretation and explanation as to why for example the change of use will have no impact not to just state this.

2. I would disagree that the site is well enclosed by tree and hedgerow cover in all locations, in particular views from the PROW close to the site within Piercefield would clearly be visible. This really needs to be more clearly represented and addressed. Although it is accepted that visibility of the site in more intermediate and distant locations (with the benefit of the mature parkland trees and surrounding vegetation) does help offset the visual impact in the wider landscape.

3. The suggestion that the site is discreetly located I would disagree with, as it is clearly situated on open rising ground, although in recent years it is acknowledged that the front of the site (outside of this application but part of the second application) along the A466 has been enclosed by an incongruous non-native leylandii treeline – out of character with the rural setting. Whilst the park wall affords some screening and the tree planting alongside of it will in time provide some benefit – it was felt that this was insufficient and did not offer adequate screening to mitigate the intrusive metal fencing and ancillary structures associated with the garage operations. Further it was noted on site that some of the trees planted had died and had not been replaced.

4. The proposal that the existing vegetation as it exists in this application would remain unchanged is disappointing in view of the above issues and fails to take account of the LDP new policy on Green Infrastructure (GI).

5. The summary of overall conclusions in relation to impact on landscape character is therefore incomplete based on the above points raised and the sensitivity of the site has not been fully assessed by the incorporation of the sensitivity and capacity study. Further the ancillary structures and adjacent builders yard create a cumulative impact which in combination with the garage itself would appear to have a detrimental impact on landscape character.

6. In terms of impacts on the AONB it is acknowledged that a building has been present/ or in the vicinity of this site for a long period of time. However the reports reference to a "strong landscape screen" of leylandii is inappropriate and incongruous within this rural setting and its operation jars with the parkland character clearly defined by its setting and surrounding designations. Localised views are significant in

this instance due to the proximity of the site in relation to a PROW through such distinctive historic parkland. The PROW are a well-used recreational resource sitting on the edge of a landscape designated for its natural beauty for which Piercefield is promoted as part of picturesque valley tour. Significant mitigation would therefore be required to offset these issues.

Conclusions

It is clear the site is located in a sensitive location based upon the above assessment. However in view of the lawfulness of the buildings, means of enclosure and hard surfaces at the site, it is considered that with careful controls of ancillary structures, a comprehensive GI masterplan and management plan to take account of the whole site, the proposal could be accommodated within this location assuming the following was satisfactorily provided and agreed.

- Further assessment of the reasons and justification as to why the proposal won't have an impact taking into account the sensitivity and capacity assessment.
- Submission of a GI context and opportunity plan, a GI masterplan and GI management plan this will need to be for the whole site including the adjacent yard application as based upon the newly adopted GI SPG – available to view on the Councils LDP website.
- The GI masterplan would need to rational operational structures to minimise impacts and planting would need to be incorporated to address this. I would also anticipate strict conditions in relation to heights, gates, signage, lighting and the use of the hard standing areas particular restricting the storage of containers or other large scale structures.

Existing Builders Yard DC/2012/00613

The sensitivity and constraints affecting this site are same as for the above application. As there is clearly repetition in relation to the impacts on all the designations, I would therefore refer to my points 1-6 as also being relevant to this application. However I am of the view that the proposed builder's yard represents an unacceptable extension and detrimental cumulative impact in combination with the proposed garage use. The boundary planting whilst offering screening is inappropriate for this rural area and the storage units and metal gates contribute to the added sense of industrialisation of this sensitive rural landscape.

Conclusion - It is therefore considered that this site should be restored as a green space and incorporated as part of the GI mitigation in support of the change of use for the garage application.

Further response of the Council's Principal Landscape & Countryside Officer:

14.7.15 St Arvans: New Barn Workshop Planning Application DC/2013/00456 and Existing Builders Yard DC/2012/00613

The Council's Landscape Officer provided comments in relation to the AJA response [the applicants' landscape consultants]. The AJA observations are in normal text and the Council's Landscape Officer's comments in response to these are in italics below:

First bullet point: further assessment of the reasons and justification as to why the proposal won't have an impact taking account the sensitivity and capacity assessment
1.2 Para 2.2 of the Monmouthshire Landscape Sensitivity and Capacity Assessment 2010 states 'Sensitivity is taken to mean the sensitivity of the landscape capacity itself, irrespective of the type of change which may be under consideration.' Para 2.3 defines 'capacity' as 'the ability of a landscape to accommodate different amounts of

change for a development of a specific type'. It is clear from the references throughout the Landscape and Sensitivity report that the type of development which the capacity refers to is housing development. Therefore we would argue that this study is of limited relevance to the particular planning application given that it is not for a housing development. Nevertheless we have set out below our analysis of the proposed development in relation to the sensitivity and capacity study.

Comment from MCC's Landscape & Biodiversity Officer - For clarity the definition of Landscape sensitivity as per the MCC sensitivity & Capacity study 2010 paragraph 2.3 actually states;

"Sensitivity is taken to mean the sensitivity of the landscape itself, irrespective of the type of change which may be under consideration. It is a combination of the sensitivity of the landscape resource [including its historical and ecological features and elements] and the visual sensitivity of the landscape [such as views and visibility]. For the purposes of this study it also includes landscape value [including designations]. For example, an undesignated very gently sloping landscape with large arable fenced fields and trees may have a lower sensitivity than a steeply sloping pastoral landscape with small fields and strong hedgerow and tree cover."

