

DC/2014/01065

**DEMOLITION OF BUNGALOW, PARTIAL DEMOLITION OF EXISTING POULTRY UNITS,
AND PROPOSED RETAIL / COMMERCIAL DEVELOPMENT TO PROVIDE 4 UNITS,
ACCESS ARRANGEMENTS, CAR PARKING AND ASSOCIATED WORKS**

LAND AT ROCKFIELD ROAD, MONMOUTH

RECOMMENDATION: APPROVE

Case Officer: Jo Draper
Date Registered: 17th July 2015

1.0 APPLICATION DETAILS

1.1 This application was presented to Planning Committee on the 5th January 2016 with the recommendation for approval. The previous Committee Report is attached below. This was deferred with a request for Highways to examine justification and practicality of a pedestrian crossing being provided on Rockfield Road via a Section 106 agreement.

2.0 Response by Applicant:

2.1 The applicants have responded to this and have addressed speed data that is available. This response is attached to this report together with a pedestrian connectivity appraisal. In summary the following conclusions are made:

- i) The roads within the vicinity of the application site experience no apparent highway safety issues;
- ii) The site has good existing pedestrian connectivity particularly when considering the catchment for the proposal;
- iii) The development does not give rise to a measured need for a formal crossing;
- iv) The only suitable crossing location is not on the pedestrian desire line to the proposed development.

The above information, along with the attached pedestrian connectivity appraisal has further demonstrated that the proposed development would not warrant the provision of a pedestrian crossing of Rockfield Road. However, as a good will gesture it has been agreed to provide a financial contribution towards the provision of a pedestrian crossing of Rockfield Road to provide betterment to the wider area.

The financial contribution which is being offered is £8,000, which equates to 50% of the cost of the desired crossing. It is understood that a financial contribution of 50% of the cost of the crossing is a meaningful contribution, which would then enable the Local Highways Authority to proceed with the desired works. Accordingly we hope that the application will now receive the support of Committee Members.

3.0 Monmouthshire Highway Engineer:

3.1 The concerns expressed by Members of the Planning Committee centred primarily around three issues, namely:

- Lack of pedestrian crossing facilities to the development, namely controlled crossing provision

- Rockfield Road in the vicinity of the development is an accident black-spot
 - The speed and associated road safety concerns on Rockfield Road in the vicinity of the development.
- 3.2 The applicant has responded to these issues and provided a response that I have considered and would comment as follows:
- 3.3 The development will generate footfall, the applicant accepts that the proposal will promote and encourage pedestrian and cycling movements, however their analysis of the impact indicates that the increased footfall generated by the proposal does not warrant the need to provide for controlled pedestrian facilities such as a zebra crossing etc. The analysis undertaken has been carried out in accordance with Department of Transport Technical Advice Notes TA68/96, LTN1/95 & LTN2/95) and I agree with the conclusions that no facilities are required in the immediate location of the development.
- 3.4 It can also be confirmed that the stretch of road in question is not considered to be an accident hotspot. The applicant has undertaken a review of the recorded accidents over a 10 year period (2005 – 2015) and I agree that the accidents do not indicate that Rockfield Road is a particularly dangerous location nor does the number of accidents and the circumstances indicate that there is a recurring accident theme or trend that the development will exasperate or compound should it go ahead.
- 3.5 The applicant has considered the concerns raised in respect of the speed of vehicles travelling along Rockfield Road. In the absence of the vehicle speed analysis that was reportedly undertaken by Gwent Police / Casualty Reduction Partnership, the applicant has relied upon speed data and analysis that the Council had undertaken in 2010/2011. The data although somewhat limited and dated indicated that vehicle speeds albeit only in a northerly direction were on average 21mph. Since the applicant prepared the report I can confirm that the speed analysis that was carried out by Gwent Police/ Casualty Reduction Partnership on Rockfield has been made available and I can confirm the following speed data was collected and made available to the local member;
 Outside No. 51 – Average speed 27mph
 Outside No. 6 – Average speed 23mph
- 3.6 The outcome and conclusion of the supporting information is now agreed and appreciate that the development will have an impact and to therefore promote a safer and sustainable pedestrian environment the contribution towards off site road safety improvements in the immediate vicinity of the development is welcomed.

