

Application Number: DM/2019/00727

Proposal: Demolition of vehicle repair and storage garage, construction of two detached dwellings with garages and garden store. Works to also include realignment of existing access and creation of private driveway(s)

Address: Unit 1, New Barn Workshops, St Arvans

Applicant: Stephens Bros

Plans: Location Plan - , Block Plan 1381[PL] 01 - Rev. d, Elevations - Proposed 1381[PL] 03 - Rev A, Floor Plans - Proposed 1381[PL] 02 - Rev A, Planting Plan 2488.02 - , Tree Survey 2488.03 - , Green Infrastructure Framework Plan 2488.01 - , Other GI Management plan - , Ecology Report - , Garage Plans 1381[PL] 10 - , Other Geo tech and Geo enviro - , All Proposed Plans Bat mitigation - , All Proposed Plans Shed/ store 1381[PL] 11 - Rev B,

RECOMMENDATION: Approve subject to S106 agreement

Case Officer: Mrs Helen Hinton
Date Valid: 30.08.2019

This application is presented to Planning Committee at the request of Cllr Webb to assess the implication of losing the industrial site; the size of the homes and affordable housing implications and highway safety implications arising from access/ egress onto the A466 which has experienced an increase in the volume of traffic on the highway.

1.0 APPLICATION DETAILS

1.1 Site Description

The site the subject of the current application comprises the land and buildings forming part of New Barn Workshops, Tintern Road, St Arvans. The site, 0.46ha, is irregular in shape and is positioned to the south-east of Mistletoe Cottage and Wyes Cats Cattery; it lies to the east of the A466 and the west of Piercefield Park (Chepstow Racecourse and grounds). A triangular area of land to the south-west of the site, indicated as being within the applicant's ownership is excluded from the application. The site as a whole is located within an area of open countryside, approximately 135m to the north east of the development boundary of St Arvans as identified by the proposals map of the Monmouthshire Local Development Plan (LDP).

The site is also located within the Wye Valley Area of Outstanding Natural Beauty (AONB), a minerals (limestone) safeguarding area and is immediately adjacent to but outside of the Cadw registered Historic Parks and Gardens of Piercefield Park. Public rights of way 379/32/1 pass through the site with 379/32/2 adjacent to the eastern boundary.

At the time of inspection the site was largely contained visually within a screen of vegetation on the western and southern boundaries, by the buildings of the commercial cattery business, along with a horse walker and stables, to the north and by some edge of parkland tree cover to the east. Gates, and a section of stone wall, secure the southern boundary adjacent to the public footpath. Internally the site accommodated a number of enclosed areas; two steel portal frame buildings finished externally with a combination of stone facing and metal sheeting, set within a yard area enclosed by 1.8 - 2m high stone walls and sheet panel gates.

Access to the site is gained via an existing tarmac surfaced 14.5m wide entrance apron and 5.25m wide driveway leading from the A466. A five-bar gate providing access to Piercefield Park is positioned in the eastern boundary of the site. Public right of way 379/32/1 passes through the site and gate into Piercefield Park. The proposal has been publicised as affecting a public right of way and also as being a departure to the Development Plan.

The site is also the subject of a candidate site application for C1 hotel use as part of the Replacement Local Development Plan. Candidate site reference: CS0106

1.2 Value Added

There was a change to accommodate the plotting of the definitive alignment of PROW 379/32/1, PROW 379/32/2 & PROW 379/32/4 on the site layout plan and the plotting of the proposed re-alignment of PROW 379/32/1 which has been the subject of Local Authority consultation but is currently undetermined.

The foul water drainage proposals for the site have been amended to provide an enhanced system with further reed bed filtration to reduce the potential for acidic erosion of the limestone cave system beneath the site.

The proposed bat loft mitigation has been moved outside of any residential curtilage boundary to the area adjacent to the reed bed system to reduce potential conflict.

1.3 Proposal Description

The plans submitted detail the removal of the existing steel portal frame buildings, making good the adjacent property and the development of two detached dwellings, two detached double garages with store attached, a further garden store within the garden of plot 1, the provision of an onsite drainage system to include reed beds and the provision of ecological mitigation and enhancement through the construction of a detached 'bat house' adjacent to the drainage system but outside of the residential curtilages of the dwellings. Works also include realignment of the existing access

The proposed dwellings would be T shaped in design measuring at their greatest 12.65m wide, 16.29m deep with a ridge height of 7.15m falling to 5.17m at eaves level. Internally the dwellings would provide an entrance hallway, study, utility room kitchen-diners, living room and garden room at ground floor level with four double bedrooms, 2 en-suites, a family bathroom and a seating area at first floor level. A balcony area overlooking Piercefield Park would be provided on the south-eastern elevation of each property. Externally the dwellings would be finished with a natural slate roof, through-colour rendered elevations with natural stone wall and horizontal timber clad detailing, anthracite grey colour coated aluminium framed windows and doors finished with a light grey colours anti-sun glass to reduce glare and anthracite grey colour aluminium rain water goods.