(I think the consultants quote has included a typo.)

This is not the same as is suggested above. The assessment of sensitivity is independent of the type of development, it is only capacity that is specific to housing development. Also for clarity the assessment of the LLCA areas (Local Landscape character areas) provides a more detailed LCA assessment based upon the LANDMAP approach but to a level 4/5 assessment. The MCC Study is therefore still relevant. Further whilst the proposal is not a housing development the scale and usage of the garage and builders yard would represent a more intensive use, as the garage comprises a building and multiple car parking, the builders yards comprising stacked containers often to a similar height to a single storey dwelling. A small housing development could be less intrusive and more compatible to the location, the capacity assessment could therefore be considered to be useful and relevant to some degree.

1.3 The site is covered by the Main Villages and H4 Settlements section of the study. It falls within the St Arvans Local Landscape Character Area (LLCA) ST02, the evaluation of which is high sensitivity and low capacity (for relevant plans from study see Appendix at back of this AJA report)

1.4 The key characteristics for this area are described as:

- Landform sloping to the west and south across Piercefield Park and sloping very steeply to the Wye to the east.
- Chepstow race course, playing field, arable and pasture with predominantly rectilinear fenced boundaries.
- Strong deciduous woodland to east [pSAC and SSSI] and scattered trees to the north and parkland trees.
- The area provides a generally simple, open rising backcloth to the settlement.
- Mature trees of woodland on skyline defines edge of view north east out of settlement.
- In Wye Valley AONB and in registered historic park- Piercefield Park.

- Listed structure - The Temple Doors; on the edge of Lower Wye Valley Landscape of Outstanding Historic Interest.

1.5 Under the heading of Landscape Sensitivity – and the evaluation of high – the entry states:

The area has high sensitivity as it lies within an historic park and garden - Piercefield Park, is open on rising ground abutting the Conservation Area and also is in the AONB close to the steep Wye Valley wooded slopes.

1.6 However, although a considerable part of this LLCA is within the Registered Historic Park, the site is outside. The site not only lies beyond the boundary but it does not form any part of designated Significant Views out of the park (see Appendix for CADW Registered Park Entry)

Comment - It is acknowledged that the site does not form part of a designated significant view – but it does form part of sweeping views towards the AONB which forms the landscape setting/backdrop to the Park and Garden.

1.7 Also, while much of the Registered Park within this LLCA is ‘open on rising ground’ the entry fails to mention that the eastern edges of the LLCA are within the extensive areas of woodland which form much of the Park. As far as the application site is concerned it is not on the open rising land. It is within a wooded fringe beyond the park edge. Topographically it lies in more of a transitional area between the gently rising open parkland and more steeply rising ground to the north up to Gaer Hill.

Comment - It is quite clear that the land is gently rising otherwise the views and vistas evident when walking along the site would not be possible. Historically the site would have been woodland fringe (19th century) – however over the years this has diminished and the site has become more open.

1.8 While the north western edge of the LLCA abuts the St Arvans Conservation Area, the site does not. The track leading to the workshop and builders yard is approximately 150m from the eastern edges of the Conservation Area and separated by significant tree cover.

1.9 So in terms of landscape sensitivity the actual site is not typical of the wider LLCA. Given the relatively enclosed and small scale nature of the site, the fact it is not in the Registered Park and separate from the Conservation Area, we would argue that the site is significantly less sensitive than the wider LLCA.

Comment - The LLCA has been assessed based upon the LANDMAP methodology and its process supported through the LDP inquiry – the incorporation of the site within the LLCA is sound and based upon a clear and transparent methodology (see extract of the LLCA) – the above assessment is not based upon such a complete impartial methodological study.

1.10 Moving on to the issue of ‘Capacity’. Here is what the Sensitivity and Capacity Study entry says:

Housing capacity: low. The area has a low capacity for housing and it is within an historic park, is open and rising in character and relates to the Conservation Area within the AONB.

Note again that the type of development to which capacity refers is for housing. Capacity, as we noted in Para. 1.2 is ‘the ability of a landscape to accommodate different amounts of change for a development of a specific type’ [our emphasis]. The

evaluation of 'low' is for housing and it applies as a general evaluation for the whole LLCA. The Workshop development is not new housing but a workshop development based around the remnants of New Barn, a historic structure which is shown on the 1886 OS Survey Map. The planning application being considered is for a building of similar mass and scale to what had been in existence for at least 130 years, set discretely on a small partly enclosed site beyond the Piercefield Registered Park boundary. We believe the capacity for such a development, if focussing specifically on this site, is significantly higher than the general evaluation of 'low'.

Comment - I have acknowledged that the capacity assessment for the MCC study has been done for housing however the type and form of development is of a industrial nature which in some respects could be considered of having greater impact than housing in this rural setting. I acknowledge that the principle of the garage is accepted however the intensification of the site to extend to a builders yard on the side of it is not typical or in keeping with the sites development which the historical mapping clearly indicates and would lead to a cumulative impact.

Second Bullet Point: Submission of a GI context and opportunity plan, a GI masterplan and GI management plan this will need to be for the whole site including the adjacent yard application as based upon the newly adopted GI SPG – available to view on the Council's website.

