

**Application Number:** DM/2019/02012

**Proposal:** Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure

**Address:** Land to South of Brewers Fayre Restaurant, Iberis Road, Llanfoist

**Applicant:** Foxhunter Estates Ltd & Johnsey Estates UK Ltd

**Plans:** Site Plan 4874 - PL03(B) - (PROPOSED SITE PLAN), Landscaping Plan 4874 - PL04(B) - (HARD LANDSCAPE), All Drawings/Plans 4874 - PL05 - (HOUSE TYPES ), Location Plan 4874 - LP01 - (SITE LOCATION PLAN), Landscaping Plan 760 01 REV C - (LANDSCAPE STRATEGY), Other 2019-12 - PHASE 1 SURVEY, Site Plan 4874 - PL01 - (EXISTING SITE PLAN), All Drawings/Plans 4874 - PL02 - ( SITE ANALYSIS ), All Drawings/Plans 4874 - PL06 - (HOUSE TYPES F2), All Drawings/Plans 4874 - PL07 - (HOUSE TYPES G1), All Drawings/Plans 4874 - PL08 - (HOUSE TYPES G2), All Drawings/Plans 4874 - PL09 - (HOUSE TYPES G3), All Drawings/Plans 4874 - PL10 - (HOUSE TYPES G4), All Drawings/Plans 4874 - PL11(A) - (HOUSE TYPES H1), All Drawings/Plans 4874 - PL12 - (HOUSE TYPES H2), All Drawings/Plans 4874 - PL13 - (TYPES L PLANS), All Drawings/Plans 4874 - PL14 - (TYPES L1 - ELEVATIONS), All Drawings/Plans 4874 - PL15 - (TYPES L2 - ELEVATIONS), Other 4874 - PL16 - (BOUNDARY WALL SIGNAGE), Other 4874 - PL17 - (VISUAL 1), Other 4874 - PL18 - (VISUAL 2), Other 4874 - PL19 - (VISUAL 3), Other 4874 - PL20 - (VISUAL 4), Transport Assessment TRANSPORT STATEMENT - , Ecology Report 200619 1075 GCN V1 - GREAT CRESTED NEWT REPOR,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham  
Date Valid: 06.01.2020

**This application was presented to Planning Committee at the request of the Local Member**

### **1.0 APPLICATION DETAILS**

This application was reported to Planning Committee on 6<sup>th</sup> October 2020 with a recommendation from officers to refuse the proposed development. Members did not accept this recommendation and deferred the application to be approved subject to conditions. The conditions below were agreed at the Planning Committee Meeting of 3<sup>rd</sup> November 2020.

Since this decision, the applicant has requested that condition number 13 be amended to remove the restriction that the extra care accommodation is used solely in association with Foxhunters estate care home. This is due to the fact that the extra care accommodation proposed within this application is a separate type of care provision and is completely separate from the Foxhunter estates. The extra care is for people with a wide range of extra care needs from mobility, frailty, physical disability, sight and hearing impairment, diabetes, MS and other issues with an age restriction of 55 or over. Given this clarification from the applicant it is considered appropriate to amend condition number 13 to the following: -

13 i)The units hereby approved shall be used solely for extra care homes within Class C2 of the Town and County Planning (Use Classes) Order 1987 (as amended).

ii) The extra care accommodation hereby approved shall be occupied by persons aged 55 years or older, and shall be used solely for extra care accommodation.

REASON: For the avoidance of doubt as to authorised used of close care units.

The Planning Committee are recommended to approve this minor change in the wording of condition number 13.

Conditions previously approved on 3<sup>rd</sup> November 2020.

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 No development shall take place (including ground works, vegetation clearance) until a Contractor's Construction Environmental Management plan has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and to safeguard semi-natural habitats adjacent to the site.

4 No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety and local residential amenity and to ensure compliance with LDP Policies MV1 and EP1.

5 No part of the development hereby permitted shall commence until:

- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011+A2:2017, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning

Authority.