4.0 RECOMMENDATION: Approve Subject to a Section 106 Agreement for a financial contribution (£8,000) towards highway safety works

PREVIOUS REPORT (5th JANUARY COMMITTEE MEETING)

1.0 APPLICATION DETAILS

- 1.1 The application site sits outside the development boundary of Monmouth in an area allocated in the Local Development Plan as being of Amenity Importance. It lies on the eastern side of the B4233 Rockfield Road; on the opposite (south western) side of the road is a large residential area which is a mix of post war and more modern dwellings. The existing use of the site is a bungalow with two poultry sheds. There is an extant planning permission for the construction of two dwellings on site and conversion of the existing poultry units to office use.

- 1.2 The eastern boundary runs adjacent to the caravan park, and the northern boundary has two poultry sheds which project into the development by about 25m. The boundary to Rockfield Road has some protected mature trees co-joining a similar group in the southern corner adjacent to a small road island which serves Watery Lane off Rockfield Road. The site measures approximately 65m from east to west and 101m from north to south. The land rises up slightly from south to north. The application site lies entirely within a C2 flood zone. A Flood Consequences Assessment has been submitted with this application.
- 1.3 This application is for a retail/commercial development of four units comprising of Unit 1 that measures 4000sq.ft. (372 sq. m) gross to be occupied as a standalone Co-operative food store, together with a separate building made up of two units, each of 1,500sq.ft. (139 sq. m) gross, and one unit of 1,150sq.ft (107 sq. m) gross area. Consent for Class A1, A2 and A3 is sought on the three smaller units. It is proposed to demolish the existing bungalow and front bay of the poultry shed to accommodate the retail units. The units are set back in the plot, situated 28m and 40m at the closest point from the road frontage and residential properties respectively.
- 1.4 The site is a relatively flat area with two access points from Rockfield Road; one is a formal road with the other a relatively new access road that has been undertaken in accordance with the planning permission for the two houses and office conversion. Both the houses and office conversion were allowed separately at planning appeal but not constructed or converted, although this permission is extant due to the construction of the access and roadway into the site. It is proposed to close the access to the south and re-position the access closer to the north point to serve the newly proposed development. The poultry sheds which are proposed to be rebuilt with the same gable frontage as existing would be separated at the rear from the application site by a 2.5m high acoustic fence.
- 1.5 The supporting information states that in terms of travel distance the site is a walkable distance for most occupiers of the Rockfield estate and the older housing estate to the south. It is some 890m from the furthest point of the Rockfield estate.
- 1.6 The supporting information submitted states the following:
- (i) The design and layout of the site has been derived to minimise impact on domestic neighbours, with its built form as close to the original poultry sheds as possible to mitigate any possible unacceptable adverse impact on the landscape and cultural heritage.
 - (ii) The frontage of the site and its direct relationship to the alignment of Rockfield Road favours a new commercial entrance located further north than existing to mitigate traffic interference between the old access and the roundabout, which serves Watery Lane.
 - (iii) The buildings are designed to reflect the form of the existing poultry sheds and therefore do not represent an alien rural form of development over what could normally be found in a semi-rural location. They are not of a scale that is any larger than typically occurs in agricultural buildings and are re-positioned to reflect the original poultry house positions.
 - (iv) The proposed car park accommodates 34 cars including 2 disabled spaces and a dedicated delivery bay for the Co-operative store building, a forecourt to the shops is accessed via a dedicated footpath within the site.
- 1.7 The design of the scheme comprises of two buildings. The proposed design of the buildings is simple, both feature a gabled front, the Co-operative store would have a larger gable that sits proud of the frontage with a traditional ridged roof. The second unit breaks up a simple hipped roof with a small gable feature over the smallest of the

three units. External materials comprise a natural stone frontage to the gables, render (ivory/cream) to the other facing walls, facing brickwork (largely to the rear walls), dark grey colour coated aluminium fascia and rainwater goods and blue/black cement fibre slate roof tiles.