1.11 We have had a telephone conversation with the landscape officer on the 25 June 2015. Our understanding from that call was that a full suite of GI information was not required given the small size of the application site. We were recommended to prepare a GI plan focussed on planting mitigation. With this in mind we have produced a GI Infrastructure plan 2392.10 (see Appendix) which provides detail of the substantial planting mitigation now proposed by the applicant together with descriptions of the GI objectives.

1.12 We believe that these proposals address the landscape concerns in the officer's consultation memorandum. While we maintain our view that the development is discretely sited, with significant tree and hedgerow providing a substantial screen in the wider views, the proposed 5m belt along the southern boundary will reinforce that screening effect and will be particularly beneficial in views from the PRow which runs close to the site.

1.13 The plan also proposes the medium/longer term removal of the conifers and replacement with native planting.

1.14 These elements will contribute to biodiversity including enhanced wildlife links.

Comment - I had said that I would generally be happy with this level of information for the proposed garage/workshop and that the area currently being used as a builder's yard be returned to an open grassland as mitigation for the garage operations. I also said I would require a GI management plan in support and that there should be a Landscape and Biodiversity focus to the mitigation and management (detailed planting information can be conditioned). In terms of the actual mitigation – I have made it clear that the builders yard should be removed, regraded and restored to its original use as rough grassland surrounded by the existing hedge/treeline together with the removal of the coniferous treeline (which I

note has been suggested and I welcome). The planting belt to the south is positive but some thought should be given to the car park/storage areas which has been concreted over and left unfinished. Planting within the boundary of the garage itself should also be considered to offset the visual impact of operations.

Third Bullet Point: The GI masterplan would need to rational operational structures to minimise impacts and planting would need to be implemented to address this. I would also anticipate strict conditions in relation to height, gates, signage, lighting and the use of hard standing areas particular restricting the storage of containers or other large scale structures.

1.15 Again we would draw attention to our understanding that the officer does not require a full suite of GI info for a site of this scale. However, we would also make the following specific points in relation to this element of the consultation comments

- The landscape mitigation plan will provide a strong planting framework for the development which is in keeping with the wider surroundings.

Comment - The GI Masterplan as it should be called (not landscape mitigation plan) needs to incorporate the restoration of the builders yard to a greenspace in keeping with its historical use. The principle of development here is not acceptable based upon LDP policy and the cumulative impact of the two employment operations side by side which has created an intensity of use not characteristic of the local landscape character.

- The existing sheet steel gates would be clad in timber panels and this will be a significant visual enhancement for those using the adjacent PROW.

Comment - Unfortunately simply cladding the gates will not be enough to offset the industrial nature of the proposal. The principle of this development hasn't been accepted and therefore the users of the PROW should be experiencing what the site originally was – a greenfield.

- Signage and lighting and the use of hard standing areas can be controlled by condition

Comment - Agreed.

- We believe that the issue of the storage of containers is more applicable to the Builder's Yard planning application.

Comment - The builders yard impacts upon the garage / workshops and results in a cumulative impact.

1.16 We have also reviewed the officer's concerns in points 1- 6 of her memorandum and believe that most of these are addressed in our commentary above. However the issue of interpretation of LANDMAP in point 1 needs a little further explanation. We do feel that we have given explanations for why the change of use will not have significant impacts on the different LANDMAP Aspect Areas. We believe the issue is more that the officer is disputing our view of the current screening of the site and its 'discrete' siting. Hopefully we have addressed those concerns above with the now proposed GI Infrastructure planting

1.17 In summary, we believe that the proposed workshops does respect the guidance of the landscape sensitivity and capacity study and, with the proposed GI infrastructure planting recommendations, would have no unacceptable effects on overall landscape character, or on the AONB Landscape and on the setting of the Registered Park and Gardens of Piercefield Park.

Comment - As stated above – additional mitigation is required, in particular the restoration of the builders yard to a green field, as GI mitigation to help offset the impacts of the garage operations and reduce the intensification/ cumulative impact of the proposal in this sensitive rural location.

2. Existing Builders Yard DC/2012/00613

2.1 We realise that the landscape officer is opposed in principle to this development but we will address the landscape and visual issues which she raises:

The sensitivity and constraints affecting this site are the same as for the above [Workshops] application. As there would be clearly repetition in relation to the impacts on all the designations, I would therefore refer to my points 1-6 as also being relevant to this application

2.2 We would agree with the Officer's general premise of similarity and our comments on the Workshops application also apply to this application. This site is equally well screened from the wider landscape designation – indeed arguably more so because of the additional screening effect of the workshop facilities.

Comment: The screening that has been allowed to grow up in particular the coniferous planting is incongruous with the setting. The proposals are insufficient to overcome the intensification / industrialisation of use in combination with the garage/workshop and car parking areas that have incrementally spread across this site.

However, I am of the view that the proposed builder's yard represents an unacceptable extension and detrimental cumulative impact in combination with the proposed garage use. The boundary planting whilst offering screening is inappropriate for this rural area and the storage units and metal gates contribute to the added sense of industrialisation of this sensitive rural landscape.

2.3 We have addressed the issue of the conifer boundary planting and the metal gates in our comments above on the Workshop application and we believe the applicant's proposals should allay the Council's concerns.

Comment - As per my points made above.