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

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

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

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

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

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

7 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 buildings 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 safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

8 A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the Management Plan shall include the following;

a) Description and evaluation of Green Infrastructure assets to be managed.

b) Trends and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).

g) Details of the body or organization responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The management plan shall demonstrate how the scheme considers the predicted impacts of climate change during the course of the plan period including; measures to minimise the carbon footprint of plan implementation and climate change mitigation measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action

REASON: To provide long term management of habitats for protected and priority species and to maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13,

GI1, NE1, EP1 and SD4

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

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

10 Prior to the commencement of development (except ground clearance and preparation) an updated noise survey shall be submitted to and approved in writing by the Local Planning Authority. This noise assessment shall detail the measures taken at all residential premises (e.g. appropriate ventilation/levels of sound insulation present) to achieve the standards laid down in BS 8233:2014. This shall set out appropriate internal and external noise levels for Bedrooms, Living Rooms, Dining Rooms and Gardens for the day time (07:00 - 23:00) and night time (23:00 - 07:00). The development shall be carried out in accordance with the updated and agreed noise survey report.

REASON: In the interests of residential amenity in accordance with LDP Policy EP1.

11 The development shall be implemented in strict accordance with Wharton Natural Infrastructure Consultants Great Crested Newt Survey and Mitigation Report, Land at Iberis Road, Llanfoist, Monmouthshire dated 19 June 2020 and Wharton Natural Infrastructure Consultants Pond Design plan 200917 1075 POND Plan No V1 E003.

REASON: To safeguard protected species in accordance with the Conservation of Habitats and Species Regulations 2017.

12 No development shall take place until a Protected Species Mitigation Strategy addressing Great Crested Newt has been submitted to and approved in writing by the local planning authority. The Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The mitigation strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To safeguard protected species in accordance with the Conservation of Habitats and Species Regulations 2017.

13 i) The units hereby approved shall be used solely for extra care homes within Class C2 of the Town and County Planning (Use Classes) Order 1987 (as amended).

ii) The extra care accommodation hereby approved shall be occupied by persons aged 55 years or older, and shall be used solely for extra care accommodation in association with and as part of the existing care home, currently known as Foxhunters Care Home.

REASON: For the avoidance of doubt as to authorised use of close care units.

## INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

2 Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

3 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk) This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

4 Please note that Great Crested Newts are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual newts from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If great crested newts are found during the course of works, all works must cease and Natural Resources Wales contacted immediately.

5 Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately

The previous report and recommendation are below.

## **PREVIOUS REPORT**

### 1.1 Site Description

This application relates to an area of land adjacent to the existing Foxhunter Care Home in Llanfoist. The plot sits to the immediate south and south east of a Brewers Fayre pub, McDonald's restaurant, Premier Inn hotel and Costa Coffee unit. To the south of the site is a large-scale residential development (Ffordd Sain Ffwyst) and a lagoon area. The area is allocated as employment land in the current Local Development Plan (SAE1 Westgate Business Park).

### 1.2 Value Added

Amendments to the proposed landscaping and planting have been made to improve their biodiversity value:

Planting of the wildlife pond with plants suitable for GCN (species taken from the GCN conservation handbook; excluding water soldier).

Installation of solitary bee bricks in the southern elevation of properties,

Installation of integrated sparrow terraces and swift boxes to appropriate elevations  
Inclusion of a hibernacula immediately adjacent to the wildlife pond, which will be seeded with nectar and pollen rich species to act doubly as a butterfly bank.  
Wildflower seeding around the wildlife pond with ephemeral seeding on its sloping banks.  
Inclusion of integrated bat boxes to properties along the southern and western boundaries.

### 1.3 Proposal Description

It is proposed to construct 24no.extra care units (Class C2 Use) together with a new access, car parking and landscaping. The extra care development is to be operated by Dormy Care Communities who also run the adjacent Foxhunter care facility to the east of the application site. The extra care bungalows are proposed to form an extension to this. The principle support for the residents of the bungalows is proposed to be from the on-site community manager. The proposed development will also benefit from its close proximity to the Care Home with a range of leisure facilities and 24 hour emergency support.

The development will comprise the following:

8No. 1 Bedroom Units  
10No. 2 Bedroom Units  
4No. 2 Bedroom Units  
2No. 3 Bedroom Units

The proposed site layout shows 24no. units of varying types arranged around a central access road. All of the proposed units will be bungalows except for 2no. dormer bungalows and 4no.units with a two storey element. It is anticipated that one of the dwellings will be occupied by a Community Manager who will live on site.

