

**DC/2010/00969**

**15 SPECIALIST CARE APARTMENTS FOR THE OVER 55 AGE GROUP WITH  
CAR PARKING; ACCESS OFF THE EXISTING PUBLIC CAR PARK**

**LAND AT REAR ST. MAURS, BEAUFORT SQUARE, CHEPSTOW**

**RECOMMENDATION: REFUSE**

Case Officer: Kate Young

Date Registered: 29<sup>th</sup> October 2010

**1.0 APPLICATION DETAILS**

- 1.1 This is a full application to provide 15 residential units for those residents over the age of 55. The site is in the centre of Chepstow on land that was previously rear garden for the property St Maurs, which provided office accommodation. The land has become neglected, overgrown and is often used for fly tipping. The site slopes down steeply towards Chepstow Castle. To the south-west is The Dell car park, to the south are residential and commercial properties which front onto Hocker Hill Street and to the north-east is the single storey Kingdom Hall. The site is within the Chepstow Conservation Area. St Maurs is a Grade II Listed Building.
- 1.2 The site has a long and complicated planning history, which will be outlined below. There is an extant permission to erect a three storey office block on raised ground levels although permission was never granted from the Highways Department for a vehicular access from the council car park. The current application seeks permission for the 15 units to be built in two, linked, three storey blocks on the southern part of the site and for there to be a well landscaped car park on the northern part. Vehicular access would be from the public car park. Owing to the varying ground levels and the fact that part of the building would be cut into the ground, the building will appear to be of two and three storey construction. The design of the proposal and the car parking has been considerably amended since the original submission, in order to reduce its visual impact, and all interested parties have been re-consulted on the amendments.
- 1.3 Initially officers were reluctantly minded to recommend this application for approval given the fall-back position of the previous application for offices approved on appeal in the 1970's. We have very sketchy plans of an office block approval. We also have a letter from the Council's Building Control section confirming that work on the office block had started. There is no dispute that work on the proposal began, probably this related to the digging of some foundations. On reflection officers are of the opinion that the fall-back position is not realistic and is not likely to proceed. The reason for this is that the applicants are not in possession of working drawings either for planning permission or for building regulations. The previous proposal has no vehicular access and therefore no parking provision, although its town centre location adjacent to a public car park means this situation is not unusual. However, the previous claims that the offices can be constructed without the need for access from the Council car park have been demonstrated to be untrue, given that unauthorised access for a digger was recently created (this machinery could not possibly fit down the alternative access which is a pedestrian alleyway. Furthermore there is limited demand for new office development within Chepstow, with several vacant offices within the town centre and at Thornwell. As we do not consider that the fall-back position is realistic this current application for residential accommodation should be considered on its own merits.

**2.0 RELEVANT PLANNING HISTORY**

A 990	Outline Planning permission for a new office building with corridor link to the offices at St. Maurs Allowed at appeal January 1977 subject to the standard time limit condition and a requirement that an archaeological exploration take place prior to the erection of the building
A11674	Outline permission for a three story office block Approved 1979
A18914	New office and corridor link Full application Approved 1983
A18944	New Office Building Reserved matters Approved 1983
A30305	New building to provide offices and a residential flat. Approved 08/08/89
A30898	Provision of 22 car park spaces for the adjacent office development. Approved 16/08/89

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### Strategic Policies

S1 Spatial Distribution of New Housing Provision

S2 Housing Provision

S4 Affordable Housing Provision

S5 Community and Recreation Facilities

S16 Transport

S17 Place Making and Design

#### Development Management Policies

H1 Residential Development in Main Towns

CRF2 Outdoor Recreation/Public Open Space and Allotment Standards and Provision

MV1 Proposed Developments and Highway Considerations.

DES1 General Design Considerations

HE1 Development in Conservation Areas

NE1 Nature Conservation and Development

EP1 Amenity and Environmental Protection

#### Supplementary Planning Guidance

Chepstow Conservation Area Appraisal – Adopted March 2016

### **4.0 REPRESENTATIONS**

#### 4.1 Consultation Replies

##### Chepstow Town Council – Refuse

Concerned at the height of the residential block adjoining the public car park. This block will be visually intrusive to car park users.

Concerned that the proposed access via Welsh Street car park will generate considerable additional vehicle movements through the car park, exacerbating existing congestion.

Height of the proposal will impact on the castle

Footpath to town centre is very narrow and not good for emergency access

Loss of privacy to adjoining businesses and homes.

Welsh Water – No objections. Outlines Conditions

MCC Highways – No objections subject to conditions.

Car parking provision is in line with CSS Wales Parking Guidelines. Two dedicated disabled spaces and a turning head should be provided on the site. The proposal will result in the loss of several car parking spaces and MCC would seek a financial contribution for future maintenance and improvements to the car park. A Construction Management Plan will be required.

The [above] comments provided on the 14th November 2012 by the Highways Development Section were made solely on the technical merits of the development, this is particularly the case in respect of the resulting loss of car parking and associated financial contributions, this does not infer or imply that the highway authority as a statutory consultee has granted consent or otherwise for the applicant to use the car park as there means of access, this is an issue for the Council as landowner to determine. As referenced in para 5.1 of the report an earlier application in 1989 for the provision of 22 car parking spaces was granted although access through the car park was not allowed by the Council.