The proposed garage buildings would measure 10.5m wide, 7.45m deep with a pitched roof with a maximum height of 5.3m falling to 2.4m at eaves level. Externally the buildings would be finished with natural slate roofs, a combination of stone and timber weather boarded elevations, a timber pedestrian door with anthracite grey coloured aluminium garages doors, windows, rooflights and rainwater goods.

The proposed garden shed/ store within the curtilage of property 1 would measure 6.5m wide, 4.4m deep with a pitched roof with a maximum height of 4.25m falling to 2.12m at eaves level. Externally the building would be finished with timber weather boarding, a natural slate roof, timber doors and anthracite grey coloured aluminium framed windows and rainwater goods.

The proposed bat mitigation building would be positioned to the south-west of the dwellings on the opposite side of the main driveway access, adjacent to the drainage and reed bed system. The proposed structure would measure 1.2m wide, 1.8m deep with a pitched roof with a maximum height of 3.17m falling to 2.2m at eaves level. The main 'house' would be set of legs 0.9m above ground level and would be constructed from timber with a natural slate roof.

Although the dwellings would utilise the existing point of access onto the A466, the driveway would be altered and realigned to provide separate driveways to serve the dwellings. Within the curtilage of each dwelling the driveway would be finished with Marshall drive sets of a natural-bronze colour finish.

The landscaping plans submitted detail the removal of a bank of conifers on the northern side of the internal access road and the removal of ash saplings and Japanese knotweed in the north-western part of the site adjacent to the A466. The area would be replanted with a mix of native woodland trees to include silver birch, hazel, hawthorn, holly, crab apple, oak and guilder rose. New native deciduous trees and hedgerows comprised of beech, dogwood, hazel, hawthorn holly and dog rose would be provided around and through the site.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2015/01336	Proposed 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 and ancillary parking areas (Revised scheme).	Approved	08.08.2016
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.	Refused	07.10.2015
DC/2012/00886	Variation of condition 11 of planning application 21850	Withdrawn	03.06.2013
DC/2012/00613	Proposed Change of use to allow for the storage of builders materials, construction machinery and equipment, including metal storage containers and the security gates.	Withdrawn	04.08.2015
DC/2012/00594	Certificate of Lawful Use of land for vehicle repairs	Withdrawn	25.10.2012
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	16.05.2012

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.	Withdrawn	05.09.2012
21850	Construct A Commercial Garage APP_TYP 02 = Outline DEV_TYP 01 = New Development MAP_REF = 352070196720	Approved	08.02.1985

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S11 LDP Visitor Economy
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S15 LDP Minerals
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC4 LDP Wye Valley AONB
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP2 LDP Protection of Water Sources and the Water Environment
EP3 LDP Lighting
EP5 LDP Foul Sewage Disposal
M2 LDP Minerals Safeguarding Areas
MV1 LDP Proposed Developments and Highway Considerations
MV3 LDP Public Rights of Way
DES1 LDP General Design Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

St Arvans Community Council – No objection but express concerns at traffic entering the A466. Request speed awareness be incorporated on the highway.

MCC Highways - No objection, informatives recommended.

MCC Public Rights of Way - Public footpath No. 32 runs through the site of the proposed development. This must be accurately indicated on the site layout plans.

MCC Landscape - The current applications design, mass, height, alignment, access and layout of buildings set within the proposed landscaped grounds, plant and species selection, materials choice, GI assessment and supporting documentation that informs the proposal have broadly responded to the pre-application advice. Additional details requested.

Cadw - No objections to the impact of the proposed development on the scheduled monuments or registered historic parks and gardens.

AONB Officer - No response received.

MCC Biodiversity and Ecology - The lesser horseshoe provision should be positioned outside of any residential curtilage.

Amended plans - Concerns raised with regards to the external materials proposed and the specific location of the mitigation indicated.

Natural Resources Wales (Environment) - We continue to have significant concerns with the proposed development. It is recommended that planning permission should only be granted subject to conditions.

SEWBRc Search Results - No significant ecological record identified.

MCC Sustainable Drainage Approving Body - The development will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards

Wales and West Utilities - we have no apparatus within the application site.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification with letters issued on 27th June 2019, the erection of site notices and publication of press notices (departure and affecting a right of way)

An objection has been received from one property and is summarised as follows:

- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Traffic on Highways

MCC have not formally written and notified the Owner of Mistletoe Cottage of this development as is their legal obligation.

Monmouthshire County Council, by approving this planning application, are allowing new residential development in a controlled Area of Outstanding Natural Beauty, SSSI and SAC and creating a new residential area and extension to the village of St Arvans.