It is proposed that the properties will be occupied by those over the age of 55. It is considered that the following elements identify why the proposed development would comprise a Class C2 use:

There will be a link between the care home in respect of use of facilities and potentially a cinema club;  
Each property will benefit from an internal alarm system linked to the Community Manager;  
The properties will benefit from fully accessible kitchens and will be designed with elderly residents in mind;  
Residents will be required to pay a service manager charge;  
The units are not to be for sale on the open market and could be restricted by a S106 obligation requiring occupants to be either in need of a specified level of care or in receipt of a specified minimum package of care services and/or above a specified minimum age;  
Eligibility criteria will need to be met prior to occupancy which will include undertaking an initial assessment of care needs with regular reviews and monitoring; and  
Given the additional costs involved in paying for care and accommodation, the units are highly likely to be occupied by those in genuine need of care as opposed to the more general public.

The distinguishing feature of C2 establishments is the provision of personal care for those who need it. Where extra care units are restricted to those in need of care by reason of old age, such as the proposed scheme, the proposed use would fall within the definition of Class C2.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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DM/2019/02012	Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure.	Pending Determination
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### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
 S12 LDP Efficient Resource Use and Flood Risk  
 S13 LDP Landscape, Green Infrastructure and the Natural Environment  
 S16 LDP Transport  
 S17 LDP Place Making and Design  
 S9 LDP Employment Sites Provision

#### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
 EP1 LDP Amenity and Environmental Protection  
 GI1 LDP Green Infrastructure  
 MV1 LDP Proposed Developments and Highway Considerations  
 NE1 LDP Nature Conservation and Development  
 LC5 LDP Protection and Enhancement of Landscape Character  
 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

**Llanfoist Fawr Community Council** - Recommend approval. Members supported the Housing Officer's recommendation of 8 affordable dwellings.



**Natural Resources Wales** - We consider that there is insufficient information with this application to confirm the likely impacts of the proposals on GCN and to be satisfied that the proposals are unlikely to result in a detrimental impact to the maintenance of their favourable conservation. Final comments in respect of revised information shall be reported in Late Correspondence.

**Welsh Government Transport** - No observations to make in relation to the A465 Trunk road.

**MCC Planning Policy** - The current application is considered premature as it is contrary to the current LDP (2014-2021) land allocation as it is an allocated employment site (SAE1 d) and this contrary to policy S9 'Employment Sites Provision' and policy E1 - Protection of Existing Employment Land.

It is noted that there has been recent pre-application advice (DM/2019/01545) and it advised in the response by the planning policy team that the proposal is not in accordance with the current LDP and to pursue the site via the candidate site process, which we are reviewing as part of the Replacement LDP (RLDP) 2018-2033 (previous response set out below for ease of reference). As part of the RLDP 'Employment land Review' we are currently within the process of assessing why some employment sites have not come forward and as part of this review we will be looking to de-allocation, reallocate and provide new employment sites in an evidenced and full considered plan led way.

This stance is further embedded in PPW 10 and recent correspondence from the Welsh Minister who states in a recent letter 'Planning Policy Wales (PPW) Edition 10 sets placemaking at the heart of our planning system. It is now a key consideration when making development plan and development management'. 'It is essential that Local Development Plans (LDPs) are produced and reviewed and their land-use allocations are delivered in line with community expectations'.

It is acknowledged a 'marketing and demand report has been submitted by Sutton Consulting Ltd (dated July 2019)' has been submitted as part of the application and this will need to be considered by Development Management on whether the findings of this report can outweigh the plan-led allocations as adopted within the current LDP.

It is noted the report concludes 'in general terms, new speculative development has not proved viable in this location and would require the support of the public sector either through intervention funding or direct build. Any such developer interest in the subject site has not progressed due in part to lack of intervention funding to facilitate such as scheme.'

Planning Policy agrees with the funding that to attract B1/B2 uses MCC needs to be actively involved and needs to attract growth and maximise opportunities through the City Deal partnership and provide appropriate land in the right locations. This is what is currently being researched and undertaken with the new LDP process.

The planning policy team therefore object to a non-B1/B2 use at this site as it is currently premature, and it is recommended the site is considered for alternative employment uses, such as the mixed use (as submitted as a candidate site) via the candidate site process for the new RLDP.