I trust this is helpful and clarifies the Highway Authority's response to the application being determined.

Mark Davies - Highway Development Manager

"In Roger Hoggins absence and the need to provide comments in response to the application as land owner and operator of the car park I would confirm that following a meeting with Roger Hoggins, Head of Operations with corporate responsibility for the Council's car parks and Amanda Perrin, Car Parks Manager, on 18th January 2017, the issue of access through the Council owned car park to provide access to the proposed development was not deemed appropriate as the loss of revenue would far exceed any payments or fees associated with providing access over the car park, for the following reasons:

Access over the car park cannot be guaranteed at all times, if it were then any such agreement will hinder and affect the Council in its day to day operations and management of the car park; this is a particular relevant when the Council have to deal with issues of anti-social behaviour, the ability to close the car park in the evening to prevent such activities for instance, we would not be able to do so.

To provide access off the car park results in the loss of at least 2 car parking spaces with resultant loss of revenue to the authority and further reduces available car parking spaces for visitors to the Town.

Access through the car park for domestic and commercial deliveries is restricted, and any local improvements may result in the loss of further spaces and revenue.

The proposed development provides for 15 car parking spaces, where a number of the apartments proposed are 2 bedroom; therefore the potential for additional car parking and further loss of car parking spaces following the issue of residential parking permits cannot be discounted with the inevitable loss of revenue."

## Glamorgan Gwent Archaeological Trust –

In conclusion, the submission of a report on the archaeological evaluation has demonstrated that some archaeological features are present in the proposed development area but these are not of sufficient importance for the current application to be refused on archaeological grounds subject to an appropriate condition ensuring that they are fully investigated being attached to any consent that is granted. However; the applicant has provided no additional information on the design of the revised plans, particularly in regard to the setting of Chepstow Castle, which was an issue that Cadw have previously raised as being a fundamental concern. We have therefore recommended that the applicant should be requested to commission an assessment of this impact to assist in the determination of the application. We have also strongly recommended that the determination of this application should not be made until a response on the revised scheme has been received from Cadw.

### Cadw – Comments on the Amended Scheme:

Raises fundamental concerns about the proposal and its potential effect upon the setting of Chepstow Castle. The development is contrary to the Welsh Government's guidance as published in para 6.5.1 in Planning Policy Wales which states that "Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ..."

In addition Cadw question whether the earlier planning history at this site should be allowed to set a precedent for the current proposed development as there has been a significant change in legislation.

### MCC Heritage Officer –Recommends refusal.

The application has a long history mainly focussing on the comparison of the proposals with the extant permission on the site. However it is now clear that the fall-back position of implementing the previous permission is not realistic and can no longer form part of the consideration of the proposals.

Therefore the application is considered on its own merits and the comments now relate to the impact of the size, scale, position and design of the building on the setting of the listed buildings and the conservation area. Cadw has responded in terms of the impact of the proposals on the Scheduled Ancient Monument and these have been noted. The site is in a very sensitive location being in the heart of the conservation area in the immediate setting of the Grade I listed and Scheduled Castle and that of the listed buildings of Beaufort Square and Hocker Hill Street, all of which are listed bar one, between 8 Hocker Hill Street and Raglan Lodge (listed Grade II\*).

The current proposals consist of three to four storey building partially set into the slope at the rear of the grade II listed building of St Maur. The proposed building and associated landscaping will effectively fill the gap between the rear of the listed building and the boundary of the Scheduled Ancient Monument of Chepstow Castle. Despite the current proposals being an improvement on the extant permission and partially improved following negotiations from officers, it is considered that impact of the proposed development would still have significant harm on the setting of the listed buildings and the conservation area. The changes do not justify the development or outweigh the harm.

The proposals are considered to be overly large and far too dominant in such a sensitive location. The building is essentially four storeys given the changes in ground levels. The attempt to reduce the overall mass by breaking it up into sections provides some mitigation but is far from sufficient to create a successful application. This scale of

building is incongruous and alien to its environment, out of context the development pattern of development along the main street of individual buildings set in mainly narrow (burgage) plots extending back away from the street. This height and scale will have a significant overbearing impact on the surrounding designated heritage assets and become a dominant and obtrusive feature not only in the immediate setting of the site but also in wider views of the castle and the conservation area.

It is important to note that since the previous comments were made Chepstow Conservation Area Appraisal has been adopted as Supplementary Planning Guidance and so is a material consideration to the determination of the application. The site is within character areas 1, 3 and 6. 1- The historic core, states (para 7.3.3) The area is characterised by a high density of historic buildings comprising mainly of town houses, (para 7.3.4) the character area has a well-defined building line with back of pavement houses, shops, pubs and restaurants lining the 5 roads... the regular rhythm of the plot division and consistent scale is occasionally broken by balconies. Character area 6, Welsh Street and Moor Street states (para 7.3.42) at the northern end of Welsh Street there are open views across the Dell valley. Character area 3 refers to the Castle which has been discussed by Cadw.