2.4 The site is tucked behind between the boundary planting and the Workshops. This location tight against the Workshop with a high degree of screening which will mean that cumulative effects of this small scale development would be minimal.

2.5 In summary, we believe that effects of this proposed development, when taken with the Workshop proposal, are acceptable in landscape and visual terms.

Comment - The proposal will have an impact on a small scale but incrementally fundamentally changes the character of the landscape through a creeping urbanising effect – the effects are local in scale but this should not diminish the significance of their impact.

MCC Development Plans - Strategic Policy S8 relating to enterprise and economy provides some support in principle for the proposal subject to detailed planning considerations.

The site is not allocated as an identified employment site under Policy SAE1 of the Monmouthshire LDP. The proposal cannot be considered under Policy E3 as this Policy is

aimed at new, non-speculative, single-site users that cannot be accommodated on existing or proposed industrial or business sites within the County. The site is located in the open countryside, Policy LC1 contains a presumption against new-build development in the open countryside although identifies those type of developments involving new build that might be acceptable if justified in policies S10, RE3, RE4, RE5, RE6, T2 and National Planning Policy. None of these policies appear to be applicable. Policy LC1 also contains a number of detailed criteria that should be considered.

The site is located in the Wye Valley AONB; as a consequence Policy LC4 must be referred to. Policies EP1 and DES1 should also be taken into consideration in relation to Amenity and Environmental Protection and General Design Considerations respectively.

Further to this it should be noted that the site is located in a minerals safeguarding area as designated in Policy M2. There is however a need to provide a buffer to protect existing residential dwellings in the locality from the impact of minerals working, as a consequence, minerals extraction would not be feasible in this location. The development would not sterilise land beyond the existing buffer zone site as the proposal does not relate to a residential use. In any event this application is largely for a change of use and will not sterilise any potential mineral deposits, there is therefore no conflict with Policy M2.

Finally the site is located in close proximity to the Piercefield Historic Park and Garden, as there is no specific local planning policy in relation to this designation it is important to ensure Strategic Policy S17 relating to place making and design is considered along with supporting policies DES1 and EP1 as noted above. Chapter 6 of Planning Policy Wales relating to Conserving the Historic Environment must also be considered.

4.2 Neighbour Notification

Seven individual emails/ responses from a local resident citing, inter alia, inaccuracies in the submitted Design & Access Statement that refer to previous uses on the site that were not lawful, the successful challenges at the High Court regarding the Council's previous decisions to approve similar proposals at the site, adverse impact on the AONB and historic parkland, as well as adverse impacts on the health and well-being of the neighbour and her property from noise, light pollution, general disturbance, breach of opening hours and smoke from an unauthorised flue at the premises (since removed).

Two emails from staff working at the local cattery citing problems concerning loss of amenity including the harm caused by the smoke from the unauthorised flue to humans and animals at Mistletoe Cottage and the harm caused by the untidy nature of the uses on walkers' enjoyment of the footpath network and wider AONB.

A further fourteen separate grounds of objection have been submitted by another local resident on: Policy S13 (LDP), Other Policies, Transport, LDP Policy DES1, Existing Use, Ecology, Environmental Health, Tourism, Policies, Landscape Assessment, Public footpaths, Residential Amenities and St Arvans Community Council representations; for ease of reference these have been reproduced in full as an appendix to this report. That resident also submitted an email referring to a video link of the unauthorised development.

Previous objection received from the Chair of the Monmouthshire branch of CPRW :-

The planning status of the uses carried out on this site would appear, from the various representations received by the Council, to be in question. Doubt must therefore be

cast on whether this application should be treated as a change of use rather than as a fresh one. If the latter the proposed commercial development would clearly conflict with those national and local planning policies that seek to protect the countryside and attractive landscape of this part of the Wye Valley AONB. This is a landscape that should be afforded the highest form of protection. Even if treated as a change of use, this application would represent an undesirable intensification of unsightly commercial and industrial type uses in the countryside close to a public footpath. Such uses would be more appropriately located in an industrial or commercial area close to or in an established settlement.

4.3 Local Member Representations - application to be presented to Planning Committee

5.0 EVALUATION

The main issues relating to this application are:

- Planning History
- Visual impact upon the Wye Valley Area of Outstanding Natural Beauty (AONB) including Development Plan and Green Infrastructure issues
- Residential Amenity
- Public Footpath, access and parking
- Other issues
- Socio-economic considerations
- Change of recommendation from the previous recommendations and determinations of the planning application

5.1 Planning History

Much of the wider site (which largely encompasses the sites under DC/2012/000613 and DC/2013/00456) was originally granted permission in February 1985 under A21850 for a commercial garage / workshops for the storage and repair of vehicles solely owned by the applicant at the time and any successors in title. Any wider use for vehicles not owned by the applicant would have required the permission of the Planning Authority. A section 52 agreement (now s.106 of the 1990 Act) was signed to ensure an existing non-conforming use of a building at Parkfield, St Arvans for commercial vehicle storage and repair ceased and the building could only be used for storage of up to two private motor vehicles, and be used as a domestic garage in relation to the dwelling, Parkfield, once the building permitted on the current application site was completed. In later years it is evident from aerial photography (2000 and 2005) that the wider application site was used as a bus / coach depot, although this was not authorised. It is evident that uses have changed over time and the land is no longer in use for the purpose it was granted planning permission in 1985. The workshop building (and related stone walls) on the site has been in place since the 1980s and is therefore lawful as operational development in planning terms. The builder's yard was created by the levelling of land and the erection of the industrial style metal gates in 2012. Previously, aerial photography suggests this area was largely undisturbed but was used casually to store a vehicle upon, and later a storage container was located on the part of the site nearer the workshop building (as seen in a 2010 aerial photo). It is also apparent that the historical planning permission granted in 1985 did not envisage this area being developed but being maintained as a