The two units have asbestos roofing – condition are required from Environmental Health. The safe removal of this roofing is critical and will affect the new development site, Mistletoe Cottage stables and surrounding areas, and the health of all people.

The demolition of the garages will expose the internal wall between the garages and the stable block of Mistletoe Cottage. The exposed internal wall needs to be made good, weatherproofed and access easement rights need to be provided to Mistletoe Cottage to allow for maintenance of the wall. An agreement also needs to be drawn up with regard to works to remedy the current damage and future management of the historic wall, facing the Racecourse which forms a boundary with Mistletoe Cottage as well as the proposed development site.

The planting scheme along the entire boundary to Mistletoe Cottage needs to be amended to provide secure equine stock proof fencing of a minimum height of 10 feet. The boundary behind Plot 1 garden store is stated as a pathway and a native hedge and trees, there is no stated provision for equine safe stock proof barrier to Mistletoe Cottage.

No provision is made for additional footpaths going down to the village. Children will need to cross the busy A466 to access the footpath down to the village shop, nursery, and the King George the V playground. The current A466 speed limit needs to be changed to accommodate the creation of the residential site and the village boundary and signage should be moved to include these properties as part of the village boundary.

5.3 Local Member Representations

The Ward Member Cllr Webb, was notified of the application and has requested it be presented to Committee for determination to assess the implication of losing the industrial site; the size of the homes and affordable housing implications and highway safety implications arising from access/ egress onto the A466 which has experienced an increase in the volume of traffic on the highway.

6.0 EVALUATION

6.1.1 Principle of Development

The site the subject of the current application has an extensive and contentious planning history and has previously been the subject of a non-conforming B2 use in the countryside (AONB). The last approved consent for the site was for - proposed 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 ancillary parking areas. Application DC/2015/01336 approved on 8th August 2016 refers.

Application DC/2015/01336 was a resubmission following the refusal of application DC/2013/00456 which was refused by the Council having 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. At the time of inspection, the site did not appear in active use. However, vehicles and machinery around the site inferred that the use had not been abandoned or deviated from. As such there is potential for the use to be recommenced in line with the consent without further reference to the Authority, although it is noted that certain landscaping works approved under permission DC/2015/01336 are yet to be completed.

The current proposal seeks to clear the site of all industrial uses and develop two residential properties with associated outbuildings, grounds and extensive landscaping and new green infrastructure provision. As specified above, the application site is located in an area of open countryside, beyond the defined development boundary of St Arvans, within the Wye Valley Area of Outstanding Natural Beauty. In such locations Policies S1, H1 and LC1 presume against new-build development unless justified with regards to policies S10, RE3, RE4, RE5, RE6, T2 or

National Planning Policy. As the application proposes the development of new build, open market dwellings none of these policies appear to be applicable.

Being mindful of the setting and location Strategic Policy S11 relating to the visitor economy is of relevance. The second part of the policy refers to development proposals that would have an unacceptable adverse impact on areas of tourism interests and their setting. As specified above the site is located adjacent to a key vehicular route into the heart of the AONB with public rights of way running through and adjacent to the site.

As identified by the objector, if approved the development would provide new residential development in an area of open countryside within the AONB. On balance, however, given the close position of the site to the development boundary of St Arvans, its existing pedestrian links with the facilities within (i.e. the local shop, public house, nursery, community hall, sports field and church) the positioning and transport links to Chepstow, which benefits from further amenities and wider transport connections, the small scale of the development relative to the site area that has previously benefited from consent for industrial use and the advantages the redevelopment of a brownfield site would have, it is considered that the proposal could be considered an appropriate exception as a result of the betterment that would arise to local amenity. In addition, there would be a marked improvement to the nationally important landscape, the setting of the Registered Park and Garden and racecourse as a result of the removal of a historically non-compliant, discordant use relative to its setting.

Policy S4 of the LDP requires that all new housing developments contribute to affordable housing within the County. Single dwellings are required to make a financial contribution for this and the amount will depend on the size and location of the proposed dwelling. In this case the financial contribution required for each dwelling of the size indicated would be £7,030 giving a cumulative sum for the site of £14,060 that would be secured through a section 106 Legal Agreement. Following consideration the applicants have confirmed that they are willing to enter into an agreement.

6.1.2 Good Design/ Place making

Although the site comprises an industrial site, it is located within an area of open countryside with a residential property to the north and the village of St Arvans to the south. The Registered Piercefield Park and the racecourse adjoin the eastern boundary of the site. Although the dwellings and outbuildings proposed are relatively large, they are considered proportionate to the overall scale of the plot with the plans detailing a design, mass, height, external material, alignment, access, layout and landscaping that would be complementary to the area. The properties have been designed to be as low profile as possible with a reduced finished floor level relative to Mistletoe Cottage to the north and the A466 to the west.

The dwellings would benefit from a sufficient and proportionate area of amenity space, new soft landscaping and green infrastructure to help off-set the dwellings and prevent the appearance of overdevelopment.