The character areas are supplemented by maps 6A, 6C and 6F which identify key components of the conservation area. Of particular relevance is the key views across the site to the castle and towards the river, views from the castle to the rear of the listed buildings identified above, key groups of trees to the site in question and immediately adjacent.

Overall the proposals are considered to have a detrimental impact on the setting of the listed buildings, some highly graded as well as a failing to preserve the character and appearance of the conservation area for the above reasons.

The Heritage comments received previously are as follows:

'The proposed site is a very sensitive location sitting as it does above The Dell, opposite Chepstow Castle. If it were a stand-alone application with no planning history it would be opposed because of the impact of the new structure upon key views from the car parks, the Castle, and up The Dell. This is not however the current situation. The applicants have demonstrated that there is an extant consent which has been commenced, and that they have firmly indicated that they will be looking to implement should the current negotiations fail.

The extant scheme is far from ideal on a number of levels. It was an application for office accommodation in a rather out of date architectural form. In terms of its impact on the listed St Maurs building the rear of the new block was stark in design. In addition the car parking extended further down the plot towards The Dell. Whilst the footprint was essentially smaller this resulted in a taller structure which would be more prominent than that proposed.

One of the major concerns in relation to this application has been the visual impact of the scheme as seen from the Castle. To reduce the visual impact of the car park its extent has been moved back up the site and landscaping is now proposed to screen any parked cars. Semi-mature trees would be planted and pergolas formed over the individual bays. If consent is given the colour of the paved surface would need to be controlled. Clearly the cross sections show quite a marked increase in ground levels at the lower end of the site; this increase in height has been kept as low as feasible but has been introduced to provide a manageable slope for the residents. In terms of the new building itself it is proposed to be set down below ground level, which combined with its

broken form will help to reduce the visual dominance. The use of good quality materials as identified will also help in softening the visual impact. It should be noted that when viewed square on from the upper bailey of the Castle the new structures would be seen in the context of the backs of the other buildings that rise up Hocker Hill Street, the Kingdom Hall and the public car park which inevitably has a very engineered form. Turning to other vantage points, the impact upon the view from the upper public car park down The Dell is difficult to determine. However on balance the adverse impact has been minimised as can be seen from the various cross sections provided. When walking up The Dell the visual impact will again be minimised because of the degree to which it is set back and the slope of the land. The extent of visual impact generally will be affected by the level of planting proposed; at present whilst some trees are proposed there is very little other planting – additional planting should be secured if approval is recommended.

In terms of the building's design it is good, adopting a traditional form with modern details. If approved, the permission will need to strictly condition materials.

In summary the scheme has been developed with sensitive handling and is far better than the extant consent which, if implemented, would have a significantly detrimental impact upon the Conservation Area. Many revisions have been made to the current scheme to try and address the Council's concerns; consequently the proposals are recommended for approval.'

MCC Planning Policy - The LDP includes a specific paragraph (6.1.33) in relation to housing for people in need of care which states that:

'It is recognised that many people have housing needs that cannot be adequately satisfied by conventional housing stock. The term 'housing for people in need of care' covers a variety of residential care facilities where the special needs of particular groups can be accommodated. This includes nursing homes, sheltered housing, extra or close care housing, continuing care retirement communities or other similar types of development where an element of care is provided as part of the development. Proposals for such facilities will be assessed against the LDP policy framework and national planning policy guidance (PPW). To ensure that residents of such housing are well integrated with the wider communities, sites for these facilities should be located within defined settlement boundaries and accessible to a range of services and facilities, such as GP surgeries and shops.'

Of note, the issue as to whether the LDP should include a policy on housing for people in need of care was debated at the LDP Examination. We felt that any proposals for housing for people in need of care can be adequately judged against the framework of policies provided in the LDP. The Inspector agreed with this approach and noted in her report (paragraph 5.22) that: 'The requirements of older people will be adequately addressed by the generic housing policies which will allow dedicated housing of various types for the elderly to come forward, there is no need for special policies or allocations.'

In terms of listed buildings and scheduled ancient monuments (SAMs), the LDP does not repeat national development control policy and reference should be made to Chapter 6 of PPW and Circulars 61/96 and 60/96 which set out clear statements of national development management policy for listed buildings and archaeological remains.

MCC Landscape Consultant (recreation provision) – I would not expect to see any recreational facilities provided on the development itself; however I would expect the developer to pay a sum towards both open space and recreation.

MCC Tree Officer – No objection to the removal of the Norway Spruce on site but agree that the other trees listed on the tree survey should be retained and I am satisfied that they should not suffer harm as a result of the proposed development, provided that they are physically protected prior to and during the construction stage, as detailed in the tree protection plan. To reinforce the tree protection plan conditions should be imposed.

MCC Landscape (Urban Design)

In addition to previous comments [Colette Bosley\_10.12.10]

1. We are unable to support proposals that would adversely affect the setting of Chepstow Castle or the Chepstow Conservation Area and that have not regarded strategic objectives and/or policy, set out in Planning Policy Wales (specifically chapter 6) or the Local Development Plan; by which development must protect, conserve or enhance the unique character and special qualities of historic landscapes and their settings, and must be of a high quality sustainable design.