- 1.8 The landscaping of the site comprises the retention of all the protected trees within the site including those along the frontage. The proposed car park has been revised to set it back within the site facilitating the retention of existing trees and enabling further low level planting to be introduced along the frontage.
- 1.9 A supporting letter has been submitted by the Co-operative that confirms its interest in a 400sqft convenience store on this site (to provide a comparison of scale the proposed floor space figure for this scheme is 372sqm, while the existing Co-operative store in Monmouth is 1656.9 sq. m). It is stated that the site meets the requirements of the company and its opening will not impact the existing premises already in Monmouth. The Co-operative have been looking for an additional store in Monmouth particularly in the Rockfield Estate for some time. It is identified that the area is currently not provided for in terms of top up shopping with alternative sites such as Watery Lane/Chartist Road previously rejected because of the unsuitability in relation to the lack of prominence and overall site inefficiencies. The applicants have pointed to a fall-back position with regard to the existence of the implemented planning permission for office and residential development, which are key material considerations that override the designations of the site within the adopted Local Development Plan. The application states that the proposed development would create a significant number of local jobs, approximately 39 in total (both full and part time).

2.0 RELEVANT PLANNING HISTORY

DC/2004/00801 (M10307) Change of use Of 2 no poultry units to office use including retention of existing dwelling house
Refused 13.12.2005
Appeal allowed 23.08.06

DC/2007/01522 Proposed 2 dwellings.
Refused 9.01.08
Appeal allowed 28.05.08

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S6: Retail Hierarchy
SD3: Flood Risk
S17: Place Making and Design

Development Management Policies

EP1: Amenity and Environmental Protection
NE1: Nature Conservation and Development
DES1: General Design Considerations
RET4: New Retail Proposals

Policy RET 4 is of particular relevance in the consideration of this application: "the preferred location for new retail and commercial leisure/entertainment developments...Will be in the designated Central Shopping Area (CSA. Where it can

be demonstrated that no suitable sites exist in the CSA, then sites on the edge of the CSA should be considered before finally considering out of town sites. Where development outside the CSA is considered the proposal will be assessed against the following criteria:

- *A demonstrable need exists for the proposed development*
- *The proposed development either individually or cumulatively with other recent or proposed developments would not have a detrimental impact on the trade/turnover vitality and viability of town, local or neighbourhood centres.*
- *The proposed development is of an appropriate scale and type to the size, character and function of the centre and its position in the retail hierarchy*
- *The proposed development would not have a detrimental impact on future public or private investment needed to safeguard vitality and viability of the centres*
- *The proposal is in a location accessible to public transport facilities*
- *The proposal is not on land allocated for other uses, this especially applies to land designated for industry employment and housing, where retail development can be shown to limit the range and quality of sites for such uses.*

DES 2: Areas of Amenity Importance

LC1: New Built Development in the Open Countryside

LC5: Protection and Enhancement of Landscape Character

SD3: Flood Risk

4.0 REPRESENTATIONS

4.1 Consultations Replies

Monmouth Town Council: Approve

Welsh Water: No objection subject to conditions that require details regarding the following:

- Foul and surface water to drain separately from the site
- No surface water to connect directly or indirectly to the public sewerage system
- Land drainage run off shall not be permitted to discharge either directly or indirectly into the public sewerage system
- No part of the building will be permitted within 3 metres either side of the centreline of the public sewer
- No development to commence until a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage shall be dealt with has been approved by the Local Planning Authority

MCC Highways: no objection to proposal

MCC Landscape Officer: This development will have a significant impact on the streetscene - the revised layout provides adequate space for an improved boundary treatment (landscaped).

Natural Resources Wales: No objection to the proposal subject to ecological conditions relating to mitigation measures and licence provision for the European Protected Species. Flooding: Reference is made to the Geo-technical and Geo- environmental Desk Study Report and the proposal is considered to be acceptable subject to a condition requiring a surface water drainage scheme to be submitted and agreed.

MCC Biodiversity Officer: The proposed development has implications for a European Protected Species as the development requires removal of part of the chicken sheds and demolition of the bungalow, and therefore will directly affect some of the roosting areas.