largely green space serving as screening for the approved workshop use (A21850), although it is appreciated that the applicants carried out the work to form the builders yard as part of planning application DC/2011/00697, initially approved by the Council and then quashed. There was also evidence of a non-metalled track crossing the site. The conclusion is that there is no lawful use subsisting on the land, while the workshop building, areas of hardstanding and stone walls relating to the application DC/2013/00456 are lawful owing to the passage of time.

5.2 Visual impact upon the Wye Valley Area of Outstanding Natural Beauty (AONB) including Development Plan and Green Infrastructure issues

Having regard to the adopted Local Development Plan (LDP), Strategic Policy S8 provides broad support for business development that supports sustainable economic growth, but includes the caveat that all proposals will be considered against detailed planning considerations including the need to protect natural and built heritage, which themselves bring benefits for the economy, tourism and well-being. The site is not allocated for employment use in the Plan and is in the open countryside where Policy LC1 contains a presumption against new-build development although it identifies those types of developments involving new build that might be acceptable if justified in policies S10, RE3, RE4, RE5, RE6, T2 and National Planning Policy. None of these policies appear to be applicable. However, the re-use of existing buildings in the countryside is supported in general by Policy RE2 of the LDP, subject to criteria including the form, bulk, general design of the proposal respect the rural character and design of the building, where the building is more isolated and prominent the more stringent will be the design requirements with regard to...service provision and curtilage especially if located in the AONB, the proposal including curtilage and access is in scale and sympathy with the surrounding landscape and does not require the provision of unsightly infrastructure and ancillary buildings.

Policy LC4 sets out that within the AONB, any development must be subservient to the primary purpose to conserve and enhance the natural beauty of the area. A list of criteria is included in the policy including considering the long term effect of the proposal and the degree to which its nature and intensity is compatible with the character, purpose and overall management of the AONB, and the degree to which design, quality and use of appropriate materials harmonise with the surrounding landscape and built heritage.

Policy LC5 lists a range of criteria against which proposals would be considered in relation to their landscape impact. Development would be permitted provided it would not have an unacceptable adverse effect on the special character or quality of the County's landscape by, inter alia, causing visual intrusion, significant adverse change in the character of the built or natural landscape, or by being insensitively and unsympathetically sited in the landscape or by introducing or intensifying a use which is incompatible with its location.

Policy GI1 indicates that development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network by:

a) Ensuring that individual green assets are retained wherever possible and integrated into new development. Where loss of green infrastructure is unavoidable in order to

secure sustainable development appropriate mitigation and/or compensation of the lost assets will be required;

b) Incorporating new and /or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off-site.

In broad terms, the principle of re-using the building and associated land for employment is acceptable under Policy RE2 subject to considering the impact of the proposal upon acknowledged interests such as the need to conserve and enhance the natural beauty of the AONB, neighbour amenity, access being acceptable and safe and biodiversity interests being safeguarded.

One of the main issues, indeed it is a statutory duty, is to consider the visual impact the retention of this change of use and related development would have upon the natural beauty of the Wye Valley Area of Outstanding Natural Beauty (AONB).

The AONB Office commented on the application previously and recommended that the application be refused unless additional tree and hedge screening could be guaranteed through conditions attached to any planning permission that may be granted.

This is a retrospective application so that the situation can be seen on site. Site inspections have been carried out many times, most of which were unannounced visits without the company of the applicant and the agent in order to gain some insight into the nature of the proposal. During the site inspections, the access / public path leading to the site was kept clear of building materials and vehicles. The workshop buildings are set back with a surfaced courtyard area to the front bounded by stone walls. The forecourt gates are generally open in the day, as are the workshop doors, so that the site is clearly visible from the public footpath. In previous visits the forecourt has been generally empty with few cars within it relating to the repair garage, although the latest tenants are parking a greater number of cars in there, suggesting a higher level of activity is taking place. The area to the east of the workshop, separated by a palisade fence, is a triangular area, hard surfaced and bounded to its east by the stone wall to Piercefield Park, that is being used to park cars (and is proposed for parking purposes in this application, subject to modification by the Green Infrastructure Plan submitted by AJA for the applicants). This triangular area does not appear to have been included within the original limits of the planning approval under A21850 although it has been hard surfaced for many years and the engineered surface would be immune from enforcement action.

Along the eastern boundary of the commercial garage site is a row of recently planted trees to provide a screen, when mature, although some of these saplings appear to have failed and the screening is ineffective at present. The forecourt gates of the workshop themselves are bare metal and are of a utilitarian, industrial character that does not sit well within this sensitive landscape in the AONB.