It is considered that the design of the dwellings proposed in conjunction with their staggered arrangement and density of development makes the development acceptable in design terms and compliant with the requirements of Policy DES1 of the LDP.

6.1.3 Impact on Amenity/ Promoting Healthier Places

Whilst in an area of open countryside the residential property known as Mistletoe Cottage with its associated outbuildings is located to the north of the site, with the village of St Arvans to the south. Based on the plans submitted it has been determined that a distance of approximately 40m, an outbuilding owned by Mistletoe Cottage, existing and proposed boundaries, green infrastructure and a proposed garage would be maintained between the closest proposed dwelling and the existing neighbour.

As part of their initial consultation the Council's Public Rights of Way team raised concerns that the route of the public footpath that crosses the site has not been accurately marked. Following discussions with that team, an amended site layout plan has now been submitted indicating the current definitive route and the redirected route proposed by the Council. Whilst the redirected route has been the subject of consultation, the order has not been completed. The applicant has been made aware that they would need to seek a separate consent relative to any planning permission to divert the path.

As part of their consultation response, the Council's Landscape and Urban Design Officer has requested a commuted sum of £500 for improvements to the local PROW network. Being mindful of the work that is already being undertaken by the Council to divert the definitive route of the footpath and the applicant's responsibilities to ensure that the path is either diverted prior to the commencement of development or maintained to ensure use, the request for a further sum of money is considered unnecessary and would not meet the tests for a legal planning obligation in this instance.

Although the development would alter the use, character and visual appearance of the site and may result in the need to divert an existing footpath it is considered, relative to the existing approved use of the site, the proposal would create a more neighbourly form of development, complementary to and in keeping with the adjacent residential properties and the adjacent village and would not have a significantly detrimental impact on the amenity of the area in compliance with policies DES1 and EP1.

6.1.4 Sustainable Management of Natural Resources

Given the brownfield nature of the site and the extant consent for use as a vehicle repair premises, it is considered that the development proposed would not have a detrimental impact on the sustainable management of natural resources.

6.2 Active and Social Places

6.2.1 Transport / Housing - sustainable transport issues (Sustainable Transport Hierarchy)

Whilst it is likely that the development would be served by private vehicles it is noted that the site is located approximately 150 metres from the village of St Arvans which contains a shop, public house, village hall, place of worship and nursery. The village also benefits from a bus service which links to Chepstow bus and train stations.

6.2.2 Access / Highway Safety

The site layout plan submitted indicates that the dwellings would be served off a single point of access from the A466 with separate drives then provided to serve each dwelling. Although the site benefits from an existing point of access, this would be repositioned slightly to the north and reduced in width to provide a 15m wide entrance apron and shared driveway width of 5m. A visibility splay measuring 160m wide would be provided either side of the point of access.

Internally within the site, each dwelling would benefit from a double garage and a driveway long enough to accommodate at least three vehicles and an on-site turning facility. The adopted MCC Parking Guideline requires that one car parking space be provided for each bedroom up to a maximum of three. Given that the proposal is for two, four bedroom dwellings, the proposal accords with the adopted standards.

Following consultation the Council's Highways Department has raised no objection but noted the following:

"The existing A466 public highway, at the location of the development proposal's vehicular access, is within a derestricted speed zone, with a road width of approx. 6.5m and on a straight horizontal alignment. This combination is likely to encourage high traffic speeds. It would be advantageous to

cut back the vegetation over the length of the existing property boundary adjacent to the public highway, in order to enhance visibility sight lines for vehicles exiting the development”

The provision of a new or altered junction with the A466 would necessitate the need for an agreement via a Section 184 of the Highways Act 1980. It is considered that details of this requirement and the comment above could be added as an informative note to any grant of consent.”

Although the Community Council have raised no objection to the proposal, they and the objector have expressed concern with regards to the traffic exiting the site onto the A466 and have requested some form of speed awareness be incorporated into the highway. In this instance, given the reduced volume and type of traffic that would be generated by the proposal relative to the extant use and the alterations to the access and visibility splay shown as part of the application, it is considered unreasonable to request the developer provide further traffic calming measures along/ within the carriageway; this would fail to meet the tests for a condition or planning obligation in this instance. Whilst the objector has raised concerns with regards to pedestrian safety and requested that pavement facilities be provided on the application site of the highway, based on the plans submitted the applicant does not own all the land between the site and the pavement adjacent to the community hall and would therefore be unable to do so. Given the scale of the development, the likely pedestrian traffic generation and the existing pavement in place on the opposite side of the highway, it is considered unreasonable to request the developer to provide further facilities alongside the carriageway and such a request would fail to meet the tests for a planning condition or planning obligation in this instance

Given the traffic generation associated with the extant use of the site, in terms of HGV and light motor vehicles, it is considered that the development proposed would represent a significant betterment to the area in terms of traffic generation and movement to the benefit of the of the highway safety and free flow of traffic and is considered compliant with the requirements of policy MV1 of the LDP.