Reasons

2. The development would have an unacceptable adverse effect on valued historic designations.

3. The proposal is inappropriate in its context and will have lasting detrimental effects on the Chepstow community.

4. The scale, massing and external appearance of the proposed building is unsightly, incongruous and inappropriate (in this location).

5. The scale and detailed design have not considered its impact on a Scheduled Ancient Monument and Grade 1 Listed Building, Conservation Area and the wider townscape; which would be significant, adverse and long-term.

6. The Design and Access Statement does not present an evidence based design rationale for their proposal; especially where historic designations, massing, scale and expression is concerned.

Further information

7. Proposals should be sympathetic in scale and character and contemporary by design.

8. Proposals should achieve both architectural and environmental excellence

9. An adequate site and context analysis would have provided pertinent information to develop their proposal properly; informing its scale, architectural design and material choice.

10. Their appraisal should have addressed how the site, proposal and the wider area work together.

11. The design process should have been clearly illustrated within the DAS and/or other supporting documents.

12. A Townscape and Visual Impact Assessment should have been carried out, to determine the key views and vistas from which the site will be visible and the context within which it sits.

13. Their proposal should have considered green roofs, solar water heating and solar electricity on roof space.

14. The design of external area(s) need to complement the building and public realm.

15. ...and landscape planting should have been used to reduce visual impact and rainwater runoff.

16. Section 4 of TAN 12 provides some useful information on design, as does...

17. <http://gov.wales/docs/desh/publications/160513-site-and-context-analysis-guide-en.pdf>

18. MCC Green Infrastructure SPG

MCC Landscape and Countryside Officer – (Initial response)

It is understood that an existing permission exists; otherwise my initial response would be to refuse the application in view of the scale and nature of the proposal and its proximity to the Castle as well as being within a sensitive part of the Conservation Area. Concerns are raised regarding the height and design.

It is strongly recommended that a visual impact assessment of the site be carried out. The design and layout of the proposal is wholly inappropriate. The development and car parking will eat into the visually distinct green spaces which provide the setting for the Castle and also result in a significant loss of connectivity for its biodiversity for possible species or habitats.

Biodiversity and Ecology Officer – An Ecological assessment has been undertaken and submitted in support of the application. The survey has identified the site as being of low ecological value but there are considerations relating to invasive species, protected species and landscape to be covered. Conditions are recommended relating to nesting birds, landscaping (including the control of Japanese knotweed and translocation of bluebells).

#### 4.2a Neighbour Notification

20 Letters of objection.  
Inappropriate development in such a beautiful area.  
Inappropriate location for OAP housing.  
Loss of light to adjoining properties.  
Parking problems.  
Dying trees should be replaced.  
Development is disproportionately high given its impact on neighbours.  
How will drainage be dealt with?  
Should be converting existing buildings rather than new build.  
Greater public consultation is needed given the sensitive nature of the site.  
Not in keeping with the rustic appearance of Chepstow.  
Disturbance to local residents.  
Land could be put to better use.  
Adverse effect on the character of the town.  
Negative effect on neighbouring properties due to increase traffic and noise.  
Use of existing pathway is not realistic, there is no public right of way, it is very narrow and cobbles are not safe for the elderly.  
Do not want to lose the cobbles or have any lighting of the alley.  
Loss of privacy to houses and gardens.  
More strain on the already congested and dangerous car park.  
Pedestrian access is already narrow.  
More parking should be provided.  
Questions over ownership of the land.  
The land should be put to a more suitable use i.e. allotments, water garden or a bungalow.  
Proposal will be an eyesore to tourists and residents.  
In winter when there are no leaves on the trees the building will be very visually prominent.  
Damage to the setting of historical buildings.  
Proposal is too large and modern for this historic setting.  
Location is poorly sited for the elderly.  
The existing trees are not tall enough to screen the proposal from views from the castle.  
The cobbled path to Hocker Hill Street is not a public through-way.  
This development is not in the public interest.  
The area has not changed much since 1686.  
Residents wish to address Members of the Planning Committee.  
No publicity of application.  
Local residents do not have private parking.  
Council to receive money for each apartment.  
This is public land.



Impact on wildlife and archaeology.  
Totally violates Chepstow's historic town.  
Loss of sunlight.  
Cobble stones are an asset to Chepstow.  
Inappropriate hilly location  
Insufficient access for emergency vehicles.  
Blocks/ degrades views from and of the castle.  
Blot on the skyline.  
Adverse impact on the Conservation Area.  
Over domination of adjoining walled garden.

4.2b Neighbour notification. 4 Letters received after re-consultation.

The amendments have not addressed our original objections  
Inappropriate location for this development as the area is so hilly.  
Insufficient access for emergency vehicles  
Loss of public car park  
Violates general planning in Chepstow  
Confirmation is needed of land ownership.  
May be contaminants on the site.  
Loss of privacy  
Detrimental to local businesses  
Loss of views to and from the castle  
Dominating impact  
Ash trees used for screening are at threat  
Grass snakes and slow worms on site.  
Inappropriate location adjacent to a public house.  
Unsafe pedestrian access.  
Inaccessible location.