The remainder of the chicken sheds shall be retained and therefore can continue to be used by horseshoes and Myotis bats and the details of the methods and mitigation have been included in the submitted report. Lighting will be an important consideration for the continued use of the site by bats and other wildlife. Roosts will be destroyed during the works (non-breeding roosts for pipistrelle and long eared bats) and others modified, therefore the development will need to be subject to a licence from NRW before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species. NRW confirmed in their letter dated 26/11/2015 that there will not detrimental effect to favourable conservation status of the species concerned.

Subject to appropriate conditions relating to bats, bird nesting and reptiles being imposed the proposed development is acceptable.

MCC Tree Officer: No objection -The Arboriculture Method Statement (AMS) and Tree Survey Plan (dated 25th November 2015 and 18th November 2014 respectfully frame the conditions that relate to the planting, the layout has been revised to retain these trees.

4.2 Neighbour Notification

Six Letters have been received raising the following points:

1. First dangerous step in allowing development off Rockfield Road
2. Proposal will add to the congestion issues near an already busy roundabout
3. Proposal will spoil the look of the area (whilst the abandoned bungalow and poultry shed are not the most attractive to look at they are more in keeping with a rural area than a brand new convenience store)
4. Concern that this will lead to further residential development adjacent to the site
5. Proposal will be detrimental to the area which is open land and out of character with the area
6. Increase in traffic will cause more noise pollution
7. Reference to Human Rights Act Protocol 1 Article 1 (this states that a person has the right to peaceful enjoyment of all their possessions which includes their home and other land ... and a person has the substantive right to respect for their family and private life)
8. The proposal will deprive neighbours of the open view of land currently occupied by a single dwellinghouse
9. Light pollution will impact on neighbour's quality of life
10. Development will adversely affect highway safety, what provisions are there for pedestrian access is there a designated crossing and where will this be sited
11. Noise and pollution from delivery vehicles
12. Aggravate existing on street car parking issues
13. Hours of opening may cause neighbour nuisance
14. The shop will be served by people that will still drive to access the shop
15. Loss of trees
16. Will impact upon the existing shops and small businesses in the area

4.3 Other Representations

James Williams – the Council's Independent Retail Assessor

The relevant report has been attached as an appendix to this report. The conclusions of the report are summarised in the evaluation below:

5.0 EVALUATION

The main issues that arises in the consideration of this application is the following:

Principle of new development on this site

Principle of a retail use at this site

Neighbour Impact

Visual Impact

Highways

Biodiversity

Flooding

5.1 Principle of new development on this site

5.1.1 As there is an extant planning permission that relates to this site for the development of two dwellings and conversion of the poultry units to office use, the principle of new development has been accepted on site. It is relevant to note that the Inspector who considered the appeal for the two dwellings on this site was of the view that whilst the site is designated as an area of amenity importance "*the proposed development would not adversely affect any of the matters identified in these policies...the erection of two dwellings on the site in the place of the existing single dwelling would be seen as part of the urban framework of Monmouth, and accord with the thrust of national and local policies that seek to maximise the use of brownfield land in sustainable locations*".

5.1.2 Given this decision and the extant planning permission the principle of new built form of development is acceptable on this site. The issue therefore relates to the intensity and scale of the current proposal in relation to the approved scheme that can be implemented on this site. In this case, whilst the proposal comprises of two buildings these are significantly larger than the dwellings that would otherwise be built on this site. However the proposed buildings have been set back from the highway frontage and must be viewed within the context of the adjacent uses that have been recently approved adjacent to the site. The proposal would be viewed against the poultry sheds to the rear, to the east there is a skate park that has been recently constructed and a Council car park, yet to be constructed, has been approved further to the south-east. It is clear that the character of the area has changed significantly in recent years and the provision of a retail development of an appropriate scale and design, allied with comprehensive landscaping in this location would not detract from the visual and environmental amenity of the allocated area of amenity importance. Furthermore, the introduction of local shops in this location is more appropriate than other forms of development such as housing, having regards to criterion c) of LDP Policy DES 2 which requires the following to be taken into consideration, "*the role of the area as a venue for formal and informal sport, general recreation and as a community space*". The principle of this form of development in this location is acceptable in this case subject to appropriate design, scale, form, landscape, impact on ecology and compliance with the relevant retail policies, all of which are addressed below.