**MCC Business Insights Manager** - To date development on the site has been confined to the construction of hospitality and accommodation businesses and a care home. However, even before development began on this site, demand for B1 and B2 employment units in Abergavenny exceeded supply. This continues to be the case and results in businesses having to move outside of the county to find suitable premises to enable them to grow.

It is vital that Abergavenny can develop a wider range of B1 and B2 premises to accommodate growing businesses and attract new ones. On the face of it, this site seems well suited to B1 uses.

Whilst I recognise the benefit of developing extra care units of this kind and the fact that this project will create a degree of new employment, I am afraid that I object to the proposed development on this site, for the reasons given above and the fact that the application is effectively a residential application submitted in respect of an allocated employment site.

**MCC Environmental Health** - The current application has re-used the 2013 Contaminated Land site investigation by Earth Science Partnership - that was undertaken for the full development site. However, that report needed further actions needed including further gas monitoring, and is not

specific to the parcel of land or end use proposed.

Some further work was undertaken for the Care Home development in 2016/2017 but I had not received the additional reports I needed to be able to consider that site suitable for its end use and to discharge its planning conditions. I believe that the below comments and issues are directly applicable to the new site, as it is on neighbouring land. As such I do not think the 2013 site investigation used in the planning application is suitable and further site investigation is required (similar to that highlighted in my emails) and therefore would recommend that the following be taken into account:-

#### Contaminated Land

I would recommend that a site investigation/risk assessment procedure be undertaken by the developer in accordance with CLR11 "Model Procedures for the Management of Land Contamination". Should the Planning Authority consider it appropriate to grant planning approval prior to a contaminated land site investigation I would recommend that suitable conditions be attached to ensure that the site is fully investigated and, if necessary, remediated to ensure the protection of public health.

**MCC Highways** - No objections subject to condition requiring a Construction Method Statement.

**MCC Landscape/GI** - No objection in principle to the proposed development. Conditions required should the application be approved. Also the following financial contributions to be secured via a S106 agreement:

1. Offsite recreation: Based on £3,292 / dwelling x 24 = £79,000. To be used for improvements to recreation and green infrastructure provision within a one-mile radius of the site.

GI Bond provisions:

1. A sum of £1,500 to contribute to improvements to the local PROW network, which would include GI improvements, which may be impacted upon as a result of the proposal.

2. A sum of £1,500 to develop a GI Management Plan for a linear park and adjacent wildlife pond

**MCC Biodiversity** - These comments are in reference to both GCN, biodiversity enhancement and landscape. There are several locations where access for management and protection of ecological proposals may need to be in place.

We are relatively happy with the overall landscaping subject to some more landscape specifications and detail and landscape / GI management plan. We will want these details prior to determination of the application. Please see guidance on preparation of GI Management Plans attached.

Nest / roost box /brick proposals are considered to be acceptable as an enhancement scheme Plot 1: blue line highlights native shrub planting with hedgehog shelters / Hibernacula and butterfly banks. Very good but needs to be able to be accessed, managed and monitored effectively. Access through fence for hedgehogs needs to be identified too including beyond the site to the south and presumably east into foxhunter care home grounds. It will be important for the benefit of hedgehogs that any GI and ecological management / landscape management plan takes into account a holistic approach to hedgehog habitat management including in adjoining premises and open areas i.e. foxhunter care home GI management plan and linear park GI management plan and persimmon homes if there is one.

The pond is too isolated. The S106 shows it connected to a north/south vegetation corridor. We need to see improved habitat links between the wildlife pond near plots 9, 10 & 13 and native species / link to linear park between plots 5 and 6. Consider rationalisation of paths between plots 13 and 6 to create more well-connected habitat.

Detailed pond design needs to be provided so that we can ascertain its suitability for GCN.

Ephemeral species planting we assume to be herbaceous. It would be good to have pollinator value species with all year interest / value i.e. a balance of aesthetics, herbaceous, semi evergreens, bulbs as opposed to bedding plants.

Awaiting final comments on updated landscaping/ecology plans at time of preparing this report. These shall be reported in Late Correspondence.

**MCC Housing Officer** - Although it is a specialist housing provision there is high housing need amongst the over 60's in Abergavenny so this is an opportunity to acquire suitable housing for older persons. I am comfortable with housing acquiring the units and have no expectation of using the facilities on offer, we would use the properties as general needs older persons housing.