4.3 Other Representations

CAIR – Welcome the provision of accommodation for people with disabilities in this central location. It will enable people to remain in their community as they become older and more infirm. We are impressed with the design but think that disabled parking spaces should be provided.

The Chepstow Society – Universally disapprove.  
The car park will interfere with views from the castle.  
Parked cars will be seen on the skyline.  
Loss of residential amenity by reason of noise disturbance, loss of privacy, increased traffic.  
Loss of public parking spaces.  
Increased traffic through the car park and Welsh Street.  
Castle Dell will be spoilt by noise from vehicles and building work.  
Adverse impact on St. Maur listed building.  
Cobbled footpath is unsuitable for elderly people.

Tidenham Historical Group – Object in the strongest terms.  
Irreparable damage to the historic setting of Fitzosbern's Great Tower.  
Intrusive development which is out of place.  
The gardens overlooking the Castle should be listed.

4.4 Local Member Representations

I would like you to note my observations on this proposal, which has been the subject of representations to me, and are as follows:

- It is clear from recent and previous responses to proposals for a development on this site that fundamental aspects and the reasons for opposing them remain unchanged.
- If it goes ahead, this development will have a serious impact on the heart of historic Chepstow in terms of amenity, architecture and in other ways, both while it is carried out and subsequently.
- The comments by CADW, Chepstow Town Council and The Chepstow Society in particular should, I suggest, be taken very seriously in the consideration of this application.
- I will not repeat, but I endorse the comments made by individuals about the impact on their property and the environment and ethos needed by their businesses.
- I would seriously question the suitability of this site for the kind of development proposed.
- I would wish to attend any site visit thought necessary for considering this application, as would the local residents and business people who have made known their objections.
- I urge refusal of this application.

## **5.0 EVALUATION**

Planning History  
Principle of development  
Visual Impact  
Landscaping  
Impact on the Conservation Area and Chepstow Castle  
Access  
Residential amenity  
Affordable housing  
Archaeology  
Recreational provision  
Biodiversity  
Other issues raised

### **5.1 Planning History**

- 5.1.1 Outline planning permission was allowed, on appeal, in 1977 for office development on this site and subsequent approvals were granted between then and 1989. In a report to Planning Committee in December 1988, officers concluded that work on the development had started. That report stated:
- 5.1.2 “The original permission was granted on appeal by the Secretary of State in 1977. A reserved matters application was approved by this authority in 1983 (code No. 18944) and works commenced by the digging of foundation trenches and the laying of some concrete foundations. These works were confirmed to the Council on the 7<sup>th</sup> August 1985 in a letter from the then agents and were inspected by the Council’s Building Inspector on 2<sup>nd</sup> August 1985....There is no doubt that the development commenced and the application No. 18944 is still valid. No completion notice has been served and therefore the application can continue with the construction of the building as approved without further reference to the Planning Authority.”
- 5.1.3 It is not disputed that work had started on the office development and that under the provisions of prevailing case law at the time, the work could continue. Details of the office block and its corridor link to St. Maurs are shown in the Committee Plans and Presentation. It can be seen that the design and massing of that proposal and the location of the car park would have an adverse visual impact on the area as a whole, the

Castle and the Listed Building to which it was to be linked. In addition the architectural form is rather out dated and would not preserve either the character of the Conservation Area or the setting of Chepstow Castle. The plans are of insufficient detail to be implemented.

5.1.3 In 1989 planning permission was sought for the provision of 22 car parking spaces for the offices and flat to be accessed from the council car park. The application was considered by the Environmental Health and Control Committee where it was resolved not to allow access from the council's car park to the development. The application was then presented to Members of the Planning Committee. The officer's report said "The planning application should only be determined on its planning merits and the refusal to allow access is not a material consideration in relation to the planning application." A note at the end of the committee report said. "The permission hereby granted relates solely to planning permission and does not convey any other rights including rights of access over Council land for construction or operational purposes." It appears therefore that the approved scheme had no vehicular access. The applicants cannot provide evidence to the contrary.

5.1.4 If there was no planning history on the site, then the current submission would have been refused outright. However given the history and the fact that all parties agreed that work had started on site the current application was initially considered against the fall-back position, that of a very out-dated office block. There is no question that the design of the current proposal is an improvement in visual terms over that of the approved office block. However having researched the matter further since it was reported to Planning Committee in August 2015, officers now contend that the fall-back position is not realistic and therefore is not a justification for allowing new build residential development in this sensitive location. The fall-back position is not considered realistic as there is no vehicular access into the site and therefore no access for construction traffic as well as future occupiers. The only surviving plans held by either the Council or the applicants are very sketchy and are not of sufficient detail to build from. There is little demand for new office development within the Chepstow area. It is now considered that it is extremely unlikely that the approved office block would be built and therefore the fall-back position is unrealistic.