The Council's Landscape Officer notes, 'The suggestion that the site is discreetly located I would disagree with, as it is clearly situated on open rising ground, although in recent years it is acknowledged that the front of the site...along the A466 has been

enclosed by an incongruous non-native leylandii treeline – out of character with the rural setting. Whilst the park wall affords some screening and the tree planting alongside of it will in time provide some benefit – it was felt that this was insufficient and did not offer adequate screening to mitigate the intrusive metal fencing and ancillary structures associated with the garage operations. Further it was noted on site that some of the trees planted had died and had not been replaced.... I am of the view that the proposed builder's yard represents an unacceptable extension and detrimental cumulative impact in combination with the proposed garage use. The [evergreen] boundary planting whilst offering screening is inappropriate for this rural area and the storage units and metal gates contribute to the added sense of industrialisation of this sensitive rural landscape...it is therefore considered that this site should be restored as a green space and incorporated as part of the green infrastructure (GI) mitigation in support of the change of use for the garage application.'

In response the applicants have submitted mitigation in the form of a GI Infrastructure Plan which sets out the following:

- A 5m wide belt of native species planting alongside the stone wall to the Piercefield Estate and the stone wall to the east/ south-east of the workshop building to create a stronger visual screen to the workshop and builders yard;
- the planting of long term native tree and shrub belts on either side of the entrance lane to the overall site, and the medium / longer term removal of the ornamental (conifer) trees as soon as the new native tree and shrub belts have become established, the area of conifers to be replaced by a grassed verge;
- the existing native hedges to the A466 would remain;
- the two entrance gates (for workshop and builders yard) would be clad in timber panels.

The Council's Landscape & Biodiversity Officer has commented that 'I had said that I would generally be happy with this level of information for the proposed garage/workshop and that the area currently being used as a builders yard be returned to an open grassland as mitigation for the garage operations. I also said I would require a GI management plan in support and that there should be a Landscape and Biodiversity focus to the mitigation and management (detailed planting information can be conditioned). In terms of the actual mitigation – I have made it clear that the builders yard should be removed, regraded and restored to its original use as rough grassland surrounded by the existing hedge/treeline together with the removal of the coniferous treeline (which I note has been suggested and I welcome). The planting belt to the south is positive but some thought should be given to the car park/storage areas which have been concreted over and left unfinished. Planting within the boundary of the garage itself should also be considered to offset the visual impact of operations.'

The Landscape Officer continues, 'The GI Masterplan as it should be called (not landscape mitigation plan) needs to incorporate the restoration of the builders yard to a greenspace in keeping with its historical use. The principle of development here is not acceptable based upon LDP policy and the cumulative impact of the two employment operations side by side which has created an intensity of use not characteristic of the local landscape character.... Unfortunately simply cladding the gates will not be enough to offset the industrial nature of the proposal. The principle

of this development hasn't been accepted and therefore the users of the PROW should be experiencing what the site originally was – a greenfield.... The screening that has been allowed to grow up in particular the coniferous planting is incongruous with the setting. The proposals are insufficient to overcome the intensification / industrialisation of use in combination with the garage/workshop and car parking areas that have incrementally spread across this site.... The proposal will have an impact on a small scale...through a creeping urbanising effect – the effects are local in scale but this should not diminish the significance of their impact.'

It is considered that the observations of the Council's Landscape Officer are reasonable and accurate in this context and that the proposed GI mitigation proposals would not prevent harm to the landscape which is part of the wider AONB. It is concluded that insufficient mitigation by way of fresh soft landscaping has been offered by the applicants to assimilate the repair workshop into this particularly sensitive landscape. The 5m belt of planting alongside the eastern stone wall is welcomed, as are the proposals alongside the access to replace the inappropriate conifer planting, but the retention of the builders yard would maintain a harmful, visual presence in the area, and would omit a vital part of the mitigation required to integrate any use of the workshop into the landscape. Prior to the engineering works being carried out to form the builders yard there was a substantial line of vegetation along the eastern boundary of what is now the builders yard, which helped soften and screen the workshop site. This was removed to form the builders yard. The absence of this landscaping adds to the view that the use of the workshop building and associated land would only be rendered acceptable in this sensitive setting by the restoration of the land that is presently the builders yard to a green space. In addition, hardstanding areas to the south of the building would benefit from being reduced by further landscaping which would help to screen the workshop and gates from views from the south (the Racecourse and St Arvans). It is presumed that the triangular area to the east of the workshop would no longer be used for parking as the new planting shown on the GI Infrastructure Plan would close off the area from its southern gated access, although the intention for the longer term use of this area is not clear from the aforementioned Plan. This area would benefit from being grass seeded and the area planted up in front (east) of the unsightly palisade fencing to soften the edge of the workshop site, as viewed from the public right of way to the immediate south.

The retention of the use as a repair garage and associated uses mitigated by the (insufficient) green infrastructure proposals set out by the applicant's landscape consultant on drawing 2392.10, are considered to be more harmful to the natural beauty of the AONB than the impact of the current use ceasing and the site either reverting to the permitted (and very restricted) use, granted in 1985, or ceasing altogether. The degree of harm is considered to be such as to warrant refusal of this application without the degree of mitigation identified by the Council's Landscape Officer.