6.2.3 Recreational Spaces

It is considered that each of the dwellings proposed would benefit from a sufficient and proportionate area of amenity space relative to the size of the properties. As the ‘net gain’ of dwellings to be provided is less than ten units a recreation contribution to be used towards existing areas of play cannot be sought.

6.3 Productive and Enterprising Places

6.3.1 Economic Development

Although the development would result in the loss of a vehicle repair business, the site is not identified as an allocated employment site under Policy SAE1 of the LDP. By contrast it is considered that the benefits gained from the proposal in terms of the associated spending within the local community by new residents and the amenity improvement generated to the setting and appearance of the AONB, registered park and race course would be more than sufficient compensation for the loss of the enterprise.

6.3.2 Tourism

The site is positioned to the east of the A466, which acts as the principal highway leading to the AONB. In compliance with the second part of Policy S11, it is considered that the development proposed would result in the beneficial redevelopment of a brownfield site that has previously had an adverse impact on areas of tourism interests and their setting. Although the proposal would change the appearance and use of the site, in the longer term it is considered that the development would make a positive contribution to tourism in the area.

6.3.3 The Rural Economy

In conjunction with the above it is considered that the redevelopment of this *brownfield* site would create a more neighbourly development, complementary to the wider rural area.

6.3.4 Transportation Infrastructure

The proposed development will be accessed from a publically adopted, category A highway, making use of an existing, albeit repositioned, access and dropped kerb. Relative to the approved use of the site, it is considered that the proposal will not have a detrimental impact on local transportation infrastructure.

6.3.5 Energy

The dwellings are likely to be served by mains electricity and mains/ LPG gas. Although no renewable energy systems are indicated on the proposed plans, technically they could be installed under Part 40 (Installation of domestic microgeneration equipment) permitted development rights. However, being mindful of the sensitive nature of the site, it is considered reasonable and necessary to control future developments by removing permitted development rights.

6.3.7 Minerals / Waste

The site is located in a minerals safeguarding area as designated under 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. It is therefore considered that the development proposed would not sterilise the land beyond the existing buffer zone and the application is compliant with policies S15 and M2 of the LDP.

6.4 Distinctive & Natural Places

6.4.1 Landscape/ Visual Impact

As a result of the site's position within the AONB, adjacent to the registered park and garden, a Landscape and Visual Impact Appraisal (LVIA) has been submitted in support of the proposal. As part of the document a series of potential viewpoints were identified, based on desktop analysis of mapped information to give a representative impression of the appearance of the site in its wider landscape context; in particular, within the AONB and adjacent to and within the Registered boundary of Piercefield Park. The impacts generated have been assessed relative to the information and guidance provided as part of the LANDMAP system and the Council's Landscape and Sensitivity and Capacity study prepared by White Consultants in June 2010.

The document concludes relative to the existing arrangement and the potential impact arising from the approved and extant use of the site there will be negligible changes to topography to accommodate the development given the gentle nature of the existing contours, existing and proposed landscape and green infrastructure provision. Although residential receptors are amongst the most sensitive to visual effects, it is considered that Mistletoe Cottage will experience only minor effects on completion of construction. Otherwise, no other properties have been identified as having the potential of experiencing more than negligible effects. There are no substantial residual effects on the amenity of the users of the local footpath network and Designated Access Land. There would be only be very localised effects on users of the A466 given the extent of dense roadside vegetation. The wider road network would also be largely unaffected.

The overall conclusion from the author of the report is that the development proposal complies with the raft of applicable national, regional and local planning policies related to the landscape which has been evidenced as part of the document and 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.

Following consideration, the Council's Landscape and Urban Designer has in general raised no objection to the scheme but has requested additional information in the form of scaled photomontages to supplement the documents submitted. Following a review of the request the applicant's Landscape Architect is of the opinion that, as a result of the modest scale of the development in conjunction with the existing and proposed landscaping and green infrastructure provision the document will provide little additional information relative to the details previously submitted and has requested that the application is considered and determined based on the details submitted.

Beyond that, additional details requested as part of the Council's Landscape Architect could be secured by condition.

On balance, relative to the existing context it is considered that the removal of the utilitarian industrial use and structures at the site and replacement with the dwellings proposed would create a development of a form, bulk, size, layout and scale that respects the character of the surrounding countryside and through the use of appropriate design, materials and landscaping would enhance the landform and landscape of this particular site which in turn would have a beneficial impact on the designations of national importance. It is considered that the proposal would sensitively and sympathetically assimilate into the landscape and would not cause significant visual intrusion or create significant adverse change in the character of the natural landscape or have an unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value. The proposal is therefore considered compliant with the requirements of policies LC1, LC4 and LC5 of the LDP.