## 5.2 Principle of Development, LDP Policies S1 and H1

5.2.1 The application site lies within the Chepstow Town Development Boundary. Policy S1 of the LDP states that the main focus for new housing development is within or adjoining the main towns and presumes in favour of new residential development within Town Development Boundaries, subject to detailed planning considerations. Policy H1 reinforces this view saying that within development boundaries new build residential development will be permitted subject to detailed planning considerations and other policies in the LDP that seek to protect existing retail, employment and community uses. The detailed planning considerations will be considered in more detail elsewhere in the report but the basic principle of allowing new residential development is acceptable.

## 5.3 Visual Impact

5.3.1 The proposal when viewed from a distance will comprise essentially a four storey block of development measuring approximately 27 metres by 29 metres. Although the block is broken down into smaller elements and not all the elements are four storeys, the proposal will have a significant adverse visual impact on the setting of the Castle and its historic surroundings. In addition the development will break the sky line and dominate the area. It is proposed to set part of the development below ground level and while this will help to reduce the visual impact this is not sufficient to mitigate for the harm that such a large

building will have upon the character of the Chepstow Conservation Area. The mass of the building is broken into a series of two, three and four storey elements, and it adopts a traditional form with modern details and high quality materials. However this does not justify allowing such a large construction in this very sensitive location. The proposal will rise above the surrounding residential and commercial properties and will not respect the existing form, scale and massing of neighbouring buildings, many of which are historic. The proposed modern structure on the sky line of Chepstow will have an adverse impact on the built and natural views and panoramas of the historic core of Chepstow including views from and including Chepstow Castle. The mass of development in this location is therefore contrary to criteria c) and e) of Policy DES1 in the LDP.

#### 5.4 Impact on the Conservation Area and the Castle

5.4.1 One of the major concerns in relation to this application is the visual impact of the scheme when seen from the Castle and the impact upon the Conservation Area. Cadw maintains that there are no direct impacts on the scheduled areas of Chepstow Castle or Chepstow Town Wall and Gate, but there are very significant effects upon the setting of Chepstow Castle. Currently there are unimpeded views across what would have been kept as open ground until the end of the 17<sup>th</sup> Century. The proposed development will extend the historic building line closer to the Castle. The new building would be approximately 50 metres from the boundary of the scheduled monument and the edge of the car park only 15 metres away. Cadw point out that The Great Tower of Chepstow Castle, the oldest and one of the most important medieval buildings in Wales, is only 90 metres from the edge of the proposed building. There are three elevated viewpoints from within the Castle that allow visitors to view across The Dell towards the proposed development site. The proposed development would be on the skyline, when viewed from Marten's Tower and the South-West Tower and be directly in the line of vision when viewed from the Great Tower. The roof of the proposed development will be higher than any of the viewpoints in the Castle. The existing tree cover, especially the mature ash and yew tree will provide some screening to the new structures, but this will be partial and seasonal and these trees will have only a limited life (particularly the ash trees). The application includes the planting of mature trees on a new 3 metre high bund at the northern end of the car park. These will have some effect upon the visibility of the proposed works from the Great Tower, but this may foreshorten the view and introduce a visual barrier to other viewpoints. When looking from the public castle car park up The Dell towards the Marten's Tower, the proposed development will appear as a very prominent building on the skyline, projecting out towards the Castle. In Cadw's view the proposed bund and tree planting at the north end of the car park would form "an important new and intrusive element in this view." Cadw also consider that the pergola that is proposed for the car park, would diminish the impact of the hard landscaping but combined with the 3m high bund, would introduce a very significant barrier into the panorama. There are various viewpoints, which give extensive views across Chepstow, especially when viewed from the modern road bridge across the River Wye. Cadw consider that the proposal would introduce one complex, prominent, free-standing new building into this and other views. To conclude, Cadw raises fundamental concerns about the proposal and its potential effect upon the setting of Chepstow Castle and considers it to be contrary to the guidance given in Planning Policy Wales.

#### 5.5 Access

5.5.1 It is proposed that the site be accessed off the main public car park in the town. This would result in a loss in the number of car parking spaces available to the public and also result in an access road serving 15 residential units running through the car park. Permission would have to be sought from the Council as landowner to obtain access through the public car park and this permission is likely to be declined as noted by

comments made on behalf of the Council's Head of Operations. This is because during construction, the development would result in the (temporary) loss of parking and also conflict with car park users for example when HGV deliveries to the site are needed. After completion the loss of two car parking spaces would be detrimental to this part of Chepstow where parking provision is at a premium as the car park is heavily used and supports local businesses, shoppers and tourists. The developers have stated that they could develop the site without vehicular access, due to its town centre location but this is considered unlikely especially during the construction phase. A residential development of this size without parking provision would put additional pressure on existing public car parks.

- 5.5.2 If vehicular access was to be provided through the public car park, it is proposed to provide one car parking space on site for each residential unit; this is in line with the CSS guidelines. This is considered sufficient given the nature of the accommodation, and the accessible location of the development. The Council's Highways Team has requested that a turning head and disabled bay be provided.