On careful assessment, it is considered that the retention of this proposal without sufficient landscape mitigation would conflict with the overriding objective to conserve the natural beauty of the AONB and thus, the proposal is considered to conflict with Policy LC4 of the adopted LDP. The proposal would also conflict with the LDP policies S13 (Landscape, Green Infrastructure & Natural Environment), GI1 (Green Infrastructure), RE2 (The Conversion & Rehabilitation of Buildings in the

Open Countryside for Employment Use) criteria c) and e), and LC5 (Protection and Enhancement of Landscape Character); in addition, the proposal is considered to be contrary to the primary objective of the AONB Management Plan to conserve the natural beauty of the area.

In relation to LDP Policy DES1 the insufficiently mitigated use of the workshops is not considered to contribute towards a sense of place or respect the existing form, scale, siting, massing, materials and layout of its setting.

5.3 Residential Amenity

It is known that at the neighbouring property, Mistletoe Cottage, there is an established commercial cattery business along with a horse walker, manege and stables adjacent to the boundary of the application site.

There has been a long history of complaint about the operation of both the builder's yard and vehicle repair workshop from the neighbouring householder including noise, disturbance, smoke (from an unauthorised flue – since removed from site), breach of working hours, car breaking, and so on.

MCC Environmental Health have been consulted on the application and commented that previous conditions in respect of the application were recommended by this department given the potential for noise disturbance at the nearest residential property. These were:

‘Having reviewed the above application, whilst some noise disturbance from the development is likely from time to time I do not envisage a level of problems on which to base an objection. However, given the proximity of the nearest residential property I would recommend that any granting of permission is subject to the following condition:

The hours of operation including vehicle movement to and from the site shall be limited to between the hours of:

-08:00am – 18:00pm Monday to Friday

-08:00am – 13:00pm on Saturday

-No operating on Sundays or Bank Holidays

The current application requests an extension to the hours of operation as follows:

Between 07.30 and 19.00hrs Monday to Friday

Between 08.00 and 13.00hrs Saturday

At no time on a Sunday or on a public holiday

Having considered the proposed extension to the hours of operation I am not in a position to substantiate an objection to the proposed development. However I would recommend that any approval is subject to the following conditions:

1. The hours of operation including vehicle movement to and from the site shall be limited to between the hours of:

Between 07.30 and 19.00hrs Monday to Friday

Between 08.00 and 13.00hrs Saturday

At no time on a Sunday or on a public holiday’

Given the impact of the use of the site as a vehicle repair workshop so far, there would not appear to be grounds to base an objection to its retention owing to any significant adverse effects on residential amenity. Any nuisance reported by the

neighbour to the EHO relating to the effects of smoke from the unauthorised flue at the workshops was resolved with the removal of the flue.

It is thus considered that subject to careful control of the hours of operation of the business, there would not be likely to be significant harm caused to residential amenity by the proposed development.

A 2m high fence to the north of the site has been constructed and forms a reasonable screen to Myrtle Cottage's curtilage.

It is concluded that although complaints have been received regarding noise disturbance, insufficient evidence has been provided to officers in the Council's Environmental Health team to substantiate the complaints and support any enforcement action involving cessation of the unauthorised use on amenity grounds. Moreover, no significant noise disturbance was witnessed by officers during their numerous unannounced visits to the site.

The proposal is considered to comply with Policy EP1 of the adopted LDP, especially having regard to the control measures that could be imposed by planning condition to limit the proposed use on site.

5.4 Public Footpath, Access and Parking

It is proposed to utilise the existing access to serve the proposed vehicle repair use. It is considered that there is reasonable visibility at the access onto the A466 together with ample space within the site for turning and parking. There is a public footpath that shares the existing access driveway to the application site off the A466 and has done for many years and the route would remain unaltered and would therefore be open for use and free from obstruction. However, the route of this footpath is shown on the definitive map as crossing the builders yard site (DC/2012/00613) rather than along the access driveway that is within the application site of DC/2013/00456. There is a current application lodged with MCC that may resolve the issue but until such time that the order is confirmed the legally recorded alignment will remain obstructed if consent is granted. Public path orders are not guaranteed to succeed. If unsuccessful it is possible that MCC would require that the legal alignment of the path is made available.

Given that this matter is being progressed by the applicant, it is considered that this aspect has been reasonably addressed and a commodious route for the right of way along the path it has run along for many years, can be accommodated.

5.5 Other issues

The Council has been pressed by objectors to take enforcement action against both the unauthorised vehicle repair use and the storage of building materials. The applicants have the right to apply retrospectively to regularise the use of the site and associated structures. Since the application has been submitted and is under consideration it has been considered to be inappropriate and unreasonable to take enforcement action before the determination of this and the associated application DC/2012/00613.

As regards concerns about biodiversity matters, the Council's Biodiversity and Ecology Officer has noted the proposal is for the re-use of an existing building and storage (parking) areas at the site. While it is noted that the site is very near to the Wye Valley Woods SAC (Pierce, Alcove and Piercefield SSSI) it is not anticipated that this scheme will have an impact on this site or any of its interest features. The Biodiversity Officer recommends a condition to control any additional lighting should consent be granted. NRW concur that there should be no external lighting without the written permission of the planning authority and a lighting plan would be required.

This proposal is located immediately adjacent to the historic park and garden known as Piercefield Park and the Wyndcliffe, which is included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales. Although the application area is located immediately adjacent to this grade 1 registered historic park, it is not in any of the identified essential views. The application area would not be visible, or will be screened from view by the topography, a stone wall and existing vegetation from the majority of the registered park, although close views are possible. The impact, therefore, is likely to be no more than local and is not considered to harm the registered park itself, although for the reasons set out above, there would be localised harm to the AONB as a result of the development's proximity to the public right of way, without the additional landscape mitigation that has been identified.

