

Application Number: DM/2019/01842

Proposal: Variation of condition 1 of DC/2012/00459 to extend the commencement deadline by 12 months

Address: Green Dragon Inn, St Thomas's Square, Monmouth, NP25 5ES

Applicant: Mrs Becky Oliver

Plans: Drg No GD-009 Existing North East Elevation Scale 1/50 - , Drg No GD-008 Proposed North West Elevation (Goldwire Lane) Scale 1/50 - , Drg No GD-007 Proposed South East Elevation Scale 1/50 - , Drg No GD-0013 Proposed First Floor Plan Scale 1/50 - , Drg No GD-0012 Proposed Ground Floor Plan Scale 1/50 - , Drg No GD-0011 Proposed South West Elevation Scale 1/50 - , Drg No GD-0010 Proposed North East Elevation Scale 1/50 - , OS Block Plan Scale 1/500 - , OS Location Plan Scale 1/1250 - , Building Inspection and Activity Survey for bat and birds report undertaken by Wyedean Ecology dated 9th July 2014 (Issue 2)

RECOMMENDATION: APPROVE

Case Officer: Mr David Wong
Date Valid: 07.11.2019

This application is presented to Planning Committee because the applicant is a close relative of a Council employee and the positive recommendation of this application is contrary to the advice of a statutory consultee (NRW objects to this application as the submitted FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with the requirements of TAN15)

1.0 APPLICATION DETAILS

1.1 Site Description

The application is a renewal of a previously approved application DC/2012/00459 for a change of use of an existing granary building into holiday accommodation to be run in conjunction with the existing business. The building is situated at the rear of the public house. It is currently used for general storage in association with the adjacent public house. No change is being proposed to the design of the building and this application is purely to extend the life of the permission by a further 12 months.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2012/00459	Change of use of existing granary building into holiday accommodation, to be run in conjunction with the existing business.	Approved	07.11.2014

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S8 LDP Enterprise and Economy
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

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
HE1 LDP Development in Conservation Areas
HE2 LDP Alterations to Unlisted Buildings in Conservation Areas
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development
SD3 LDP Flood Risk

Conservation Area Appraisal

Monmouth Conservation Area Appraisal

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.

Technical Advice Notes

Technical Advice Note (TAN) 5: Nature Conservation and Planning
Technical Advice Note (TAN) 12: Design
Technical Advice Note (TAN) 15: Development and Flood Risk
Technical Advice Note (TAN) 23: Economic Development
Technical Advice Note (TAN) 24: The Historic Environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

Monmouth Town Council - Recommends Approve.

Natural Resources Wales - Objection. The evidence submitted in the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with the requirements of TAN15.

Glamorgan Gwent Archaeological Trust – No response to this application (however, they did respond to the previous application).

MCC Biodiversity and Ecology - Initial concerns removed provided that the relevant ecological conditions and informative are imposed.

MCC Environmental Health - No objection to this application.

5.2 Neighbour Notification

No objection in relation to this planning application. It is noted that an objection was submitted to the Council's Licensing Department in relation to the Application of Variation of License PRM 091 for an extension to the hours that alcohol can be served at The Green Dragon Monmouth. However, that is not a material consideration in relation to this application.

Please note all representations can be read in full on the Council's website:
<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The redundant granary building lies within the Monmouth Town Development Boundary where the conversion of buildings for tourism use will be supported in accordance with the wider objectives of the Local Development Plan as set out in Policy S8 of the LDP. Given the above, in terms of the principle of the development, the conversion of the existing building for holiday let purposes is considered to be acceptable subject to material planning considerations.

6.2 Economic Development Implications/Placemaking

6.2.1 The proposed development would provide tourism accommodation within a central location of Monmouth that would encourage economic growth in the area. The resulting proposal would enhance the stock of holiday accommodation in Monmouth and would bring visitors into the County, which accords with the thrust of placemaking as set out in Planning Policy Wales Edition 10 (PPW10). Given the above, the renewal of the previously approved application is in accordance with National Policy and the LDP.

6.3 Good Design/Conservation Area/Archaeological Sensitive Area

6.3.1 The application seeks consent to renew the previously approved permission to allow additional time to implement the consent. The proposed scale and design of the building is unaltered within this renewal application.

6.3.2 Based on the previous design, it is considered that the proposed conversion would be sympathetic to the character and appearance of the granary and be appropriate for this sensitive location within Monmouth's Conservation Area. There would be a minimal amount of external alterations to the structure and the proposed timber windows and doors would preserve the character of the building. The proposed development would retain the character and appearance of the building and would preserve the character of Monmouth's Conservation Area in accordance with Policies S17, HE1, HE2 and DES1 of the Local Development Plan.

6.3.3 The site is within an Archaeologically Sensitive Area. It is considered that there has not been any significant change since the previously approved permission. Therefore, it is reasonable to re-impose the relevant archaeological condition, securing a programme of archaeological work in accordance with a written scheme of investigation before development.