6.4.2 Historic Environment

Following review, Cadw have noted that the site is within 1km of the scheduled monuments of MM351 Wyndcliff Roman Site, MM355 St Arvan's Church Cross-slab, MM281 The Cold Bath: Piercefield and MM282 The Giant's Cave, Piercefield. However they determine that intervening topography, buildings and vegetation block all views between the monuments and the proposed development. Consequently Cadw determine the proposed development will have no impact on the setting of any scheduled monuments listed above.

With regards to the Registered Parks and Gardens the following information is provided:

"The registered Wyndcliffe Court historic park and garden (PGW (Gt) 4 Wyndcliffe Court (grade II*)) is located some 450m north of the application area. It is likely that intervening topography and vegetation are likely to block or significantly screen the proposed development in views from the historic park and garden.

The proposed development is located adjacent to the grade I registered historic park and garden at Piercefield and the Wyndcliffe, (PGW (Gt) 40) an outstanding example of an eighteenth century designed landscape and an essential part of the 'Wye Tour'.

The part of the historic park adjacent to the application area was known as the Upper Lawn and was largely open grassland with trees planted in scattered groves, and clumps. The historic park was designed with specific viewpoints presenting precise views and the application area is not located in any of the significant views identified in the citation included in the register; however, it may be glimpsed through screening vegetation in the periphery of an important view from the site of the Temple southwards across the Upper Lawn towards the Severn Estuary and is also visible in long views from close to Piercefield House, northwards across the Upper Lawn, but neither of these views are identified in the citation as being significant.

The application area is separated from the historic park by a stone built park wall and part of the area has been used for structures associated with Mistletoe Cottage (previously known as New Barn) since at least the early 19th century. The proposed development will see an existing large garage structure demolished and the erection of two, two storied, pitched roof houses of relatively conventional design. It will not be visible in any of the significant views identified in the citation for the registration of the historic park and whilst it may be visible in the two views identified above,

the proposed development will not block these views and as previously noted, buildings have been located in this general area and therefore been part of these views, since the early 19th century. It is also noted that the proposed planting in the gardens of the houses will also assist in partially screening them in these views.

As such whilst there may be slight visual changes in the views from the historic parks this will not have any effect of the way that they are experienced, understood and appreciated. Consequently the proposed development will have no impact on the settings of the registered Wyndcliffe Court historic park and garden or the registered Piercefield and the Wyndcliffe historic park and garden.”

Given the scale, design, layout and landscaping of the development proposed, and the comments provided by Cadw that the proposal would not have any direct physical impact on any of the designated sites of national importance identified, it is considered that the proposal would not have a detrimental impact on the historic assets of the area and is considered compliant with Technical Advice Note (TAN) 24 – The Historic Environment.

6.4.3 Green Infrastructure

At the time of inspection the western boundary of the site was defined by a number of mature deciduous and evergreen trees that had been left to grow with minimal maintenance. Within the site, several areas had become overgrown with sapling, briars and pockets of Japanese Knotweed.

As part of the works it is proposed to:

- Remove a belt of non-native conifers beside the internal access road;
- Eliminate a localised infestation of Japanese Knotweed;
- Remove ash saplings, to eliminate the threat of ash dieback, as well as other ruderal vegetation;
- Establish a new plantation of native woodland on the land between the A466 and the driveways to the two properties;
- Plant new hedgerows within and around the site, along the road frontage of the A466, and adjacent to the driveways to the two properties to delineate property boundaries; and
- Plant a mix of ornamental and native trees, as well as shrub beds within the two gardens.

The above proposals have been detailed as part of planting plans for trees and shrubs, hard and soft landscaping details and a Green Infrastructure Management Plan, which have been submitted in support of the application.

As part of their objection the neighbour has raised concerns that the development does not provide suitable enclosure for equines and has requested the boundary with Mistletoe Cottage be increased to 10 foot with suitable stock fencing used. Based on the plans submitted it is noted that native species hedgerow planting trees and shrubs would be provided within the boundary of the application site. However, the exact details of the boundary beyond are unclear. Whilst it is the responsibility of the owner to ensure their animals are appropriately contained, the works involved as part of the current application details with regard to the boundary could be secured by condition. However, the request to provide a 10 foot fence is deemed excessive. It is considered that the boundary could be appropriately secured through the use of post and stock wire fencing.

Collectively it is considered that the scheme increases nature conservation interest through the inclusion of pollinating species as well as providing food, shelter and connectivity for birds, insects, bats and other fauna. Subject to the above documents forming part of the approved plans for the site, it is considered relative to the existing arrangement that the development would have a positive impact on the green infrastructure of the area in compliance with policies S13 and GI1 of the LDP.