5.2 Principle of a Retail Use

5.2.1 The retail strategy as set out in Planning Policy Wales and the adopted LDP is to focus new retail development in existing centres (LDP Policy S6). In planning terms the application site is an out of centre retail location and is therefore inconsistent with this strategy.

LDP Policy RET4 states that the preferred location for new retail development is in the defined Central Shopping Areas (CSAs). Being outside the Monmouth CSA, the application proposal does not meet this requirement. However, Policy RET4 also sets out that where new retail development is outside the CSA it should meet specific

requirements. The relevant requirements in this case relate to need, sequential approach and trade impact. This has been assessed by the Council's independent retail expert, the findings of which are summarised below:

- 5.2.2 Retail need: Drivers Jonas Deloitte concluded in the Local Development Plan representation relating to retail development of this site that there was no overall need for new convenience goods floor space in Monmouth as a whole, but there was a specific local need in the Rockfield estate area where shopping provision was limited. These findings remain valid today. This is reinforced by the recent development approved at Wonastow Road: 340 of the allocated 450 houses have been approved and work has commenced on implementing the access to this site. When the Drewen Farm site is developed, which accounts for the remainder of the houses to be built, there will be a direct footpath link from this housing estate across to Watery Lane that provides a direct access to this proposed shopping proposal.
- 5.2.3 It is confirmed that a significant number of Rockfield Estate residents would be within reasonable walking distance of the facility (Annexe A of Technical Advice Note 4 takes 200-300m as being within 'easy walking distance'). To conclude the retail development on the application site can only be justified in the context of it being a local facility to serve the needs of the Rockfield Road residents. The current proposal is significantly smaller than that which formed part of the LDP representations (that was 600sq.m gross). A store of 372sq.m, as currently proposed, is of an appropriate scale to function as a local facility and would provide for some of the day to day shopping requirements of the local residents.
- 5.2.4 Sequential Approach: As the proposal is addressing a local need specific to the Rockfield Estate, potential alternative sites that may exist within or on the edge of the town centre have not been examined.
- 5.2.5 The applicants have been signposted to the site located off Chartists Way in pre-application discussions with your planning officers. The applicants have addressed this site in their supporting information stating that this site was never taken up by a retailer although it was available for many years. The applicant questioned the deliverability of the site and maintains that it is unsuitable and unviable for the proposed retail elements of their proposals. The Co-operative dismissed this site "because of its unsuitability in terms of lack of prominence and overall site inefficiencies". This site has been available for retail/community use for many years and has never been taken up. It has been subsequently dropped within the Local Development Plan. It is therefore logical assume that this site is not viable for prospective retailers with the application site being a more promising and viable option.
- 5.2.6 Impact: The applicant recognises that the existing town centre convenience stores under-trade. The applicant's stance is that the application proposal would primarily cater for the 'top up' shopping need. They maintain that the level of competition with the town centres site is likely to be insignificant. This is disputed by the Council's retail expert, as the most likely previous destination of top up shopping for Rockfield Road residents who would use the new proposal is Monmouth Town Centre which, with the exception of the Spar in Overmonnow, are the closest shopping facilities to the application site and Rockfield Estate. The retail expert has undertaken a qualitative impact assessment and estimated that a trade diversion from the town centre of 8.3% would arise (a trade diversion of £2.12M from a turnover of £25.45M). A trade impact of 8.3% must be set against the town centre shops under-trading, although Waitrose and Marks and Spencer have distinctive brands and some degree of customer loyalty and the Co-op has indicated that their town centre store would remain unaffected.

Whilst there is no guarantee that any of these stores will continue being represented within Monmouth Town centre, the retail expert considers it unlikely that a small new Co-op store outside the town centre would be a major factor in determining the business strategy of such companies in Monmouth.