SEWBRc Search Results -Records of Great Crested Newts recorded locally.

### 5.2 Neighbour Notification

No comments received.

### 5.3 Other Representations

Abergavenny & District Civic Society - The application lies within an area allocated in the present Local Development Plan for 'industrial and business' uses (classes B1, B2 and B8) in the LDP. The Council has of course permitted a number of developments in the allocated area that are in other use classes, though they have created a significant number of new jobs. Despite the applicants' attempt to minimise the effect of losing this employment site, it is the best located and only substantial and available serviced site for industrial and business uses in the Abergavenny area. The Society and other groups in the area attach a high importance to attracting new employment to the town in order to reduce its unsustainable dependence on commuting to work elsewhere. We must therefore object to the use of the land for the proposed purpose, notwithstanding the need for this type of housing in the local area. The applicants' interpretation of LDP Policy E1 requires close scrutiny, especially as the proposed job creation is very low.

The applicants go to a lot of trouble to justify the application of Use Class C2 rather than C3. We have no views on that, but do note that only one new job, an on-site manager, will be directly created. Linkages with the adjoining care home are referred to, but this relationship is not necessarily assured in the future.

We recognise that the planning authority may be persuaded that the history of decisions on the Westgate site is such that its purpose and character has changed and that residential use of the application site is acceptable. Therefore, we make the following comments on the submitted plans:

- The Planning Statement refers to a Design and Access Statement but this is not available online. We therefore have no explanation of the designer's approach to the site. The layout is introspective rather than taking advantage of the views of the Blorenges and the Little Skirrid. It would also have been better to repeat the Persimmon development by facing homes to the green infrastructure corridor originally intended as a buffer between housing and industry.
- Some of the units seem unreasonably distant from parking areas, especially bearing in mind the nature of the occupants.
- While the elevational treatment of the homes is quite appealing, it is unfortunate that no attention appears to have been paid to LDP Policy SD2. Energy efficiency should be especially important in extra care homes.
- While the green corridor has now grassed over, the owners should be asked to introduce some planting to assist wildlife connectivity.

### 5.4 Local Member Representations

Cllr G Howard - Requests that the application is considered by Planning Committee.

## **6.1 EVALUATION**

### **6.2 Strategic & Spatial Choices**

## 6.2.1 Strategic Planning/ Development Plan context/ Principle of Development

The site is allocated for employment uses (specifically B classes). LDP Policy E1 states that:

Proposals that result in loss in employment land will only be permitted if:

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

Exceptionally planning permission may be granted for a change of use of existing employment land when the above criteria are not fully complied with if:

- (i) the proposal is for small scale retail uses which are ancillary to the main business/industrial activity; or
- (ii) small scale service activities of an industrial nature which are not suited to the high street and involve the sale, service or repair of vehicles or machinery.

The amount of employment land allocated for B Uses within Abergavenny/Llanfoist is extremely limited and it is acknowledged by the Council's Business Insights Manager James Woodcock that there is current demand for B1/B2 sites within this part of the County. The Asbri Planning Statement (November 2019) submitted by the applicant calculates that the development of the application site will represent 35% of the remaining development land identified in Policy SAE1, leaving 1.83 ha available within Abergavenny / Llanfoist. The applicant also argues that there is a significant supply along the Heads of the Valleys and the Welsh Government is seeking to acquire land at Cwrt-y-gollen, Powys for employment purposes. Notwithstanding this, the site is serviced and therefore currently presents an attractive and viable site for B1/B2 employment investment and its loss would therefore have a significant impact on the current supply of employment land within the Abergavenny area.

With the development of the Foxhunter care home, Whitbread Premier Inn & Brewer's Fayre, McDonalds and Costa Coffee, it could be argued that there has been a material change in circumstances in terms of the format and use class of each development on Westgate Park. The proposed scheme is intended to provide scale and critical mass to the existing care home development and create a use which is complementary to the neighbouring development. The Westgate development has matured into a mixed use scheme, which includes residential dwellings, a hotel, restaurant and a care home. The last remaining site provides an opportunity to secure a complementary use which would enhance the overall site. An industrial use (B2) may no longer be suitable in terms of the likely noise, working hours, traffic mix and associated movements of Heavy Goods Vehicles. However, offices may be less disruptive although future demand for this type of use is uncertain.