## 5.6 Residential Amenity

- 5.6.1 There are four properties whose gardens back on to the development site. There is also the Kingdom Hall which abuts the north-east boundary of the site and is set at a lower level. St Maurs, which is a Listed Building, is used as offices and is approximately 22m from the boundary of the development site. No 10 Hocker Hill Street comprises two residential flats, a ground floor office and a psychotherapy practice. It is about 30m from the boundary of the development site. No 9 is residential and approximately 21m from the boundary. No 8 comprises offices and a residential flat, the building is a minimum of 18m from the proposed development. Between no's. 10 and 9 runs the cobbled footpath which will be used as a pedestrian link for occupiers of the new development. All those properties are set at a lower level than the proposed apartment blocks. The new development would have a major impact upon the occupiers of the adjoining properties especially given the relative height of the proposal so close to the common boundary. Part of St Maurs and no. 10 are commercial premises and therefore the standard of amenity expected for occupiers of such premises compared to a residential use is lower. The same is not strictly true for no's. 8 and 9 Hocker Hill Street, which have a greater proportion of residential accommodation and shorter gardens. That being said, it must be remembered that this is a town centre location where amenity standards tend to be lower than for suburban or rural locations. To assist with the privacy levels for the occupiers of no 8 and 9 Hocker Hill Street, the only windows on the elevation facing toward them are kitchen windows and these have been specified with opaque glass. The proposed mass of building so close to the common boundaries of residential properties would have an overbearing impact on these adjoining residential properties. Although the position of the windows on the proposed south-east elevation has been carefully considered there will inevitably be a level of overlooking and loss of privacy for those residents. The development would therefore be contrary to criterion d) of Policy DES1 as it would not maintain reasonable levels of privacy and amenity to the occupiers of neighbouring properties.

## 5.7 Landscaping

- 5.7.1 Tree Survey was submitted as part of the application. It identified five mature trees on the site (one Holm Oak, one Ash, one Norway Spruce and two Yews). It is proposed to remove the Spruce and retain the rest. The Council's Tree Officer has visited the site and agrees with the findings of the tree survey and has no objections to the removal of the Spruce tree. A condition can be imposed to protect the existing trees on the site. In

addition to this there are proposals for substantial landscaping of the car parking area. The extent of the car park has been reduced and moved back from the northern boundary (to a minimum of 14 metres from the boundary) in order to reduce its visual impact when viewed from the Castle. Landscaping in the form of semi-mature trees and the pergolas to be clad in creepers will help to screen the car park and the cars. Ground levels at the bottom of the slope would be raised in order to make the terrain more manageable to residents but this will not have a significant visual impact. The natural stone wall around the boundary of the site will be retained.

## 5.8 Affordable Housing

5.8.1 Policy S4 of the LDP requires that in Chepstow, as a main town, development sites with a capacity of 5 or more dwellings, will make provision (subject to appropriate viability assessment) for 35% of the total number of dwellings on the site to be affordable. When this application was first submitted in 2010 under the provisions of the UDP the required number of affordable units required was 20% and this figure was the basis for officer negotiations with the developers.

In this case it is not considered desirable or practicable to provide this element of affordable housing on the site. This is because the type of close care being provided by this development will be run by a management company and because the types of flats being offered do not lend themselves to being affordable units. The developer has agreed that if the application is successful that instead of providing on site affordable units he will enter into a s.106 agreement to provide a financial contribution in lieu of the affordable units. The monies can then be used to secure more appropriate affordable units elsewhere in Chepstow.

## 5.9 Archaeology

5.9.1 A report on an archaeological evaluation carried out on the proposed development area has been submitted as part of the application. The evaluation comprised seven trenches, varying in length between 7.5 and 10m. One trench revealed surfaces dating to the medieval period, whilst another located a linear feature and a substantial pit, both of medieval date and partially cut into the bedrock. No archaeology was found in the remaining five trenches, all of which contained only well-cultivated garden soil lying above natural deposits. No evidence for siegeworks associated with the Civil War siege of the castle was encountered during the work. This work therefore has shown that only limited areas of archaeological survival exist in the development area and that these features whilst of local/regional importance are not of sufficient significance for the current application to be refused on archaeological grounds subject to an appropriate condition being attached to any consent that is granted ensuring that they are properly investigated, recorded and the results made public. GGAT therefore have no objections to the application on archaeological grounds. However they do have concerns over the design of the proposal and its impact on Chepstow Castle. They refer us to a document issued by English Heritage which provides a framework for assessing the impact of development on the setting of ancient monuments and suggest that we request a similar assessment, although this is English guidance and officers consider that there is sufficient information to determine the application.

## 5.10 Recreational Provision

5.10.1 Policy CRF2 states that proposals for new residential development should provide appropriate amounts of outdoor recreation and public open space in accordance with the Councils adopted standards and that any provision should be well related to the housing development that it is intended to serve. Owing to the scale and nature of the proposed use there would not be a requirement for any facilities to be provided on the site and

there is no requirement for children's play, but it is expected that the developer would make a financial contribution towards outdoor adult recreation and public open space in the local area. This could be secured by a s.106 agreement, and the applicant is agreeable to this.