- 5.2.7 This proposal is a significant reduction in the convenience store's floor area compared to that proposed as part of the LDP process. This has ameliorated the impact on convenience goods spend. Nevertheless some adverse impact on convenience goods shopping in the town centre would arise. This needs to be balanced against the advantages of having new local facilities serving the Rockfield Estate.
- 5.2.8 It is concluded that any convenience goods floor space would be limited in relation to potential turnover compared with town centre convenience good turnover, (£0.54M compared with £33.31M). Hence even in the very unlikely case that the application proposal took all its convenience goods turnover from the town centre the quantitative impact would be less than 2%, although this is provided the three additional units are retained as small units (a condition would be required to ensure this is controlled). It is very unlikely that the convenience good floor space would compete significantly with the town centre in market terms.
- 5.2.9 It is necessary therefore to condition Unit 1 to be limited to 4000sq.ft of retail floor area (this prevents further floor area being created through a mezzanine for example). The use of Units 2, 3 and 4 is of interest as it could be argued that if they became occupied for the retail of convenience goods then cumulatively this development could undermine the vitality and viability of the town centre. However any retailer of convenience goods is unlikely to invest in a site where there is conflict with another larger user immediately adjacent; it is likely therefore that market forces alone will prevent this from happening. These three smaller units lend themselves to being other uses namely hairdressers/barbers, hot food takeaways or another community facility. It is proposed therefore that the permission facilitates these units for A1, A2 and A3 use.

5.3 Neighbour Impact

- 5.3.1 The closest neighbouring properties are situated immediately opposite the site, but there is ample separating distance between the closest neighbouring properties and both the car park and the retail units. There would be no over-dominant effect or overlooking from the new development that would otherwise compromise the residential amenity of any of these neighbouring properties. With regard to noise disturbance, the main concern relates to traffic and delivery vehicles and general use of the car park during unsocial hours. As the previous use of the site was agricultural, any noise over and above that which what was generated by this previous use is likely to arise from any late night openings resulting in noise and disturbance during the twilight hours in the car park to the front of the site. This could have an adverse impact upon the residential amenity of the neighbouring properties and needs to be controlled by limits on opening hours. Likewise it is important to control very early deliveries to the site which again can be very noisy and have a significant impact upon neighbour amenity. With regard to lighting, this is to be subject to a planning condition to meet the requirements of both ecology and highways. This will be considered also in terms of light pollution and neighbours could be consulted upon this detail when the formal discharge of condition application is submitted.

5.4 Visual Impact

5.4.1 The proposal development will be clearly visible from the highway; it is therefore of importance that the development is visually acceptable and makes a positive contribution to the street scene. The existing site has fallen into considerable disrepair. The new buildings would be set back in the plot and sit comfortably within the site. The design is simple but has a clean contemporary feel with the combination of both modern and natural materials. The existing mature landscaping has been retained within the overall landscape scheme, which would be supplemented by low level planting and grassed areas. The visual impact of the proposal is acceptable and subject to appropriate conditions being imposed (protection of existing landscaping and implementation of approved new landscaping, control of boundary materials, finishing materials and surfacing materials) the proposed development represents a positive improvement to the existing site and does not adversely affect the visual and environmental amenity of the area.

5.5 Highways

5.5.1 Concern has been raised by neighbours regarding the proposed development and the potential exacerbation of an existing on-street car parking problem, and the increase to congestion, compromising the highway safety of the area. The layout plan has been subject to modifications to comply with highway requirements. The Council's Highway Engineer is now satisfied that the proposed development is acceptable. There is no highway objection to this scheme and the proposal provides a safe access with adequate on-site parking so as not to exacerbate the existing on street parking issues in the area.

5.6 Biodiversity/ Ecology

5.6.1 Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. The County Council as the Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. In the present case long eared bat, horseshoe bats, whiskered/Brandt's bat and common pipistrelle and soprano pipistrelle bats – all European Protected Species – are known to use the application site. The three tests are set out below together with a commentary on each.