The existence of the other non -Class B uses that have been approved within the allocated employment site is acknowledged, in particular the Foxhunter Care home which this application proposes to extend. However, this development was determined prior to the introduction of PPW 10 where there is now a stronger emphasis on a plan led system to deliver in an evidenced way through the Replacement LDP, and the Council does have evidence that B1/B2 use sites are required within the locality. As such, it is not considered that this application meets the requirements of PPW10.

The applicant has argued that the Covid-19 health crisis has had a direct impact upon the property market through the disruption of both existing property transactions and proposed development and construction projects. The crisis has had an immediate impact on the use of employment floor space with an enforced increase in remote working, assisted by the greater use of technology.

This may lead to structural change in the office market, with increased home working arising from the Covid crisis and greater flexibility in future business planning. The predicted economic downturn may also weaken developer and investor appetite. This may come to pass but it is still held that the proposal should be pursued through the development plan process rather than as a standalone planning application.

In light of the above and on balance, it is considered that the proposal does not satisfy criteria (a), (b), (c) and (e) of LDP Policy E1.

Other detailed policy considerations in relation to design, landscape, biodiversity and highway considerations are applicable and are considered below.

### 6.2.2 Good Design/ Place making

The dwellings will be a mixture of bungalows and two storey dwellings. They will largely use the same materials where possible and have been designed to match the existing care home. Individual designs for uses are shown however, the majority will comprise:

Roof - Grey Tiles to match the care home  
Main Brick - Red Multi to match the care home  
Detail Coursing - Buff brick to match the care home  
Render - Cream

The proposed scheme is to incorporate measures to reduce potential adverse effects on landscape character and visual amenity. Some of these measures will bring about immediate benefit, but those which involve tree or hedge plantings may take some years to become fully effective. In the case of tree and hedge plantings for this development, these are not estimated to reach a measure of maturity until 15 years have passed; however, the required height and density to be sufficiently effective for screening views may be achieved much sooner if they were to be well cared-for and the soil and weather conditions are favourable.

The mitigation measures incorporated are as follows:

Removing the mound of soil burden and rationalising the levels across the site;

Allowance for a buffer zone/open space link and pedestrian route between the proposed development and the existing housing to the south.

The proposed buildings to be arranged around open garden courts to encourage social interaction within a healthy and attractive setting;

Individual gardens to be enclosed by low hedging/fencing for privacy/separation from surrounding developments;

Structural planting of indigenous native tree, shrub and wildflower/clover species that, together with the Green Infrastructure open-space provision, will offer food for birds and bees and provide a wildlife/habitat link from the open space/marsh area to the south-east and the wedge of open space to the west;

Setting-out an avenue of trees along the northern edge of the site to offer amenity to road users and visitors to the hospitality units, and to add some screening/softening of the new development for the limited views from the north

Materials on the building facings and in external spaces to match with those employed on the adjacent Care Home;

SUDS provision to harvest and control storm water run-off in the form of planters on downpipes and depressions in grass areas where appropriate, as well as storage crates beneath parking areas.

Creating a pond for both amenity and an additional habitat for aquatic wildlife and flora;

The planting of trees and shrubs where possible on the site to offer shade, shelter, and screening, to provide an additional refuge and foraging for birds, and to assist with visual integration with surrounding sites;

The lighting proposals for the Development to incorporate luminaires with full horizontal cut-off shields to reduce light spill and the brightening of the night sky.

It is considered that the proposed units and associated roads, gardens and shared spaces have been designed so as to ensure assimilation with the wider built context. It should also be noted

that this site has implemented planning permission allowing for B class uses and is allocated as such in the LDP. It is considered that the proposed use has been designed so as to ensure the impact in visual terms, particularly when viewed from the World Heritage Site, represents a betterment when compared with the potential use of it within classes B1/B2/B8.

### 6.2.3 Impact on Amenity/ Promoting Healthier Places

The proposed application site is separated by the commercial properties to the north by a service road and from the existing houses to the south by an approximately 20m wide linear park. As such there will be a distance of over 21 metres between any habitable windows on existing dwellings and the proposed new bungalows/houses. Only one bungalow and the access road are proposed on the boundary with the existing care home.