6.4 Biodiversity

6.4.1 The Council's Biodiversity Officer did have some ecological concerns initially about the application. Having explained that the application seeks consent to renew the previously approved permission to allow additional time to implement the consent and the original conditions can be re-imposed, her concerns are lifted. Therefore, provided that the relevant conditions are imposed, there is no ecological objection to this application. Given the above, it is considered that the proposed development would have an acceptable impact on wildlife interests and would be in accordance with Policy NE1 of the LDP.

6.4.2 The Local Planning Authority "must have regard to the requirements of the Habitats Directive.....in the exercise of their functions" (Reg. 9(5) Conservation Regulations 2010). This was reinforced by the case law example (Wooley vs Cheshire East Borough Council, May 2009) that established that Local Planning Authority's must engage with the Habitats Directive and this means that they must:

Consider whether a European Protected Species (EPS) offence under the Conservation of Habitats and Species Regulations 2010 (Cons Regulations 2010) is likely to be committed by the development proposal.

A protected species report has been produced and submitted with this application which identifies that a bat species is using the site. The applicant is seeking permission to convert this building; however the applicants have proposed mitigation measures to ensure that the proposals do not harm wildlife interests.

6.4.3 The application must be subject to the three tests of derogation as described by Article 16 of the Habitats Directive 92/43/EEC and implemented by the Conservation Regulations 2010. The Local Planning Authority must consider whether the three derogation tests will be met and so whether the Welsh Government is likely to grant a licence.

With regard to the three tests these are as follows:

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.
2. There is no satisfactory alternative.
3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

In relation to the above points, these are addressed in turn in relation to this application.

6.4.4 Test 1

The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.

It is considered that the current deterioration of the building has resulted in it having a negative visual appearance within the locality. The structure is currently boarded up and is detrimental to both the character and appearance of the area which lies within Monmouth's Conservation Area. It is considered that there is an overriding public interest to enable development at this site to ensure that the character and appearance of the area is enhanced. Enabling development at the site would result in the appearance of the street scene being considerably improved. It is considered that there are beneficial reasons to enable development at the site both in terms of public safety and in respect of socio-economic reasons, including improvements to the built environment.

6.4.5 Test 2

This test is concerned with whether the scheme as submitted is the only satisfactory option and that there are no alternatives available. Looking at all the options available, these fall into four main groups: (i) to develop an alternative part of the site, (ii) to do nothing, (iii) to demolish the existing building and construct a new building, or (iv) to allow this proposal to convert the existing building.

Given the context of the site, the first option would not be appropriate as the proposed development aims to convert an existing building at the site and thus, there is no other alternative part of the site to develop.

With regard to the 'doing nothing' option, whilst in the short term at least, doing nothing would preserve the present bat roosts in situ, ultimately they, along with the building, could be lost through structural deterioration. The building may be subject to vandalism in the future and there could be a threat to the bat roosts and the continued viability of the building. This option would therefore not be in the interests of either the protected species or the public, and for this reason is also inappropriate.

The third option would result in the demolition of the building and the loss of a roosting site for at least three species of bat which would be significantly harmful to wildlife interests. The final option is to retain the existing building at the site and convert it for tourism use. This is the preferred option for the Local Planning Authority. The building makes a significant positive contribution to the

character and appearance of Monmouth's Conservation Area and converting the building for tourism use would be beneficial to the area. The proposals aim to retain and provide mitigation measures to ensure the habitats of the European Protected Species (EPS) are protected at the site. It is considered that this proposed option would be the most appropriate for the site in terms of protection of the EPS.

6.4.6 Test 3

The final test of the Regulations is concerned with the mitigation and maintenance of the population of the species at a favourable status in their natural range. The scheme submitted provides an ecological survey which highlights the location of the identified roosts in the building. The applicant has offered clear details of how they intend to mitigate for the impact that the proposals will have on the bat population. The submitted report proposes mitigation options and an enforceable working method statement will be submitted to the Local Planning Authority for approval prior to the commencement of development. It is considered that the proposals would not harm bat species at the site.

6.4.7 The proposal does meet the tests and the view is taken that the Welsh Government would grant a licence. The Council's Biodiversity Officer has reviewed the proposals and is satisfied that subject to appropriately worded conditions and informatives the proposed development would have an acceptable impact on wildlife interests. The Local Planning Authority therefore may legally give consent for the proposals subject to these conditions. Please be advised that condition 9 of the previous planning consent requires a licence from NRW prior to development commencement. However, this licence application with the NRW is a separate process that is under another legal system. To avoid duplication, the current practice of the Monmouthshire County Council Planning Department will highlight this element in the informative section of the decision notice instead of imposing it as a planning condition.

6.5 Impact on Amenity

6.5.1 There has been no material change to this scheme since the previous permission. As before, the proposed development is not considered to harm any party's residential amenity and there have been no objections to the proposed development.