#### 5.11 Biodiversity

- 5.11.1 An ecological assessment was submitted as part of the application and this identified the site as being of low ecological value. The Council's Biodiversity Officer accepts these findings but outlines conditions and informatives that should be applied if permission is granted.

#### 5.12 Housing Land Supply

- 5.12.1 Although the principle of residential development within the settlement boundary is acceptable the detailed visual impact and design are not. Therefore officers are recommending the application for refusal. WG advice has been considered in relation to Housing Land Supply because within the County there is less than a five year land supply. TAN1 states at paragraph 5.1 that 'where the current study shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies'. It is acknowledged that the most recent Joint Housing Land Availability Study (2016) shows Monmouthshire as having a land supply of 4.1 years which is below the 5 year requirement. Recent appeal decisions in South East Wales confirm that the lack of a five year housing land supply is an important material consideration. In this case the proposal would only be adding 15 units to the total housing target for the County; this relatively small number does not justify granting the proposed development permission contrary to detailed planning considerations and causing so much visual harm to the Chepstow Conservation Area and the setting of Chepstow Castle.

- 5.12.2 Paragraph 6.2 of TAN1 states that 'Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'. In addition to this the shortfall in the Housing Land Supply is an issue that has been addressed in the LDP Annual Monitoring Report (AMR) (September 2016). This is available on the Council's website and was formally endorsed for submission to the Welsh Government by Cabinet in October 2016. The AMR is recommending an early review of the LDP as a result of the need to address the shortfall in the Housing Land Supply and facilitate the identification and allocation of additional housing land. This relatively small site providing only 15 units would do little to contribute to the housing numbers required in Monmouthshire and this benefit is not considered to outweigh the harm that the proposal would cause.

#### 5.13 Other issues raised

- 5.13.1 It is proposed to provide a pedestrian access to the site via a narrow cobbled alley. As a result of the proposal this alley will be opened up and this would add to the historic interest of the local area. While persons over the age of 55 would have little problem with the cobbles there is an alternative pedestrian access into the site for those people who may experience mobility difficulties.

- 5.13.2 Welsh Water has not indicated that there is a problem with either surface or foul water in the area.
- 5.13.3 With regards to publicity of the application, all adjoining occupiers were notified of the original scheme and then re-consulted on the amended plans, as were all the people who made representations initially. Furthermore the application was advertised on site in several locations. The publicity with regards to this application exceeded the statutory requirements.
- 5.13.4 The site is not public land.

## **6.0 RECOMMENDATION: REFUSE**

### **1. Impact on the Chepstow Conservation Area**

The proposed building because of its height and mass would create a very dominant feature on the skyline in the historic core of Chepstow. It would not preserve or enhance the character and appearance of the Chepstow Conservation Area. The resultant building would have a serious adverse effect on several significant views into and out of the Chepstow Conservation Area. The proposed building, due to its scale would dominate the historic buildings in this part of Chepstow and would have a significant adverse effect on the general character of the area. The application is therefore contrary to Policy HE1 of the Local Development Plan.

### **2. Impact on Castle**

The proposed building and associated carpark will have a very significant effect upon the setting of Chepstow Castle which is a Grade I Listed building. The proposed development will extend the historic building line closer to the Castle. The Great Tower of Chepstow Castle, part of the oldest and one of the most important medieval buildings in Wales, is only 90 metres from the edge of the proposed building. The proposed development would be on the skyline, when viewed from Marten's Tower and the South-West Tower and be directly in the line of vision when viewed from the Great Tower. The roof of the proposed development will be higher than any of the viewpoints in the Castle. Notwithstanding that the proposed planting would go some way to reducing the visual impact of the development there would still be great harm caused as a result of the proposal to views from the Castle to the historic part of Chepstow. When looking from the public castle car park up The Dell towards the Marten's Tower, the proposed development will appear as a very prominent building on the skyline, projecting out towards the Castle and would introduce an intrusive element in this view. The proposal is therefore contrary to the advice given in Paragraph 6.5.12 of Planning Policy Wales (PPW) as the proposed development would damage the character and appearance of the Conservation Area.

### **3. Lack of Vehicular Access**

At present there is no vehicular access into the site and it is unlikely that the Council, as landowners would give permission over the public carpark as this would reduce the capacity of an already crowded carpark to the detriment of shoppers and tourists visiting the town centre. A development of 15 flats without vehicular access, even taking into account its sustainable location is not acceptable in planning terms. There would be nowhere to take deliveries and it would increase the pressure on the existing public carpark as residents would inevitably park their own vehicles in the public car park. This development would be contrary to the objectives of Policy MV1 as it does not meet the adopted Monmouthshire Parking Standards and parking provision cannot



be reasonably achieved off site without compromising the capacity of the adjacent public car park.

Informative:

The applicant should note that if an appeal is lodged in the event the application is refused, then the appeal would need to be subject to a unilateral undertaking to secure an off-site affordable housing financial contribution, in accordance with the advice provided by the Council's Housing Officer.