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The existing bungalow is now in a poor state of disrepair; the quality of the structure is such that is unlikely to provide a suitable family home for any sustained period of time. It is therefore in the public interest that this dwelling is replaced with a more suitable form of development. To facilitate a suitable form of development it is necessary that part of the existing poultry sheds are demolished, the proposed development would be unacceptable without the space created by the partial demolition of these buildings.

- (ii) There is no satisfactory alternative

To extend the dwelling or structurally alter the existing building would be unsatisfactory and is unlikely to retain the existing roost. There is no satisfactory alternative in this case.

- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned by a favourable conservation status in their natural range.

Both Natural Resources Wales and MCC Ecology have looked at this proposal to ensure that the proposed mitigation is acceptable. This is now the case and the development meets this test accordingly.

In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard to the advice of Natural Resources Wales and the Council's own Biodiversity Officers, it is recommended that conditions are imposed to ensure:

- Compliance with the submitted mitigation/method statement
- Condition to see evidence of licence
- Control of Lighting

5.7 Flooding

The whole of the site is located within Flood Zone C2. LDP Policy SD3 relating to Flood Risk is therefore of importance. The proposed development is considered to be a form of less vulnerable development, but nevertheless the proposal will need to demonstrate that it satisfies the requirements set out in TAN15. A Flood Consequences Assessment and further supplementary information has been submitted and NRW has recommended approval subject to conditions relating to surface water drainage. The proposal satisfies any flooding concerns and complies with planning policy in this case.

RECOMMENDATION: APPROVE

Conditions:

1. Time Condition (five years in which to commence development)
2. Plans condition (adherence with specified plans)
3. Prevention of amalgamation so that three units do not become one or two larger units.
4. No mezzanine floors shall be inserted into any of the buildings, hereby approved.
5. Submission of external materials including surfacing materials for approval by the Local Planning Authority.
6. Finishing details of the boundary materials to be submitted.
7. Landscape/ implementation condition.
8. Restriction of hours of opening and deliveries to between the hours of 07.00h to 22.30h
9. Unit 1 shall be A1 use only.
10. No removal of hedgerows, trees or shrubs *or works to or demolition 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 vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
11. The hereby permitted works shall not in any circumstances commence until the local planning authority has been provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity / development to go ahead.

12. The hereby permitted works shall be completed in strict accordance with Section 6.0 Recommendations of the submitted David Clements Ecology LTD Land on Rockfield Road, Rockfield Road, Monmouth. Ecological Assessment, Bat and Reptile survey.
13. Prior to development commencing on site a lighting design strategy shall be submitted to the Local Planning authority for approval in writing. The strategy shall include a detailed plan and specify: lighting type, specification, direction, height and lighting levels in lux/UV. This strategy and plan shall have regard for the use of the site by foraging / commuting and roosting bats and maintain dark corridors / roosting areas. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and plan, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
14. Foul and surface water to drain separately from the site
15. No surface water to connect directly or indirectly to the public sewerage system
16. Land drainage run off shall not be permitted to discharge either directly or indirectly into the public sewerage system
17. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer
18. No development to commence until a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage shall be dealt with has been approved by the Local Planning Authority
19. Prior to work commencing on the site, including ground clearance, demolition etc. all retained trees as shown on the Tree Protection Plan drawing no. 286/2014/.91 will be protected with rigid immovable fencing. Temporary adjustment of the fencing for access purposes etc. may only be carried out with the written permission of the local planning authority. Protective fencing will also be installed in accordance with the guidelines laid down in BS5837:2012 Trees in relation to Design, Demolition and Construction Recommendations around the retained Whitebeam tree as shown on the revised layout drawing no. SP317-PO1 Rev K.
20. Construction of the car parking where it conflicts with the root protection areas of retained trees shall be carried out using a "No Dig" technique in accordance with the Arboricultural Method Statement dated 25th November 2014.
21. No development, to include demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for –
 - 1) Supervision and monitoring of the approved Tree Protection Plan;
 - 2) Supervision and monitoring of the approved tree felling and pruning works;
 - 3) Supervision of the alteration or temporary removal of any Barrier Fencing;
 - 4) Oversee working within any Root Protection Area;
 - 5) Reporting to the Local Planning Authority;
 - 6) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.