The application area is also located outside the Registered Lower Wye Valley Landscape of Outstanding Historic Interest (HLW (GT) 3 The Lower Wye Valley). There will be limited close views of the application area from the edge of the registered landscape but in Cadw's opinion these will constitute, at most, a local impact.

5.6 Socio-economic considerations

The overriding necessity in the AONB is to conserve the natural beauty of the area. It has already been explained above, why in the absence of more comprehensive landscaping and restoration of disturbed areas the proposal is considered to harm the natural beauty of the AONB. The AONB Management Plan refers to another purpose which is 'in pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, and other rural industries, and of the economic and social needs of local communities.' The AONB designation in itself does not preclude employment uses such as this proposal. The acceptability of the proposal will be dependent on the impact of the proposed development and its longer term effects. These have been considered above and it has been concluded that despite the fact the building and walls are lawful on the site, the proposal would introduce visual intrusion in the form of parking of vehicles and outside storage of materials such as vehicle parts and tyres, which would extend an industrial type storage use into the open countryside without sufficient screening and softening. Combined with the impact of the builders yard, the use currently proposed would be more visually intrusive than the lower key, restricted consent granted for the applicant's own vehicle(s) in the mid-1980s. This would harm the natural beauty of the AONB and would conflict with the overriding purpose of conserving and enhancing the area's natural beauty and as such, would far outweigh the benefits secured to local employment by the proposal.

5.7 Change of recommendation from the previous recommendations and determinations of the planning application

As Members will recall, previously this application (together with DC/2013/00456) was recommended for approval subject to conditions, under the local policy framework provided by the Unitary Development Plan (now superseded by the adopted LDP – February 2014). Since then the application decision was successfully challenged under the judicial review process by a third party, who was also successful in relation to two earlier decisions regarding this site. The challenges were successful in that the Council relied on two key areas that were legally flawed, namely, it was argued by the Council there was a fall-back position concerning the area relating to the builders yard whereby this area could be used for agricultural storage without the need for planning permission (this view wrongly set the bench mark for the acceptability of a storage use on the two sites too low, especially in such a sensitive location) and secondly that there was a flawed reliance on structures being lawful on the builders yard site i.e. the storage containers (the Court judgement found, ‘the activities on the site during the relevant period did not have the degree of permanence and/or fixed relationship with the land itself so as to be regarded as building operations. It was therefore a 10 year as opposed to a 4 year period for enforcement action which needed to be considered.... I consider, having regard to the location of this land, within the area of outstanding natural beauty, and the planning policies against which these applications fell to be judged, that the taking into account of such an erroneously identified baseline of itself necessarily involved the taking into account of an immaterial consideration of sufficient significance to dictate the quashing of *both the grants of permission* [my italics] by which the consideration of such an erroneous baseline is in fact tainted.’ Again, this meant the planning authority set the baseline too low in assessing the acceptability of both the builders yard and the fresh use of the workshop building and associated land for a different use to that originally granted on this site, particularly in the context of the site’s location in the AONB.

Moreover, the LDP policies are different to the previous UDP policies and in particular Policies S13, LC5 and GI1 provide a framework against which development should be considered and where appropriate, mitigated, to be rendered acceptable. In this instance, the site is in a particularly sensitive location and the offer of mitigation in the form of green infrastructure to soften and screen the development is not sufficient to integrate the unauthorised use of the site into the landscape. In addition, in the light of the High Court judgement the baseline to consider the acceptability of the proposals for both DC/2012/00613 and DC/2013/00456 are considerably higher than previously applied, and consequently the proposal has been more rigorously considered against the statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB (s.85 of the CROW Act), and Development Plan policies including Policy LC4 (Wye Valley AONB) and LC5 (Protection and Enhancement of Landscape Character).

Should Planning Committee resolve to refuse this planning application, it is proposed to issue an enforcement notice requiring the unauthorised use for the storage and repair of light motor vehicles; storage and repair of up to two HGV motor vehicles and a trailer; retention of vehicle washing area and ancillary parking to cease and all associated equipment and vehicles to be removed.

6.0 RECOMMENDATION: Refuse

1. The development, which can be clearly seen from a public right of way that leads to and from the Piercefield Park historic parkland, includes the external storage of utilitarian equipment and vehicles of variable condition, and features utilitarian entrance gates of a significant scale, that, without substantial green infrastructure / landscape mitigation that is not offered as a part of this planning application, causes unacceptable harm to the local landscape, which forms part of the Wye Valley Area of Outstanding Natural Beauty (AONB). The development is therefore contrary to Policies S13, S17, LC4, LC5, GI1, RE2 and DES1 of the adopted Local Development Plan (LDP).

(For the avoidance of doubt, the above reason for refusal is superseded by that set out in paragraph 8.0 above).

Informative:

It appears that the legal alignment of Public Footpath No 32 may be unavailable at the site of the proposed development. Public Right of Way No 32 must be kept open and free for use by the public at all times, or alternatively, a legal diversion or stopping-up Order must be obtained, and confirmed prior to any development further impacting on the availability of the path and/or to remove any existing problems.