The residential/care use of the application site is considered to be compatible with the existing care home and the housing to the south and is also well separated from the commercial uses to the north. The layout of the proposed dwellings encourage the use of shared outdoor areas and natural surveillance but each property will have a private garden and there will be no overlooking between properties.

The proposed development is therefore considered to meet the requirements of LDP Policy EP1 and will not harm local residential amenity.

### 6.1.5 Sustainable Management of Natural Resources

The MCC LDP indicates that new developments will be expected to incorporate reduced energy demand and energy efficiency through respectively both passive design and the building fabric. The layout and design of new developments should ensure that passive design principles as set out in Figure 11 of TAN22: Planning for Sustainable Buildings, are fulfilled. The building fabric relates to the materials comprising any part of the building; walls, floor, roof etc. A list of low or zero carbon (LZC) technologies is presented in Figure 12 of TAN22.

PPW 10 5.7.8 states that the benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance and encourages the planning system to:- 'facilitate the integration of sustainable building design principles in new development'.

The proposed landscaping to help to reduce rainwater run-off and improve air quality by using appropriate species and materials selection is supported. Appropriately located tree planting and rain gardens will also assist with any SuDS infrastructure.

## **6.2 Active and Social Places**

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

The site is accessible by a range of transportation options. Bus stops are located within 300 meters of the site on Merthyr Road (B4246) with the following services provided:

Service No 3 - Destination - Brynmawr  
Service No 47 - Destination - Abergavenny  
Service No X4 - Destination - Cardiff

Abergavenny railway station is 1.5km to the east of the site. Services from the station operate along the Welsh Marches Line between Newport and Crewe, calling the following main destinations (Cwmbran, Pontypool, Abergavenny, Hereford and Shrewsbury) among a series of smaller towns and villages.

The site is therefore considered to be sustainable and rates highly within the Sustainable Transport Hierarchy set out in PPW10.

### 6.2.2 Access / Highway Safety

Vehicular and pedestrian access is proposed via the existing roundabout serving Iberis Road adjacent care home and McDonald's restaurant. 34 car parking spaces will be provided within the site.

The traffic impact from the overall development site was considered as part of the outline application (DC/2008/00818) and appropriate mitigation measures were agreed and implemented through local highway improvements to accommodate the traffic generated from the whole development site. The traffic associated with the application site therefore has already been considered and approved. A new transport statement has been prepared in support of the proposed development, which demonstrates that the traffic generated from the proposed care home development will in fact be less than that generated from the initial approved commercial development.

The Westgate development site consists of a purpose built commercial access road to provide vehicular access to the individual commercial development plots. The estate road consists of a main spine road and 2 roundabouts with access spurs to the respective development plots. The application site is located directly off the south spur of the south-eastern roundabout. Access to the application site is proposed directly from the south roundabout spur.

The proposed estate road serving the care development is designed as a private gated access road which has been set back from the roundabout to avoid queuing traffic.

The proposed car parking provision for the 24 care units is 34 car parking spaces for residents and visitors. This is considered to be acceptable and in line with the Monmouthshire Parking Standards 2012. Pedestrian movement from the site has been considered and a gated pedestrian link has been created to link to Ffordd Sain Ffwyst.

In light of the aforementioned, there are no highway grounds to sustain an objection to the application and the development is considered to comply with LDP Policies S16 and MV1.

#### 6.2.4 Community Facilities

Although not specifically a community facility as defined in the LDP, private housing with an element of care will benefit the wider community which is known to be aging in the County.

#### 6.2.5 Recreational Spaces

Recreational space will be provided in the form of two areas within the site. Pedestrian links to the wider footpath network have also been included.

### **6.3 Productive and Enterprising Places**

#### **6.3.1 Economic Benefits**

Given the provision of care will be determined by the resident's specific requirements, it is difficult to determine the number of jobs which are likely to be created as a result of the proposed development. Notwithstanding, it is considered that circa 20 positions will be created. However, the benefits in terms of job creation are likely to be best felt by the supply chain via the provision of care services where required.