6.6 Highways implications

6.6.1 The site is located within easy walking distance of Monmouth Town Centre and Monmouth Bus Station. In addition, there are existing public car parks within close proximity of the site to serve visitors who choose to drive. In terms of traffic generation from the site, given the size of the granary building, it would not result in a significant amount of additional traffic in the area, and would be in accordance with Policy MV1 of the LDP.

6.7 Flooding/Drainage

6.7.1 An updated Flood Consequences Assessment (FCA) has been submitted with the application as the site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15).

6.7.2 NRW was consulted and has advised that their Flood Map information confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Rivers Monnow and Wye, which are designated main rivers. Our records also show that this site has previously flooded from the River Monnow/Wye during the 1979 flood event. It advises that the evidence submitted in the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with the requirements of TAN15.

6.7.3 Tourism accommodation is considered to be a form of highly vulnerable development as classified within Technical Advice Note 15. However, Policy SD3 of the LDP states that "Proposals for highly vulnerable development will not be permitted in areas which may be liable to flooding, unless the residential development is for the conversion of upper floors within defined settlement boundaries or the proposal is to extend an established tourism, leisure or educational

establishment." The sleeping accommodation of this holiday let is on the upper floor of the granary building and the principle of the proposal is an extension of the public house and would provide a supplementary source of income for the already established tourism/leisure use at the site. Therefore, it is in accordance with Policy SD3 of the LDP.

6.7.4 A Sustainable Urban Drainage System (SuDS) is not required for the conversion of an existing building to provide a holiday let. In addition, the reuse of the existing building would not result in additional surface water run-off. A planning condition was previously imposed to require any hardstanding would be conditioned to be permeable only. However, no hardstanding is being proposed and the formation of new hardstanding would require the need for planning application for this land use in any case. Therefore, that condition will be removed as a result. Furthermore, if consent is granted, a condition can be added, requesting the submission of an evacuation plan to ensure that a formal arrangement is in place in the event of a flood. It is noted that three drainage conditions were imposed on the original permission: i.e. Foul water and surface water discharges shall be drained separately from the site; No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority and Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system. It is considered that there has been no significant change to the circumstances since the previous planning consent. Therefore, they will be re-imposed accordingly.

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

6.8.1 There is no objection from Monmouth Town Council and no neighbour objection to this planning application.

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

6.9.1 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.

6.10 Conclusion

6.10.1 It is considered that the proposed conversion of the redundant building for tourism use is justified under Policy SD3 of the LDP and the resultant structure would preserve the character and appearance of the building. The proposed development would improve the appearance of the building and would in turn enhance the character of this part of the Monmouth Conservation Area. In addition, it would not harm any other party's residential amenity. To conclude, the development would be in accordance with the relevant policies within the Local Development Plan i.e. policies S8, S12, S13, S16, S17, DES1, EP1, HE1, HE2, MV1, NE1 and SD3.

7.0 RECOMMENDATION: APPROVE

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

REASON: The application seeks consent to renew the previously approved scheme to allow additional time to implement the consent.

02. 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.

03. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year.

REASON: To ensure the property is occupied as holiday accommodation.

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

REASON: To ensure the accommodation is used as holiday let accommodation only.

05. No development shall take place until the applicant or his agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Planning Policy Wales (Edition 10, December 2018).

06. The opportunities for the continued use of the building by roosting bats as set out in Section 9 Conclusions and Recommendations of the Building Inspection and Activity Survey for bat and birds report undertaken by Wydean Ecology dated 9th July 2014 (Issue 2) shall be implemented prior to the development being brought into beneficial use and shall be retained in perpetuity.

REASON: To protect a species of conservation concern.

07. Compensation shall be illustrated on a proposals plan and submitted to the Local Planning Authority for approval in writing prior to the commencement of works. This as a minimum must include roosting provision for Pipistrelle bats and nesting bird provision for House Sparrows in the form of self-contained integral bat and bird bricks within the external walls of the refurbished building. The hereby approved details shall be implemented prior to the development being brought into beneficial use and shall be retained in perpetuity.

REASON: To protect a species of conservation concern.

08. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or within the development boundary.

REASON: To protect a species of conservation concern.

09. No demolition or refurbishment of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the buildings for active birds' nests immediately before the demolition or refurbishment works have been carried out and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority within 2 week of the completed check.

REASON: To protect a species of conservation concern.

10. Prior to the commencement of development a Flood Evacuation Plan shall be submitted to and approved in writing with the Local Planning Authority. The flood evacuation plan shall be implemented as agreed in the case of a flood.

REASON: To ensure adequate measures are in place in the case of a flooding.

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

REASON: To protect the integrity of the Public Sewerage System.

12. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

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

REASON: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

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 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

3 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

4 The applicant must take appropriate measures to safeguard members of the public using the adjacent highway during the course of the works.

5 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 the MCC Highways.

6 We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2) e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats [amend if another species is involved]. Please note that the granting of planning permission does not negate the need to obtain a licence.