6.4.4 Biodiversity

Despite being close to ecologically sensitive sites including the Wye Valley Woodlands SAC (SSSI Pierce, Alcove and Piercefield Woods) which are less than 100m away to the north east and within the AONB, it has previously been determined that the site is not within a particularly ecologically

sensitive location. As part of the application a Preliminary Ecological Appraisal (PEA) and Bat Survey have been submitted.

Evidence of a day roost of common pipistrelle bats and an occasional night roost for lesser horseshoe bats were identified within the buildings on site. As the proposal is to demolish these buildings, bat species and their roosts will be impacted by the proposed works. It was initially proposed that mitigation in the form of bat boxes integrated into the garages and a loft within the outbuilding within plot 1 be provided in compensation.

Following consultation the Council's Ecologist requested that the main bat loft space be relocated to an area outside of any residential curtilage to reduce conflict between species of conservation concern and residents. Following the submission and consideration of amended details, the Council's Ecologist has raised further concerns with regards to the construction/ external materials of the mitigation proposed and the relocated position indicated. However, on review the Agent has indicated that they have previously gained European Protected Species Licences for such structures on other sites and is unwilling to provide further alteration to the scheme. Given the net benefit of the mitigation proposed, it is considered that the works would not have a detrimental impact on the bat species present on site.

The PEA identified the potential for dormice within suitable habitats on site. However, the extent of vegetation removal required to facilitate the development would be limited and in conjunction with the new green infrastructure provision proposed, it is considered that the works would not have a detrimental impact on this species.

Dormice and all species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017. Legal protection relates to the animals themselves and the places they use to rest and breed. Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales. Details of this requirement could be added as an informative to any grant of consent.

As part of their response the Council's Landscape and Urban Design Officer has requested the provision of a £1,000 commuted sum to be used for biodiversity mitigation and enhancements. However, as mitigation and enhancements details have been submitted as part of the application and would be provided at the expense of the applicant, and given the scale of the development proposed it is considered that the request for further funding is not necessary and would not meet the tests for a legal planning obligation in this instance.

Subject to the conditions with regards to the redesigned and relocated bat house being imposed and its delivery being secured, it is considered that the development proposed would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range and is compliant with policies S13 and NE1 of the LDP.

6.4.5 Water (including foul drainage / SuDS), Air, Soundscape & Light

As of 7th January 2020, all new dwellings are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The applicant has been made aware of this requirement and will be seeking consent from the SuDS Approving Body (SAB) independently of the planning application.

6.4.8 De-risking (contamination issues)

As part of their consultation response, Natural Resources Wales have identified that the controlled waters at this site are of high environmental sensitivity due to the underlying principal aquifer, which is comprised of karstic limestone. Geotechnical and Geo-Environmental reports prepared by Terra Firma have been submitted in support of the application. The reports and studies did not find evidence of gross contamination from historic operations on site. However, given the presence of made ground on site, the historic use as a garage and the tank identified, there is the potential for

unsuspected contamination to be identified during ground works. Following review of the documents Natural Resources Wales have requested additional conditions be imposed to ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

6.5 Response to the Representations of Third Parties and/or Community/Town Council

Following consultation St Arvans Community Council have raised no objection to the proposal but expressed concern at traffic exiting the site onto the busy A466, requesting consideration be given to incorporating speed awareness on the highway as part of the proposal. This request has been discussed above and will not be reiterated.

Following direct neighbour notification, the erection of site notices and publication of press notices, one representation has been received from Mistletoe Cottage. Other than the matter discussed above, the following concerns have also been raised:

Previous Judicial Review

The Objector identifies that the Council has previously lost three Judicial Reviews on the site brought by the Owner of Mistletoe Cottage, with each Judgement noting that any development on this site is not covered under Change of Use but is new development. There is no common ground with previous applications as the current application is an entirely separate proposal. The current proposal seeks to clear the site of all former industrial uses and develop two residential properties with associated outbuildings, grounds and extensive landscaping and new green infrastructure provision. The application has been advertised and considered as such.

Asbestos roofing

The objector specifies that the roofs of the existing buildings are clad with asbestos and has requested conditions be imposed with regards to its removal and disposal. Whilst the concerns are acknowledged the method for removing and disposing of any asbestos on site would be dealt with via other non-planning legislation.

Party Wall Act

The objector has identified that the removal of the existing buildings on site will require a party wall agreement between the owners of the application site and Mistletoe Cottage in order to make good and weather proof adjoining buildings and structures. As above this is a matter dealt with by other non-planning legislation. However, the need to enter into such an agreement is acknowledged on the proposed site layout plan.

Neighbour Notification

A Letter was sent to Mistletoe Cottage publicising the application and a site notice posted (as well as a press notice). Should the freeholder of the property not live on site it is the responsibility of any tenant to alert the owner about the notification.