### **6.4 Distinctive & Natural Places**

#### 6.4.1 Landscape/ Visual Impact

Policy LC5 of the LDP refers to the protection and enhancement of landscape. This policy states:

Development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects by:

a) Causing significant visual intrusion;

- b) Causing significant adverse change in the character of the built or natural landscape;
- c) Being insensitively and unsympathetically sited within the landscape;
- d) Introducing or intensifying a use which is incompatible with its location;
- e) Failing to harmonise with, or enhance the landform and landscape; and /or
- f) Losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both the built and natural environment.

Although the Monmouthshire Landscape Sensitivity and Capacity Study had assessed in 2009 that the site and its environs had a high medium sensitivity to development, so were the vast majority of land parcels throughout the fringe of Abergavenny and Llanfoist. Over many of these land parcels, including the environs of the site, there has been development over recent years. The development site is now an isolated disused piece of land, the last remaining plot within an area that has otherwise been developed. In terms of landscape character and value, the site itself is devoid of trees and other elements of landscape importance.

The Westgate area of Llanfoist, Abergavenny, in which the development site is located, was subject of a Green Infrastructure Study in 2015 in order to ensure Green Infrastructure was preserved and improved, whilst identifying development potential. The strategy/proposals from the study include:

1. A proposed linear park will link new planting and existing trees and hedgerows to provide green corridors using locally sourced native species;
2. A Management Plan will be drawn up for infrastructure planting to be managed by Management Company
3. Interlinked ponds and terrestrial habitat for Great Crested Newts will ensure flourishing of populations. Ecologist will be retained to oversee construction and management of proposals and provide on-call services
4. Study has been undertaken to assess groundwater and suitability of SUDS; permeable paving is proposed within residential area; soakaways not suitable for this site.

The application site is located circa 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which includes the slopes of The Blorenge. The landscape is assessed as part commercial, part residential sub-urban character, with influences from hospitality enterprises, care facilities and transport interchange/routes, and visual enhancement offered by the views to the surrounding mountain and hillside ranges.

The principal impact of the development will more significantly be felt by the occupants of the Persimmon housing development to the south and current users of the Westgate site especially the GI corridor (linear park) between the proposed development and the existing housing development. The LVIA submitted with the application concludes that there will be limited adverse effects on the landscape character and visual amenity. This has been broadly accepted by the council's Landscape and GI Officer on the assumption that the landscape mitigation proposed is fully implemented as per Landscape Strategy. On balance therefore it is considered that there would be neither detriment to the character of the local landscape, nor any major harm to views from the wider landscape or Public Rights of Way, or to views from neighbouring residential properties in the long term and the development therefore complies with LDP Policy LC5.

#### 6.4.4 Green Infrastructure

The range of wider functions have been identified through the LVIA and DAS. The applicant seeks to provide further connectivity to the wider footways and PROW network via a secondary pedestrian gate to the west of the site. This is welcome, however further clarification is sought to show how pedestrian access through the site will be managed. This could be included in a Green Infrastructure Management Plan that can be conditioned should Members of Planning Committee resolve to approve the application.

#### 6.4.5 Biodiversity



In accordance with PPW 10, the protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision, and LDP policy NE1. This should be informed by relevant ecological assessments, included as GI opportunities for the site and subsequently to ensure long-term functionality detailed management prescriptions will need to be provided as part of a GI management plan.

#### 6.4.6 Flooding

The site is not within any designated flood zone.

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

Any future development of the site, such as creation of new surfaced parking or new paths, will require SAB consent.

#### 6.4.8 De-risking (contamination issues)

### **6.5 Well-Being of Future Generations (Wales) Act 2015**

6.5.1 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.

### **6.6 Conclusion**

6.6.1 The proposed development is considered to be compatible with the surrounding area in terms of residential amenity. Wider landscape impacts would also be limited. The location is also considered to be sustainable in terms of transport and access and parking arrangements are acceptable. However, it is considered that the loss of employment land has not been justified and as such, the application is premature and should be pursued through the Replacement Local Development Plan process.

### **7.0 RECOMMENDATION: REFUSE**

#### **Reasons for Refusal:**

1. The proposed development would result in the unjustified loss of allocated employment land (SAE1d) and is therefore contrary to Policies S9 (Employment Sites Provision) and E1 (Protection of Existing Employment Land) of the adopted Monmouthshire Local Development Plan.