6.6 Well-Being of Future Generations (Wales) Act 2015

The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.7 Conclusion

The creation of open market dwellings in this area, is deemed to be contrary to the principle policies of the LDP. However, being mindful of the brownfield status of the land and its extant industrial use, it is considered that the proposal could be considered an appropriate and rare exception as a result of the substantial betterment that would arise to local amenity, the nationally important landscape, as well as the setting of the Registered Park and Garden and racecourse owing to the removal of an historically non-compliant, discordant use relative to its setting.

Being mindful of the sensitive setting, it is considered that the site as a whole has been designed to create a development that would enhance the landform and landscape of this particular site and sympathetically assimilate into the landscape.

Given the extant use of the site and its associated impacts, it is considered that the development proposed would generate fewer vehicle movements and would create a more neighbourly form of development, to the benefit of the highway safety and the amenity of those living, working, visiting or enjoying recreation in the area.

Subject to the imposition of conditions and the applicant entering into a section 106 agreement to provide an affordable housing contribution, the application is considered compliant with the policies of the Monmouthshire County Council Local Development Plan and is recommended for approval.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

An affordable housing commuted sum of £ £14,060.00 (£7,030.00 per dwelling)

S106 Heads of Terms

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Conditions:

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

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.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

4 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification) the garage hereby approved shall not be physically altered or converted to any other domestic purpose without prior approval of the Local Planning Authority. The garage shall be

made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.

REASON: The garage is a key element of the parking being provided and its loss for this purpose may lead to parking problems and to ensure compliance with LDP Policy MV1.

5 Notwithstanding the details of the approved plans, no structure, erection or planting exceeding 0.9 metre in height shall be placed, erected or grown in the visibility splay.

REASON: To ensure adequate visibility is provided and to ensure compliance with LDP Policy MV1.

6 Prior to the first beneficial occupation of the dwellings, a site layout plan shall be submitted detailing responsibility for the management and maintenance of areas outside of the residential boundary pertinent to the development. The development shall be maintained in perpetuity in accordance with that approved plan.

REASON: In the interests of the landscape, visual amenity and ecological value of the site, in compliance with LDP policies S13, GI1 and NE1.

7 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation

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 building(s) or the completion of the development, whichever is the sooner, 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.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features in compliance with LDP policies S13, GI1 and NE1.

8 Before any works commence on site, details of earthworks and boundary finishes 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.

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure LC5, DES 1 S13, and GI 1 and NE1

9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

REASON: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks, in compliance with LDP policies S13 and EP1.

10 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, storage areas of spoil, oils, fuels, concrete mixing and washing areas.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

REASON: To ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in compliance with LDP policies S13 and NE1.

11 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H and Part 40 Classes A, B and I of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 and The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012(or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: In the interests of the visual amenity of the application site and wider area in compliance with LDP policies S13, S17 LC1, LC4 LC5, EP1, and DES1.

12 The detached bat mitigation shall be provided on site prior to the demolition of the buildings and shall be maintained as such thereafter.

REASON: To comply with Section 5 of Planning Policy Wales (2016), Technical Advice Note 5, T Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 the Environment (Wales) Act 2016 and LDP policies S13, NE1 and GI1.

INFORMATIVES

1 The proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sustainable-drainage-approving-body-sab>.

The requirements to obtain SAB consent sits outside of the planning process but it enforceable in a similar matter to Planning law. It is a requirements to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at early state may lead to significant unnecessary redesign costs.

If for any reason you believe your works are exempt from the requirement for SAB approval, please contact the SAB team so their records can be updated accordingly.

2 This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>.

3 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.

The existing A466 public highway from which access is gained, is within a derestricted speed zone, with a road width of approx. 6.5m and on a straight horizontal alignment. This combination is likely to encourage high traffic speeds. It would be advantageous to cut back the vegetation over the length of the existing property boundary adjacent to the public highway, in order to enhance visibility sight lines for vehicles exiting the development;

4 The applicant is advised that there are public rights of way within and in the vicinity of the development. The granting of planning permission does not give permission to close, divert or obstruct a public right of way. Obstructing a public right of way is a criminal offence for which you may be prosecuted. You should contact the Public Rights of Way Officer, Monmouthshire County Council (Tel 01633 644860/644862) for advice on procedure should you need to close or divert a public right of way.

5 It is recommended that the three Acer Campestre's at the junction with the A466 be replaced with another species. Acer campestre, if not managed, will tend to produce epicormic growth which could cause a visibility splay issue. A species replacement that does not tend to produce epicormic growth would be preferable and with a canopy spread that is retained within the verge and does not obstruct views from cars and larger vehicles at this junction.

6 The applicant will need to apply for an Environmental Permit from Natural Resources Wales (NRW) with respect to the discharge of effluent to ground or surface water.

The Applicant is advised to hold pre-application discussions with NRW's Permitting Team on 0300 065 3000, to ensure there is no conflict between any planning permission granted and the permit requirements. The granting of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible).