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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 26 June 2017

Notice of meeting:

Planning Committee

Tuesday, 4th July, 2017 at 2.00 pm,
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 12
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise.	
4.1.	APPLICATION DC/2016/00537 - REMOVAL OF CONDITIONS 10, 11 AND 12 (RESTRICTION TO HOLIDAY LET) OF PLANNING PERMISSION DC/2014/00441. HAZEL AND OAK COTTAGES, WERNDDU FARM, ROSS ROAD, LLANTILIO PERTHOLEY, ABERGAVENNY.	13 - 16
4.2.	APPLICATION DC/2017/00159 - TWO DETACHED DWELLINGS AND ACCESS DRIVE EXTENDING EXISTING DRIVE. CAE ELGA, HIGHFIELD ROAD, OSBASTON, MONMOUTH, NP25 3HR.	17 - 22
4.3.	APPLICATION DC/2017/00188 - TWO DETACHED TWO STOREY DWELLINGS LOCATED IN REAR GARDEN OF ROSEBROOK. ROSEBROOK, WATERY LANE, MONMOUTH, NP25 3AT.	23 - 28
4.4.	APPLICATION DC/2017/00257 - RETENTION OF SINGLE STOREY TIMBER CLAD STABLE BLOCK AND TWO FREESTANDING CONTAINERS; NEW STEEL GATES AND FENCING; CONSTRUCTION OF TWO NEW STABLES. BLACKWALL STUD, STOKE BARN, MAGOR.	29 - 32
4.5.	APPLICATION DC/2017/00444 - PROPOSED CONVERSION OF REDUNDANT AGRICULTURAL BARN TO 2 NO. DWELLINGS. NEW HOUSE FARM, LITTLE MILL, USK.	33 - 38

5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received.	
5.1.	Appeal Decision - White House Gwehelog.	39 - 42
5.2.	Appeal Decision - Caxton Tower Rockfield.	43 - 46

**Paul Matthews
Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

J. Becker
D. Blakebrough
L. Brown
P. Clarke
A. Davies
D. Dovey
R. Edwards
D. Evans
M. Feakins
R. Harris
J. Higginson
G. Howard
P. Murphy
M. Powell
A. Webb
Vacancy (Independent Group)

Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon two working days before the meeting. Details regarding public speaking can be found within this agenda or is available here [Public Speaking Protocol](#)

Access to paper copies of agendas and reports

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

Watch this meeting online

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Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with 5 days notice prior to the meeting should you wish to speak in Welsh so we can accommodate your needs.

Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Purpose

The purpose of the attached reports and associated officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule, having weighed up the various material planning considerations.

The Planning Committee has delegated powers to make decisions on planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an officer recommendation to the Planning Committee on whether or not officers consider planning permission should be granted (with suggested planning conditions where appropriate), or refused (with suggested reasons for refusal).

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the Monmouthshire Local Development Plan 2011-2021 (adopted February 2014), unless material planning considerations indicate otherwise.

Section 2(2) of the Planning (Wales) Act 2015 states that the planning function must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.

The decisions made are expected to benefit the County and our communities by allowing good quality development in the right locations, and resisting development that is inappropriate, poor quality or in the wrong location. There is a direct link to the Council's objective of building sustainable, resilient communities.

Decision-making

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary to make the proposed development acceptable;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions, or against the failure of the Council to determine an application within the statutory time period. There is no third party right of appeal against a decision.

The Planning Committee may make decisions that are contrary to the officer recommendation. However, reasons must be provided for such decisions, and the decision must be based on the Local Development Plan (LDP) and/or material planning considerations. Should such a decision be challenged at appeal, Committee Members will be required to defend their decision throughout the appeal process.

Main policy context

The LDP contains over-arching policies on development and design. Rather than repeat these for each application, the full text is set out below for Members' assistance.

Policy EP1 - Amenity and Environmental Protection

Development, including proposals for new buildings, extensions to existing buildings and advertisements, should have regard to the privacy, amenity and health of occupiers of neighbouring properties. Development proposals that would cause or result in an unacceptable risk /harm to local amenity, health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk:

- Air pollution;
- Light or noise pollution;
- Water pollution;
- Contamination;
- Land instability;
- Or any identified risk to public health or safety.

Policy DES1 – General Design Considerations

All development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. Development proposals will be required to:

- a) Ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community safety and encourages walking and cycling;
- b) Contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;
- c) Respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;
- d) Maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable;
- e) Respect built and natural views and panoramas where they include historical features and/or attractive or distinctive built environment or landscape;
- f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials;
- g) Incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;
- h) Include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- i) Make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion l) below;
- j) Achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- k) Foster inclusive design;
- l) Ensure that existing residential areas characterised by high standards of privacy and

spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

Other key relevant LDP policies will be referred to in the officer report.

Supplementary Planning Guidance (SPG):

The following Supplementary Planning Guidance may also be of relevance to decision-making as a material planning consideration:

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (adopted March 2016)
- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)

National Planning Policy

The following national planning policy may also be of relevance to decision-making as a material planning consideration:

- Planning Policy Wales (PPW) 11 2016
- PPW Technical Advice Notes (TAN):
- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)

- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

Other matters

The following other legislation may be of relevance to decision-making.

Planning (Wales) Act 2015

As of January 2016, Sections 11 and 31 of the Planning Act come into effect meaning the Welsh language is a material planning consideration.

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the local planning authority, and the decision whether or not to take Welsh language issues into account should be informed by the consideration given to the Welsh language as part of the LDP preparation process. Section 11 requires the sustainability appraisal, undertaken as part of LDP preparation, to include an assessment of the likely effects of the plan on the use of Welsh language in the community. Where the authority's current single integrated plan has identified the Welsh language as a priority, the assessment should be able to demonstrate the linkage between consideration for the Welsh language and the overarching Sustainability Appraisal for the LDP, as set out in TAN 20.

The adopted Monmouthshire Local Development Plan (LDP) 2014 was subject to a sustainability appraisal, taking account of the full range of social, environmental and economic considerations, including the Welsh language. Monmouthshire has a relatively low proportion of population that speak, read or write Welsh compared with other local authorities in Wales and it was not considered necessary for the LDP to contain a specific policy to address the Welsh language. The conclusion of the assessment of the likely effects of the plan on the use of the Welsh language in the community was minimal.

Environmental Impact Assessment Regulations 2016

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are relevant to the recommendations made. The officer report will highlight when an Environmental Statement has been submitted with an application.

Conservation of Species & Habitat Regulations 2010

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. Examples of EPS are all bat species, dormice and great crested newts. When considering planning applications Monmouthshire County Council as 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. The three tests are set out below.

- (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.
- (ii) There is no satisfactory alternative
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned as a favourable conservation status in their natural range.

Well-being of Future Generations (Wales) Act 2015

This Act is about improving the social, economic, environmental and cultural well-being of Wales. The Act sets out a number of well-being goals:

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;
- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

- **Long term:** balancing short term need with long term and planning for the future;
- **Collaboration:** working together with other partners to deliver objectives;
- **Involvement:** involving those with an interest and seeking their views;
- **Prevention:** putting resources into preventing problems occurring or getting worse;
- **Integration:** positively impacting on people, economy and environment and trying to benefit all three.

The work undertaken by Local Planning Authority directly relates to promoting and ensuring sustainable development and seeks to strike a balance between the three areas: environment, economy and society.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

Equality Act 2010

The Equality Act 2010 contains a public sector equality duty to integrate consideration of equality and good relations into the regular business of public authorities. The Act identifies a number of 'protected characteristics': age; disability; gender reassignment; marriage and civil partnership; race; religion or belief; sex; and sexual orientation. Compliance is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. Due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Consultation on planning applications is open to all of our citizens regardless of their age: no targeted consultation takes place specifically aimed at children and young people. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Protocol on Public Speaking at Planning Committee

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below.

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee. Only elected members of community and town councils may speak. Representatives will be expected to uphold the following principles: -

(i) To observe the National Code of Local Government Conduct. (ii)

Not to introduce information that is not:

- consistent with the written representations of their council, or
- part of an application, or
- contained in the planning report or file.

When a town or community councillor has registered to speak in opposition to an application, the applicant or agent will be allowed the right of reply.

Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public may appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where, by the deadline, letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday.

The number of objectors and/or supporters will be clearly stated in the officer's report for the application contained in the published agenda.

The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application.

When is speaking permitted?

Public speaking will normally only be permitted on one occasion where applications are considered by Planning Committee. When applications are deferred and particularly when re-presented following a committee resolution to determine an application contrary to officer advice, public speaking will not normally be permitted. Regard will however be had to special circumstances on applications that may justify an exception. The final decision lies with the Chair.

Registering Requests to Speak

Speakers must register their request to speak as soon as possible, between 12 noon on the Tuesday and 12 noon on the Friday before the Committee. To register a request to speak, objectors/supporters must first have made written representations on the application.

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request by calling 01633 644219 or by email to registertospeak@monmouthshire.gov.uk. Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

Parties are welcome to address the Planning Committee in English or Welsh, however if speakers wish to use the Welsh language they are requested to make this clear when registering to speak, and are asked to give at least 5 working days' notice to allow the Council the time to procure a simultaneous translator.

Applicants/agents and objectors/supporters are advised to stay in contact with the case officer regarding progress on the application. It is the responsibility of those wishing to speak to check when the application is to be considered by Planning Committee by contacting the Planning Office, which will be able to provide details of the likely date on which the application will be heard. The procedure for registering the request to speak is set out above.

The Council will maintain a list of persons wishing to speak at Planning Committee.

Content of the Speeches

Comments by the representative of the town/community council or objector, supporter or applicant/agent should be limited to matters raised in their original representations and be relevant planning issues. These include:

- Relevant national and local planning policies
- Appearance and character of the development, layout and density
- Traffic generation, highway safety and parking/servicing;
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Speakers should avoid referring to matters outside the remit of the Planning Committee, such as;

- Boundary disputes, covenants and other property rights

- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

Persons registered to speak should arrive no later than 15 minutes before the meeting starts. An officer will advise on seating arrangements and answer queries. The procedure for dealing with public speaking is set out below;

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the objector will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the supporter will then be invited to speak for a maximum of 4 minutes by the Chair.
- The Chair will then invite the applicant or appointed agent (if applicable) to speak for a maximum of 4 minutes. Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to speak for a maximum of 5 minutes.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - The community or town council representative or objector/supporter or applicant/agent may not take part in the member's consideration of the application and may not ask questions unless invited by the chair.
 - Where an objector/supporter, applicant/agent or community/town council has spoken on an application, no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the committee unless there has been a material change in the application.
 - The Chair or a member of the Committee may, at the Chair's discretion, occasionally seek clarification on a point made.
 - The Chair's decision is final.
- Officers will be invited to respond to points raised if necessary.
- Planning Committee members will then debate the application, commencing with the local member of Planning Committee.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Response by officers if necessary to the points raised.
- Immediately before the question being put to the vote, the local member will be invited to sum up, speaking for no more than 2 minutes.
- When proposing a motion whether to accept the officer recommendation or to make an amendment, the member proposing the motion shall state the motion clearly.

- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th
June, 2017 at 2.00 pm**

PRESENT: County Councillor R. Edwards (Chairman)
County Councillor P. Clarke (Vice Chairman)

County Councillors: J. Becker, D. Blakebrough, L. Brown, A. Davies,
D. Dovey, D. Evans, M. Feakins, R. Harris, J. Higginson, P. Murphy,
M. Powell and A. Webb

County Councillors L. Dymock and V. Smith attended the meeting by
invitation of the Chair.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Paula Clarke	Development Management Area Team Manager
Craig O'Connor	Development Management Area Team Manager
Amy Longford	Heritage Manager
David Wong	Senior Development Management Officer
Andrew Jones	Senior Development Management Officer
Shirley Wiggam	Senior Strategy & Policy Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillor G. Howard

County Councillor M. Feakins left the meeting and did not return following consideration of Application DC/2016/00883.

1. Election of Chair

We elected County Councillor R. Edwards as Chair.

2. Appointment of Vice-Chair

We appointed County Councillor P.R. Clarke as Vice-Chair.

3. Appointment of Opposition Spokesperson

We appointed County Councillor R.G. Harris as Opposition Spokesperson.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th
June, 2017 at 2.00 pm**

4. Declarations of Interest

County Councillor M. Feakins informed the Committee that he has discussed application DC/2016/01478 at a Monmouth Town Council Meeting and therefore left the meeting taking no part in the discussion or voting thereon.

5. Confirmation of Minutes

The minutes of the Planning Committee dated 25th April 2017 were confirmed and signed by the Chair.

6. APPLICATION DC/2017/00453 - CHANGE OF USE FROM A1/A3 MIXED USE TO FULL A3 USE AS A TAKEAWAY OPERATING 7 DAYS A WEEK UNTIL 11PM. 1 THE BARTON, AGINCOURT SQUARE, MONMOUTH, NP25 3BT

We considered the report of the application and late correspondence, which was recommended for approval subject to the nine conditions, as outlined in the report.

Mr. D. Cummings, Chairman of Monmouth District Chamber of Trade and Commerce, attended the meeting by invitation of the Chair and outlined the following points in support of the application:

- The applicant has successfully run the Indian Summer Restaurant and takeaway in Monmouth for a period of 12 years.
- During the last seven years the applicant has been employed as a Community Development Officer for a Council other than Monmouthshire County Council and now wishes to return to the town and operate a takeaway.
- There are numerous letters of support for the application and also a number of letters of objection from residents, mainly regarding issues relating to noise and smells.
- The Case Officer has acknowledged these issues and has made it a stipulation of the Planning Department in recommending this application for approval and more work was required regarding the issues of the extractor fan and filters.
- The proposed location is close to a number of other restaurants and public houses with licences to operate to 11.00pm, with one large public house operating to 1.00am.
- The location of the proposed takeaway is outside the area of primary shopping frontages, where we try responsibly to protect change of use from A1 retail to A3.
- The applicant is trying to offer a variation on a successful theme.
- It was hoped that the Planning Committee would look favourably on this application when determining its outcome.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th June, 2017 at 2.00 pm

Having considered the report of the application and the views expressed, the majority of the Planning Committee expressed their support for the application. The location was appropriate, it will be the only takeaway of this type within the town and vehicle access will be easy, creating very little disruption.

One Member referred to the proposed hours of opening as indicated in the conditions to the report of the application and asked that on Sundays, whether the premises could close earlier than 10.30am, as this is a day of rest.

It was therefore proposed by County Councillor R.G. Harris and seconded by County Councillor P. Murphy that application DC/2017/00453 be approved subject to the nine conditions, as outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	13
Against approval	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00453 be approved subject to the nine conditions, as outlined in the report.

7. APPLICATION DC/2008/00723 - CONVERSION OF PRE-1700 BUILDING INTO 23 APARTMENTS, DEMOLITION OF POST 1900 STRUCTURES AND BUILDING OF 31 NEW APARTMENTS. TROY HOUSE, MITCHELL TROY, MONMOUTH, NP25 4HX

We considered the report of the application and late correspondence, which was presented for refusal subject to the six reasons, as outlined in the report, and that a Section 54 Urgent Works Notice under the Town and Country Planning (Listed Buildings & Conservation Areas) Act 1990 be issued relating to the repair of the roof and propping of the heavily decorated plaster ceilings at the property.

In noting the detail of the application, the following points were noted:

- A letter had been sent to the applicant in July 2016 outlining the issues and what was required in respect of the building in order for the application to be looked on favourably by the Planning Committee.
- Members expressed their support for the officer's recommendation that we be minded to refuse the application but are prepared to grant an extension to the Planning Committee meeting on 1st August 2017. If sufficient information has not been received by this deadline then the Committee will consider the application with a recommendation for refusal.
- Members were in agreement that the preservation of the building was a priority matter.

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- Members expressed their support for the issuing of a urgent works notice.
- In response to a request that some of the windows be boarded up to help preserve the building, it was noted that officers were looking to work with the applicant to encourage them to undertake the works that were necessary before resorting to boarding up windows. It is possible that two notices might be served with one notice referring to the roof and plaster ceilings and if necessary, an additional notice could be served relating to boarding up windows. A window by window specification check might need to be undertaken.
- It was noted that the applicant was keen to work with officers. However, if the information was not received by the 31st July 2017, officers could be granted delegated powers to issue the decision if the outstanding technical information is not received by this date.

It was proposed by County Councillor P. Murphy and seconded by County Councillor D. Dovey that application DC/2008/00723 be refused subject to the six reasons, as outlined in the report and that officers be granted delegated powers to issue the decision if the outstanding technical information is not received by 31st July 2017. Also, that the Authority be granted permission to serve an Urgent Works Notice.

Upon being put to the vote, the following votes were recorded:

In favour of the proposal	-	14
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2008/00723 be refused subject to the six reasons, as outlined in the report and that officers be granted delegated powers to issue the decision if the outstanding technical information is not received by 31st July 2017. Also, that the Authority be granted permission to serve an Urgent Works Notice.

8. APPLICATION DC/2015/00095 - RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ROADS, DRAINAGE ETC. IFTON MANOR FARM, CHESTNUT DRIVE, ROGIET, CALDICOT NP26 3TH

We considered the report of the application and late correspondence, which was recommended for approval subject to the conditions, as outlined in the report and in late correspondence and subject to a Section 106 Agreement to require two affordable housing units.

In noting the detail of the application, the following points were raised:

- The site was an ideal location for this application.

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- The drawings were small scale with no details of the roofs. If the roofs on the new houses were similar to the existing houses then this would be appropriate. Extra details could be provided.
- The windows to the properties would be the same front and back.
- The roads on the development will be made up to adoptable standards but it will be up to the developer to pass this over to the Authority for adoption. Most developers do this.
- There will be a stone wall to the edge of the development boundary.
- In response to a question raised regarding condition 7 relating to the boundary wall, it was noted that the wording could be amended.
- It was noted that the site could only accommodate two affordable units. They have been checked by the housing association and they meet Development Quality Requirements (DQR).

It was proposed by County Councillor D. Evans and seconded by County Councillor R.J. Higginson that application DC/2015/00095 be approved subject to the conditions, as outlined in the report and that an additional condition / informative, as outlined in late correspondence, be added. Condition 7 to be amended to include reference to repairing the stone wall on the southern boundary with existing dwellings. Also, that a Section 106 Agreement be provided to require two affordable housing units.

Upon being put to the vote, the following votes were recorded:

In favour of the proposal	-	14
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/00095 be approved subject to the conditions, as outlined in the report and that an additional condition / informative, as outlined in late correspondence, be added. Condition 7 to be amended to include reference to repairing the stone wall on the southern boundary with existing dwellings. Also, that a Section 106 Agreement be provided to require two affordable housing units.

9. APPLICATION DC/2015/00767 - RETENTION AND COMPLETION OF A NEW MEDICAL OFFICE. SITE OF THE FORMER PUBLIC TOILETS, TINTERN

We considered the report of the application and late correspondence, which was recommended for approval subject to the six conditions, as outlined in the report.

The local Member for St. Arvans, also a Planning Committee Member, expressed her support for the application.

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Having considered the report of the application and the views expressed by the local Member, it was proposed by County Councillor P. Murphy and seconded by County Councillor A. Webb that application DC/2015/00767 be approved subject to the six conditions, as outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/00767 be approved subject to the six conditions, as outlined in the report.

10. APPLICATION DC/2016/00883 - MASTER PLANNED DEVELOPMENT OF 13.8 HECTARES OF LAND FOR RESIDENTIAL USE AND EMPLOYMENT USE; UP TO 266 PROPOSED RESIDENTIAL UNITS AND APPROXIMATELY 5575 SQUARE METRES of B1 FLOOR SPACE. ROCKFIELD FARM, UNDY, NP26 3EL

We considered the report of the application and late correspondence, which was recommended for approval subject to the conditions, as outlined in the report and in the late correspondence. Also subject to a planning contribution in which the heads of terms are identified in the report and to enter into a Section 278 Agreement of the Highways Act 1980.

The local Member for the Elms, attended the meeting by invitation of the Chair and outlined the following points:

- Magor and Undy has been developed over the years but the infrastructure has not been developed at the same rate.
- With no community centre and poor transport links the community lacks amenities and is becoming overwhelmed by traffic demands.
- Concern was expressed that the community will not be able to cope with the increased population from the proposed Rockfield development.
- Should Planning Committee consider approving the application, the local Member asked that the Committee seeks answers from the developer regarding the following issues:
 - Concerns regarding the T junction that joins the B4245.
 - Speeding traffic is one of the greatest concerns for local residents.
 - An additional 266 houses will create an additional 400+ vehicles.

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- Speeding vehicles through Undy could pose a potential danger to the public.
- Correct measures need to be established to reduce excessive speeding.
- With regard to the proposed B1 light industrial area at the rear of the development, will any weight restrictions be implemented on Dancing Hill or through the development?
- Concern was expressed regarding the risks posed by delivery vehicles travelling through these residential areas.
- Many complaints have been received from Undy residents regarding parking on Pennyfarthing Lane due to congestion around the school drop off and collection times of Undy School.
- Off-road parking is required to alleviate the need to park on the lane which will only be worsened by the proposed development. The local Member asked that this matter be reviewed.
- The local Member welcomes the Section 106 funding for the Three Fields site.
- Both the Magor Station and improved bus services are required.
- Magor Station should be re-instated.
- The Magor and Undy footpath to Rogiet would benefit from having a cycle path.
- The contributions listed are required imminently prior to the development being inhabited in order for the projects listed to commence to provide improvement for the current and new residents.
- Residents need to be engaged in the planning and design of this development.

In response to the issues raised by the local Member, it was noted that:

- With regard to the timescale of Section 106 funding, the issues relating to Three Fields have been raised in late correspondence. This relates to the proposed community centre. Therefore, officers are recommending that the £800,000 contribution goes towards this one project. Also, discussions have been held with the applicant with regard to the timescales for the provision of this funding.
- The Three Fields contribution is likely to come from Phases A & D (Phase 1).
- Contributions towards the station are likely to come from Phase 2 of the development.

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- The issues raised regarding speeding traffic will be addressed via the Section 278 Highways Agreement.
- Access to the B1 employment land will also be addressed via the Section 278 Highways Agreement.

Having considered the report of the application and the views expressed by the local Member, the following points were noted:

- The Local Member had indicated that her preference would be for the construction of a roundabout at the entrance to the development rather than having a T junction, as this would reduce the speed of traffic and help manage traffic flow at this location. The recommendation in the report referred to the implementation of a T Junction and there were less expensive options available to control and reduce traffic speeds at this location.
- The highway issues could be looked at with a view to identifying different mechanisms for reducing traffic speed. Under Section 278 of the Highways Act to make any junction onto a highway, there is a requirement to have such a legal agreement over the exact works. Therefore, these issues could be incorporated into the Section 278 Agreement.
- Triple glazing could be conditioned at the reserved matters stage.
- It was noted that this application is in the Local Development Plan.
- Bungalows could be included on the site at the reserved matters stage.
- Consultation with the Local Health Board was important when considering applications for large developments.
- The late correspondence refers to an informative which will be put onto the notice to the applicant in which the design and appearance will be addressed. Each of the detailed applications will be presented to the Planning Committee in due course.
- Officers will start to consult with the Local Health Board in respect of major applications. The five year housing land supply is currently available and the local Health Board can be informed of this data. It was noted that the local Health Board was consulted at the Local Development Plan stage.

The local Member for the Elms summed up by informing the Committee that there is a 30mph speed limit through Magor and Undy and there still exists a problem of speeding vehicles. Further traffic calming measures are required at this location. The Head of Planning, Housing and Place-Shaping stated that he would pass on to the Highways Directorate the comments made by the local Member regarding the need for the Highways Directorate to consider additional traffic calming measures on the B road as it enters the village from Rogiet, as part of the Section 278 Agreement.

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It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2016/00883 be approved subject to the conditions, as outlined in the report and in the late correspondence. Also subject to a planning contribution in which the heads of terms are identified in the report and to enter into a Section 278 Agreement of the Highways Act 1980.

Upon being put to the vote, the following votes were recorded:

In favour of the proposal	-	14
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2016/00883 be approved subject to the conditions, as outlined in the report and in the late correspondence. Also subject to a planning contribution in which the heads of terms are identified in the report and to enter into a Section 278 Agreement of the Highways Act 1980.

11. APPLICATION DC/2016/01478 - DEMOLITION OF EXISTING ATTACHED GARAGE AND THE CONSTRUCTION OF A NEW BUNGALOW IN THE REAR GARDEN. 78 HEREFORD ROAD, MONMOUTH, NP25 3HJ

We considered the report of the application and late correspondence, which was recommended for approval subject to the 13 conditions, as outlined in the report and also subject to a Section 106 Agreement securing the financial contribution.

In noting the detail of the application some Members expressed their sympathy for the neighbours who had objected to the application. However, it was considered that there were no reasons to refuse the application based on planning grounds as it complied with planning policy and would not unacceptably harm neighbour amenity.

Other Members expressed concern regarding the application and under Policy DES1 – general design considerations. It was considered that under this policy there might be grounds to refuse the application. The new bungalow will have a small rear garden and will have traffic passing close to the existing houses. Reference to the Wellbeing of Future Generations Wales Act 2015 and the effects on physical and mental health could be taken into account with the removal of the garden and the detrimental effect that this might create. There was a sense of overdevelopment with the removal of the garden.

The Head of Planning, Housing and Place-Shaping informed the Committee that on this scale, the development was acceptable. There will be some impact on the neighbours. However, it was considered that the detrimental impact to the neighbours would not be significant enough to recommend refusal of the application.

Having discussed the report of the application, it was proposed by County Councillor L. Brown and seconded by County Councillor D. Dovey that we be minded to refuse application DC/2016/01478 on the grounds of Policy DES1 and the Wellbeing of Future Generations Wales Act 2015, in particular reference to ‘a healthier Wales’.

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Upon being put to the vote, the following votes were recorded:

For refusal	-	5
Against refusal	-	8
Abstentions	-	0

The proposition was not carried.

We resolved that application DC/2016/01478 be approved subject to the 13 conditions, as outlined in the report and also subject to a Section 106 Agreement securing the financial contribution.

12. APPLICATION DC/2017/000164 - TO EXTEND THE PERIOD OF PLANNING PERMISSION DC/2010/00993 (APPROVED ON 7th MARCH 2012 BY MCC). GREEN DRAGON PARTNERSHIP, ST. THOMAS SQUARE, MONMOUTH NP25 5ES

We considered the report of the application and late correspondence, which was recommended for approval subject to the 12 conditions, as outlined in the report.

Having considered the report of the application, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2017/000164 be approved subject to the 12 conditions, as outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/000164 be approved subject to the 12 conditions, as outlined in the report.

13. APPLICATION DC/2017/00401 - REMOVE, DISPOSE AND REPLACE PRE-EXISTING TIMBER STRUCTURE ON A LIKE FOR LIKE BASIS. THE GLASCOED PUB, MONKSWOOD

We considered the report of the application and late correspondence, which was recommended for approval subject to the one condition, as outlined in the report.

The local Member for Llanbadoc, attending the meeting by invitation of the Chair, had had initial reservations regarding issues relating to the camping aspect of the application. However, these matters had now been resolved. She therefore, expressed her support for the application.

Having considered the report of the application and the views expressed by the local Member, it was proposed by County Councillor R.J. Higginson and seconded by County

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Councillor R.G. Harris that application DC/2017/00401 be approved subject to the one condition, as outlined in the report.

Upon being put to the vote, the following votes were recorded:

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00401 be approved subject to the one condition, as outlined in the report.

14. Appeal Decision: The Old Smithy, 34 Maryport Street, Usk, Monmouthshire, NP15 1AE

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 24th April 2017. Site: The Old Smithy, 34 Maryport Street, Usk, Monmouthshire, NP15 1AE.

The appeal had been allowed and planning permission was granted subject to the conditions set out in the Schedule at the end of the decision.

The meeting ended at 4.50 pm.

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DC/2016/00537

REMOVAL OF CONDITIONS 10, 11 AND 12 (RESTRICTION TO HOLIDAY LET) OF PLANNING PERMISSION DC/2014/00441

HAZEL AND OAK COTTAGES, WERNDDU FARM, ROSS ROAD, LLANTILIO PERTHOLEY, ABERGAVENNY

Case Officer: Kate Bingham
Registered: 06/06/2016

1.0 APPLICATION DETAILS

- 1.1 This application refers to two units that are currently let out as tourist accommodation. They were granted consent for conversion in 2007 as part of larger group of buildings. As the two units were of modern construction and therefore failed to meet the criteria of the Council's policy for conversion of buildings to residential use, conditions were attached to ensure that they remained as holiday lets in perpetuity. A subsequent application to remove the conditions was refused in 2009 and an appeal dismissed. An application to increase the maximum length of let from 28 days to 4 months was approved in 2015 on the basis that there was demand for longer stays during the summer months.
- 1.2 This application now seeks the removal of all holiday let conditions to allow unrestricted residential use. The main issue in the determination of this application is whether the unrestricted residential use of the buildings would be acceptable having regard to development plan policies which seek to strictly control new residential development in the open countryside.

2.0 RELEVANT PLANNING HISTORY

DC/2014/00441 – Variation of occupancy condition to allow holiday use not exceeding 4 months in any calendar year (condition 12 of application no DC/2009/00163). Approved 2015.

DC/2012/00352 - Removal of condition to allow unlimited stay duration for holiday use - Condition 12 of DC/2009/00163. Refused 2012.

DC/2009/00901 - Removal of restrictive holiday occupancy conditions 11, 12 & 13 of planning permission DC/2009/00163 relating to two units known as Hazel and Oak. This would enable their occupation for permanent residential accommodation. Refused 2009. Appeal Dismissed 2010.

DC/2007/00492 – Conversion of existing barns to create 3 dwellings and 4 holiday lets. Approved 2007.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

S1 – Spatial Distribution of New Residential Development
S4 – Affordable Housing
S11 – Visitor Economy

H4 – Conversion of Redundant Buildings in the Open Countryside
T2 – Visitor Accommodation outside Settlements
EP1 – Amenity and Environmental Protection

4.0 REPRESENTATIONS

4.1 Consultation Responses

Llantilio Pertholey Community Council – Recommend refusal. Affects tourism in the locality.

MCC Planning Policy – It would be inconsistent to vary conditions on buildings that were considered inappropriate for permanent residential accommodation in such a way that would adversely affect their potential for use as a tourism facility without being satisfied that there is a special justification for doing this.

4.2 Neighbour Consultation Responses

No comments received.

5.0 EVALUATION

5.1 Principle of Development

5.1.1 It is noted that a previous application for permanent residential use was refused and dismissed on appeal as not complying with criterion (e) of UDP Policy H7 because the buildings were unsuitable for general residential accommodation, the buildings being of modern construction. A similar criterion is attached to LDP Policy H4. Tourism is not considered a business use in terms of criterion (g) of Policy H4, although rural building conversions that have been allowed for tourist accommodation as exceptions to Policy H4 and conditioned accordingly would generally be expected to remain as such in perpetuity.

5.1.2 If it is accepted that the change of use of the buildings to unrestricted residential accommodation would meet criteria (e) of LDP Policy H4 by virtue that the buildings are not utilitarian in appearance and their retention would not therefore harm the character of the area. Strategic Policy S11 relating to the visitor economy is also of relevance which states in part that proposals that would result in the unjustified loss of tourism facilities will not be permitted. It is now argued that there is an oversupply of holiday accommodation in this area and that there has been little demand for the properties as holiday accommodation. The applicant has provided information showing that sale of the properties as holiday lets has been unsuccessful, despite listings since late 2012. Further to this they have also provided profit and loss details for the units when they were operating as holiday accommodation. These show that at its peak the units were only being let for 132 days per year and made a loss of £2434. As such, the loss of the units as tourist accommodation is considered to be justified in this exceptional instance, taking into account the material considerations below.

5.2 Visual Impact

5.2.1 The removal of the conditions would not lead to any external changes to the buildings or to the areas around them.

5.2.2 It is accepted that whilst the units are of modern construction (pre-fabricated concrete), they have been converted using traditional external finishes including timber and slate and would assimilate well with the adjoining more traditional buildings which are already in general permanent residential use.

5.3 Residential Amenity

5.3.1 Hazel and Oak Cottages are part of a range of barns that have been converted to residential use. The two units are the only holiday lets on the site and their conversion to permanent residential accommodation would not have an adverse impact on the neighbouring dwelling units. In fact, longer term occupation of the units may lead to a reduction in noise and disturbance as a result of different holiday makers arriving and leaving and the associated cleaning required between stays.

5.4 Affordable Housing

5.4.1 As the approval of this application would result in the addition of two new open market residential dwellings, an affordable housing contributions to help fund provision off site should be sought in accordance with Policy S4 of the LDP and the associated Supplementary Planning Guidance. In this case the contribution has been calculated as £20,556 in total.

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

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

6.0 RECOMMENDATION: APPROVE

Conditions:

1. Five years in which to commence development.
2. Development shall be carried out in accordance with the list of approved plans set out in the table on the decision notice.

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DC/2017/00159

TWO DETACHED DWELLINGS AND ACCESS DRIVE EXTENDING EXISTING DRIVE

CAE ELGA, HIGHFIELD ROAD, OSBASTON, MONMOUTH, NP25 3HR

Case Officer: Craig O'Connor

Registered: 21/02/2017

1.0 APPLICATION DETAILS

- 1.1 The application seeks outline planning consent for the erection of two dwellings within the rear garden of Cae Elga. The submitted site plan Drg No BP2554/01 Rev B outlines the indicative layout of the dwellings. The dwellings would be two storeys in scale with a maximum height of 7.75m. All matters of appearance, layout, scale and landscaping of the proposed dwelling are reserved with access being the only consideration within this application. The proposed access would utilise the existing access and extends the driveway with a permeable driveway.

2.0 RELEVANT PLANNING HISTORY

No relevant planning history

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial distribution of new housing provision
S4 – Affordable Housing
S13 Landscape, Green Infrastructure and the Natural Environment
S16 – Transport
S17 Place Making and Design

Development Management Policies

EP1 Amenity and Environmental Protection
EP5 – Foul sewage disposal
DES1 General Design Considerations
H1 – Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
MV1 – Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Responses

Monmouth Town Council – Recommend approval in original correspondence 11/04/2017; however recommend refusal when re-consulted on 14/06/2017 for the following reasons:-

- Access to the road
- No footpath for children walking to the school
- Case of flooding
- Increased traffic on a narrow road

Dwr Cymru Welsh Water – No adverse comments to the proposals subject to the suggested conditions and informative.

Glamorgan Gwent Archaeological Trust – No objections to the positive determination of the application.

MCC Highways – No objections to the proposals. Based on the above comments the Highway Authority are satisfied that the vehicular access is of a suitable standard to support multiple dwelling use and the level of car parking provision is in accordance with the Monmouthshire Parking Standards. It is considered that the level of traffic generated from the proposed development will have negligible impact on the local highway network and therefore there are no highway grounds to sustain an objection to the application.

MCC Affordable Housing Officer – It is a basic principle of LDP Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is £52,136.

MCC Tree Officer - The tree information submitted thus far is framed as an Arboricultural Constraints Report, in other words a list of the trees on site plus their retention value and any constraints they pose to the development. What we now require is more detailed information of how the retained trees, particularly the root systems, will be protected during construction. In the event of planning permission being granted I would therefore suggest that the suggested condition be added to any consent.

4.2 Neighbour Consultation Responses

There have been 9 letters of objection to the application based on the following reasons:

- Altered outlook from properties in the area
- Increased traffic danger to pedestrians and increased congestion in the area
- Potential damage to the protected tree at the site
- Erosion of green land and open space
- The development is not in keeping with other dwellings in the area, particularly in terms of open space
- New properties will overlook the neighbouring parties
- The development could have an adverse impact on drainage
- Concerns over the noise and dust pollution from the gravel driveway
- Concerns over the maintenance and security of the existing beech hedge at the site.
- Harm to wildlife habitat
- Alter the character of the area
- Two storey properties would be overbearing on the area
- Concerns that the plot is not large enough to accommodate two dwellings
- Landscaping plans need to be submitted within the application
- The proposals are an overdevelopment of the site
- Access for emergency services

5.0 **EVALUATION**

5.1 Principle of Development

5.1.1 Monmouth is identified in the Local Development Plan (LDP) Strategic Policy S1 as a main town where new build residential development is permitted subject to detailed planning considerations and other policies of the LDP. As such the proposal meets the requirements of Strategic Policy S1 and Policy H1 of the LDP in principle, subject to detailed planning considerations. It should be noted that the proposal currently falls below the five dwelling threshold in relation to affordable housing being provided on site. However in accordance with the Supplementary Planning Guidance (SPG) for Affordable Housing if consent was granted the developer would have to provide a financial contribution towards off-site affordable housing provision in the County.

5.2 Visual Impact

5.2.1 Policy DES1 of the LDP refers to general design considerations with criterion c) requiring development to respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings. The plot sizes for the dwellings would be acceptable and are not considered to be out of keeping with other plot sizes in Osbaston. Plot size within Osbaston varies and the proposed development would not be considered to be an overdevelopment of the area. The rear garden of Cae Elga is large and the proposed plots would be of an acceptable size. This is an outline application and matters relating to the scale and design of the proposed dwellings are reserved for a further, separate reserved matters application. The site is capable of accommodating two additional dwellings and the visual impact of two appropriately designed dwellings would not be harmful to the area. The proposed dwellings would be sited in a residential built up area with a range of different properties that vary in design and scale. The proposed dwellings would not be overly dominant and would harmonise with surrounding properties. The visual impact of the development on the street scene would be minimal given that the dwellings would be sited discreetly within the rear of Cae Elga. The proposal would have an acceptable visual impact that would not harm the character and appearance of the area in accordance with Policies EP1 and DES1 of the LDP.

5.3 Residential Amenity

5.3.1 The site does lie within a residential area and there are a number of properties in close proximity to the site. The proposed dwellings are not considered to have an unacceptable impact on the privacy or private amenity of the neighbouring properties and would be acceptable. It is considered that the proposed dwelling could be designed to ensure that the windows do not result in any unacceptable overlooking issues with the neighbouring properties. Plot A would be approximately 40m from the properties along Highfield Road and it would therefore not be overbearing. It would potentially overlook a piece of land to the north-west that is used for vegetable growing but this area is not any party's immediate private amenity area and therefore it is considered to be acceptable to have an outlook onto this area. The development would not have an unacceptable impact on the residential amenity of the properties along Berryfield Park given the siting of the dwellings, the existing screening at the site and the relative floor levels. Plot B would be sited on a right angle to properties' rear gardens along Highfield Road, although given the distances from the proposed dwelling and the oblique views it is not considered that the dwelling would have an unacceptable impact on the amenity of these neighbouring properties to warrant refusing the application. The dwelling would not directly overlook the immediate private garden area and the situation would be similar to the existing arrangement with the properties having oblique views over the ends of the garden areas. The application is made in outline only and the siting of the windows on the buildings would be considered in detail at the reserved matters stage. It is considered that the development would

have an acceptable impact on the residential amenity of the neighbouring parties and would be in accordance with Policy DES1 of the LDP.

5.4 Highway Safety

5.4.1 Access is the only matter within the outline application which is not reserved. The proposed access is considered acceptable for multiple dwellings and there is sufficient parking provision proposed in accordance with Monmouthshire Parking guidelines. The existing access is considered to be capable of accommodating the additional traffic from the properties and would be acceptable. The Highways Officer has reviewed the proposals and has no objections to the proposals. The development would be in accordance with Policy MV1 of the LDP.

5.5 Response to objections

5.5.1 The proposed development is considered to be characteristic of the area and the houses will be in keeping with the mix of dwellings in the area. No party has a right to a view and this is not a material planning consideration. If the proposed dwellings were designed sensitively they would not be visually harmful and would be in keeping with the area. The plots are considered to be of an acceptable size and would not be out of keeping with the character of the area. The properties along Berryfield Park are sited on smaller plots and therefore there is not a distinctive character of plot size in the area. The site is capable of accommodating two dwellings and the proposed dwellings would not be an overdevelopment of the site. The visual impact on the streetscene would be minimal given that the dwellings would be sited in the rear garden of an existing property. The dwellings would not be overbearing. The land is not open green space and is residential garden area.

5.5.2 The proposed dwellings would not significantly alter traffic in the area and the proposed access arrangement is considered acceptable. The Highways Officer has no objection to the proposals. The applicant has submitted a tree survey and a condition would be added to any consent to ensure that the important tree is protected during development. There is a low potential for the development to harm ecology given that the site is a residential garden. Full landscaping plans for the site would be submitted within any subsequent reserved matters application. As outlined in section 5.3 the proposed development would not have an unacceptable impact on the neighbouring properties' amenity. The site does not lie within a flood zone and therefore there are no immediate concerns regarding drainage at the site. Drainage from the site would be considered and agreed under the Building Regulations. The existing gravel at the site is not considered to result in harm to the neighbouring properties and is an existing arrangement. The maintenance of the beech hedge would be a civil matter for the applicants and any neighbouring party and would not be a material planning consideration.

5.6 Response to Town Council

5.6.1 As outlined within section 5.4.1 the additional dwellings would not have an unacceptable impact on the highway network and the existing roads are considered to be acceptable to accommodate any additional traffic. The existing footpaths in the area are considered to be sufficient. The site is not located within a vulnerable flood zone and therefore there are no concerns with the proposals in relation to flooding.

5.7 Conclusion

The principle of erecting a dwelling at the site is in accordance with Policies S1 and H1 of the Monmouthshire LDP as the site is considered to be capable of accommodating two dwellings. The application indicates the footprint of the proposed dwellings and it demonstrates that appropriately sized and well-designed dwellings could be located at the site. The resultant dwellings would harmonise with the character and appearance of the locality. The proposed development would be in accordance with Policies S1, S4, S13, S17, DES1, EP1 and H1 of the LDP.

6.0 RECOMMENDATION: Approve subject to S106 agreement in relation to an affordable housing contribution

1. Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.

Reason: The application is in outline only.

2. a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

3. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building until an appropriate lighting plan which includes low level PIR lighting and allows dark corridors for bats has been agreed in writing with the Local Planning Authority.

Reason: To protect wildlife species.

4. No works to vegetation, hedgerows, or trees that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the feature for active birds' nests immediately before the work commences 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.

Reason: To protect wildlife species

5. No work is to take place until there has been submitted to the LPA and agreed in writing, tree protection information in the form of an Arboricultural Method Statement (AMS) in accordance with British Standard 5837:2012 *Trees in relation to Design, Demolition and Construction Recommendations*. The AMS will include the following information:
 - A scaled tree retention and removal plan shown on the proposed layout including the root protection areas of each retained tree.
 - The construction method used e.g. "no dig" where construction within the RPA of any retained tree is unavoidable.

- Details of ground protection measures around each retained tree.
- Details of protective barriers.

Reason: To protect a tree which is the subject of a tree preservation order.

Informative

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

DC/2017/00188

TWO DETACHED TWO STOREY DWELLINGS LOCATED IN REAR GARDEN OF ROSEBROOK

ROSEBROOK, WATERY LANE, MONMOUTH, NP25 3AT

RECOMMENDATION: APPROVE

Case Officer: Jo Draper

Date Registered: 19.04.2017

1.0 APPLICATION DETAILS

1.1 The application is for outline planning permission (with no detailed matters for consideration at this stage) for the construction of two new detached dwellings within the grounds of the existing property known as Rosebrook.

1.2 The application site is within the development boundary of Monmouth. The main constraints regarding this site are the four Tree Protection Orders that are present in the rear garden. Also there is a watercourse along the front boundary.

1.3 The maximum and minimum scale parameters (dimensions) are as follows:

Plot A:

minimum width 14.2m; maximum width 15.2m;
minimum depth 21.0m; maximum depth 22.0m;
minimum ridge height 7.3m; maximum height 7.4m

Plot B:

minimum width 20.7m; maximum width 21.7m;
minimum depth 15.7m.; maximum depth 16.7m;
minimum ridge height 7.45m; maximum height 7.55m

1.4 There have been illustrative plans provided showing how a dwelling of the maximum dimensions set out above could be accommodated on the plot. There is a distance of 26.5m separating the rear of the 'severed' (i.e. existing) dwelling from the boundary of the garden curtilage for both properties. The design put forward for both proposed dwellings shows a main dwelling with two wings projecting to the front and rear (Plot A) and front and side (Plot B). The wings that project forward of the proposed main dwelling in the illustrative design comes within close proximity (within 4 metres) of this common boundary with the severed property.

1.5 The illustrative plan shows how the access can work to serve the dwellings proposed. It is proposed to utilise the existing vehicular access to provide shared access to the existing dwelling and one of the proposed new dwellings. A new vehicular access is proposed at the southern corner of the site to provide a single access to the second proposed dwelling.

1.6 There are four trees situated within the site that are subject to Tree Preservation Orders. These trees are all to be retained alongside a further three mature trees, a maple, rowan and walnut (these are not the subject of a TPO). It is proposed to cut back in part the conifers that form the rear boundary of the site to maximise the depth of the plot. In response to neighbour objections the applicant has provided comments that it is not their

intention to fully cut back the boundaries and the natural boundary that forms the perimeter will essentially remain.

- 1.7 The proposed means of enclosure would be a close boarded fence with deciduous hedge to form the common boundary between the severed dwelling and the two new plots.

2.0 RELEVANT PLANNING HISTORY

DC/1997/00225 - Partial Demolition, Alteration & extension to Increase overall size but maintain 4-bedroom property. Approved 08/05/1997

DC/1975/00532 Erection of Garage Approved 10/09/1975

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Planning Policies

S1 - Spatial Distribution of New Housing Provision

S4 - Affordable Housing Provision

S13 – Landscape, Green Infrastructure and the Natural Environment

S16 - Transport

S17 – Place Making and Design

Development management Policies

DES1 – General Design Considerations

EP1 – Amenity and Environmental Protection

H1 - Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements

NE1 - Nature Conservation and Development

MV1 - Proposed Developments and Highway Considerations

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Guidance, adopted March 2016.

4.0 REPRESENTATIONS

4.1 Consultations Replies

Monmouth Town Council: Refuse

- Overdevelopment
- Over-bearing
- Increase of traffic on a single lane
- Close to Offa's Dyke
- Second building line as in the grounds at the rear of the property
- TPO's in place

MCC Highways: The existing access is 5m wide which is more than the minimum 4.1m standard for a shared access which allows two vehicles to pass safely. The proposed new access at the south corner of the site is 3m wide which is the minimum requirement for a single access for single dwelling use. The proposed new access traverses the stream which will require a bridge/culvert and therefore will require land drainage consent from the land drainage authority which is National Resources Wales. The applicant is therefore required to obtain the necessary consent from NRW.

The layout demonstrates that a maximum of three car parking spaces are being provided for each of the proposed dwellings and the existing dwelling, Rosebrook, which satisfies the Monmouthshire Parking Standards. There is sufficient turning space within the site for each of the dwellings to accommodate the turning movements of a vehicle allowing it to access and leave the site in a forward gear.

The additional traffic generated from the proposed development is not considered to cause a detrimental impact on the local highway network as there is sufficient capacity to accommodate the additional movements.

In light of the aforementioned comments there are no highway grounds to sustain an objection to the application subject to relevant conditions being applied.

MCC Tree Officer: There is a weeping willow, a birch and two walnut trees within the site boundary and these are protected by a tree preservation order. The layout plan indicates the root protection zones however further information has been requested with an Arboricultural Method Statement. **The conditions will be framed to take account of this document and will be presented as late correspondence.**

4.2 Neighbour Notification

There have been five representations submitted raising the following points:

1. There is a significant and well established hedgerow separating Lilac Drive from the properties to the rear on Watery Lane. This hedgerow represents a significant habitat for numerous species of wildlife. The development will be detrimental to habitat.
2. Development will encroach upon neighbour's property in terms of flora and fauna in the area.
3. Breeding season concerns over removal of hedgerow and impact on breeding birds (most notably starlings) and bats.
4. Light pollution.
5. Proposal will directly affect privacy and result in dwellings being overlooked.
6. The development amounts to 'garden grabbing'.
7. Affect the value of neighbour's property due to loss of privacy and unspoilt views of the hedgerow and trees.
8. Proposed development will create extensive hard surfaces and given the topography of the site and siting of the plots there is potential for excessive ground saturation in the area where the septic tank and soakaway are located.
9. Noise pollution – new drive serving Plot B will run very close to the neighbour's property along the length of garden to provide access for 3 cars.
10. Road junction is potentially dangerous, visibility splays are inadequate.
11. Additional traffic on Watery Lane.
12. Introduction of 2 new dwellings will change the character of the oldest property in Watery Lane.
13. The lane is part of the Offa's Dyke Path and is used by a significant number of walkers all year round, as well as dog walkers, runners, cyclists, horse riders and residents. Building work on the most recent new build in the lane remains ongoing. For two years this has been very disruptive with large vans and lorries requiring frequent access each working day. Application should be rejected in order to maintain safety and retain ease of access for residents and lane users.
14. There has recently been an increase with the addition of three new houses. The lane is narrow with a blind bend and no pavement. It's no longer the safe, quiet country lane that it used to be and has already been the scene of several minor vehicle bumps.
15. The increase in traffic would cause unacceptable congestion and danger to pedestrians and lane users, each new house is likely to have at least three cars, adding at least six additional cars using the lane plus all the construction traffic.

5.0 EVALUATION

The application site is within the development boundary and therefore the principle of residential new build is acceptable subject to detailed considerations.

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

- i) Neighbour amenity
- ii) Visual Amenity
- iii) Highway Safety
- iv) Surface water and drainage
- v) Ecology and Nature Conservation

5.1 Neighbour Amenity

5.1.1 This is a very generously sized plot and there is certainly potential for two new dwellings to be accommodated on this site comfortably. This application is in outline only with all details reserved for a further reserved matters application. Hence there are no details as such that can be discussed in terms of neighbour amenity. The illustrative plans provided demonstrate that a dwelling of the maximum dimensions listed can fit onto the site while working with the constraints on site (TPO's) and privacy guidelines for separating distances between the habitable room windows of dwellings. An application for reserved matters would need to demonstrate that the existing spaciousness and character of the area has been respected and maintained on this plot but the principle of two detached dwellings of the scale shown on the scale parameter drawings submitted with the outline application is considered acceptable.

5.1.2 The retention of the existing mature trees within the site helps to not only break up the site visually but provides green infrastructure that enhances privacy between the proposed plots. There have been concerns raised regarding the tree perimeter to the site, and the plans show this is to be cut back. However following neighbour representations the applicant has agreed for this natural feature to be retained. In either case some form of green corridor should be retained; this may be achieved by retention of the existing growth, but given that this currently comprises of predominantly a non-indigenous species there would be no objection to replacing this with a mature indigenous woodland mix of planting which would enhance the biodiversity of the area. In either case a relevant condition is required setting out expectations for the provision and/or retention of the green perimeter to the site overall with a strong landscaping scheme to be submitted at reserved matters. Subject to the relevant conditions being applied at this outline stage there would be no adverse impact upon neighbour amenity in this case.

5.2 Visual Amenity

5.2.1 The illustrative plans provided with this application show how a dwelling that generally fits the maximum dimensions can be sited on this plot. This works with the tree protection zones. This area is characterised by large houses and single plots of individual design situated on generous plots. There have been two dwellings recently constructed in close proximity to the site that have been set back in the original plot and there is no clear building line in this immediate area with a more random, sporadic pattern of housing along this section of Watery Lane.

5.2.2 This proposal has sought to take advantage of the depth of the site and the proposed plots are set well back from the highway which does help to create a less 'built up' appearance and maintain the appearance of an open frontage. Also there is no predominant house design in the immediate area with a mix of contemporary and

traditional dwellings. While the proposed dwellings are set back from the severed dwelling they do not read as back-land development in that both dwellings have an aspect facing the highway. There is no clear building line along this stretch of Watery Lane, with a non-uniform layout of housing with varying building lines. Subject to an appropriate design and a comprehensive hard and soft landscaping scheme the proposal will be visually acceptable in the context of the streetscene and surrounding area. Those issues would be properly explored within the reserved matters submission.

5.3 Highway Safety

5.3.1 The Council's Highways Officers have looked at the principle of the accesses proposed to serve the two new dwellings and are satisfied that this is acceptable, although the detailed access proposals will be subject to a reserved matters application. However, an assessment of the impact of additional traffic on this highway has been made and the conclusion is that there is sufficient capacity on this network to accommodate the additional limited movements generated by this proposed development.

5.4 Surface Water Drainage

5.4.1 The application proposes to utilise a treatment plant to deal with the foul drainage. There is supporting information in the form of percolation tests that were undertaken for both Plots A and B, the results of which demonstrate that the system is effective in providing drainage from the site. However, in addition to this Highways have requested a surface water drainage scheme to be provided as a detail of the planning application. It should be noted that the application site is not in a flood zone.

5.5 Biodiversity

5.5.1 The illustrative plans show that the foliage that surrounds the perimeter of the site is to be cut back, although the applicants have since indicated otherwise. In either case this is not indigenous woodland or hedgerow and therefore this has not been explored for biodiversity value. Ideally this should be replaced with a mature woodland belt as this provides enhanced ecological value, although the existing boundary does provide privacy. It is recommended that a condition is applied requiring a full landscape scheme to be submitted that looks at retaining the existing growth or replacing it with enhanced mature species to ensure that at the very least the green boundary is retained to mitigate the impact on neighbouring properties.

5.6 Other Issues

5.6.1 Devaluation of Property is not a planning consideration.

5.7 Response to Town Council Comments

5.7.1 These have been addressed in the paragraphs above

5.8 Response to the Representations of the Community/ Town Council (if applicable) Well-Being of Future Generations (Wales) Act 2015

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

towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

6.0 RECOMMENDATION: APPROVE

Conditions

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the hard and soft landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.
2. a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later
3. Within the reserved matters, full details of the existing and proposed landscaping shall be provided with details of a full mature landscape boundary around the perimeter of the site, not including the access points and the associated visibility splays.
4. The development shall be carried out in accordance with the list of approved plans set out in the table below.
5. No development shall commence until details of a surface water management plan has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved surface water management plan.
7. No clearance of areas suitable for breeding birds e.g. hedgerows, scrub and trees, shall take place between 1st March and 31st August to avoid unlawful disturbance. However, clearance may take place during these months when preceded by a search for nesting birds and if necessary, mitigation has been implemented in accordance with details to be approved in writing by the Local Planning Authority before works commence on site.
8. The proposed new access shall have a hard surface material for a minimum distance of 5m from the edge of carriageway so as to prevent any loose material being brought out onto the highway.

Informative:

The developer should note that no development may commence until the applicant obtains approval of the access bridge/ culvert by Natural Resources Wales

DC/2017/00257

RETENTION OF SINGLE STOREY TIMBER CLAD STABLE BLOCK AND TWO FREESTANDING CONTAINERS; NEW STEEL GATES AND FENCING; CONSTRUCTION OF TWO NEW STABLES

BLACKWALL STUD, STOKE BARN, MAGOR

RECOMMENDATION: APPROVE

Case Officer: Alison Pankhurst
Date Registered: 23/03/2017

1.0 APPLICATION DETAILS

1.1 The application site is located within open countryside on the outskirts of Magor village. The application is seeking retrospective planning permission for the retention of a single storey stable block (in the northern part of the site) and two freestanding containers on site (also in the northern part of the site), along with new steel gates and fencing and the construction of two new stables (one to the east of the site along the boundary and the other within the southern part of the site). Blackwall Stud is situated via an unsurfaced track off the lane linking Magor and Llandevenny. The site is in walking distance of Magor village and adjacent to Magor Reen and railway line to the east of the site. Blackwall Stud comprises of two sites which are both owned by the applicant. The initial site which includes a manege is situated just off the main road and the other site is situated approximately 200m away along the same track. The application is in three parts: retention of existing buildings on site; new stable blocks and new gates and fencing. The existing stable block measures 11.2m in length x 3.55m wide and houses three separate stables (each measuring 3.6m wide). The stable block is timber clad with wooden doors and shuttered windows with integral steel bars. The roof covering is a dark grey profiled sheets. The two steel containers measure approximately 6.1m x 1.8m x 2.4m and are used for storage of tack and feed.

1.2 The proposed stable blocks will be identical to the existing stable block on site, timber clad and with wooden doors. The proposed stables will be positioned to the east and south of the site along the boundary both facing inwards to the centre of the site. The proposed stables would measure 11.2m x 3.55m x 3m high. The roofing would be a dark grey fibre cement corrugated sheeting with three translucent rooflights.

1.3 The applicant also wishes to replace the existing five-bar metal gate with a steel framed single gate clad with sheet metal and painted dark green with profiled steel sheet side panels, painted dark green. The existing timber post and wire boundary fences will remain in situ. The reasoning for such a solid looking gate is because the site is relatively isolated on the Gwent Levels and is a prime target for thieves and vandals and would be largely unoccupied during the hours of darkness.

1.4 The site is within an archaeologically sensitive area and in the Gwent Levels. The application is a result of an enforcement case.

2.0 RELEVANT PLANNING HISTORY

E17/042 Alleged unauthorised works On-going pending outcome of planning application

DC/2007/00981 Demolition of three sheds and construction of stable block
Approved 2/11/2007

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Planning Policies

S11 – Visitor Economy

S13 – Landscape, Green Infrastructure and the Natural Environment

Development Management Policies

DES1 General Design Considerations

EP1 Amenity and Environmental Protection

LC1 New Built Development in the Open Countryside

NE1 Nature Conservation & Development

4.0 REPRESENTATIONS

4.1 Consultation Replies

Magor with Undy Community Council – recommends approval

MCC Highways – No Objection. The application site has historic equestrian use together with existing vehicular access from the County unclassified C100-20 public highway. Based on the site's historic use there are no highway grounds to sustain an objection to the application subject to the following condition being applied to any grant of planning approval:- 1. The entrance gates shall be set back a minimum of 5m from the edge of the highway and shall be inward opening only so that vehicles serving the site may park off the highway when opening and closing the gates.

Glamorgan Gwent Archaeological Trust:- no objection.

4.2 Neighbour notification

Due to the rural location of the site and the sporadic pattern of neighbouring properties a site notice was erected on site informing the public of the application.

No notifications have been received during the consultation process.

4.3 Local Member Representations

County Councillor Frances Taylor – no comments on the application but reference was made querying if the development complied with policy.

5.0 EVALUATION

5.1 Principle of the proposed development

The main issue is whether the retention of the existing stable block, two freestanding containers, new gates and two new stable blocks are acceptable having regard to UDP policies.

5.1.1 The application site is located in the open countryside surrounded by fields and enclosed by a ree to the south of the site. The paddock has been in situ for a number of years and is not used for business purposes. There are several buildings already on the site and this application is for the retention of two containers which are used for storage, two proposed stables which would be sited along the boundary to the east and south of the site and for the construction of new gates and fencing. Access to the site is from the main road along a dirt track.

5.1.2 The application is in three parts: i) retention of existing buildings on site, ii) two new stable blocks and iii) new gates and fencing. The existing stable block measures 11.2m in length x 3.55m wide and houses 3 separate stables (each measuring 3.6m wide). The stable block is timber clad with wooden doors with shuttered windows with integral steel bars. The roof covering is a dark grey profiled sheets to the roof. The two steel containers measure approximately 6.1m x 1.8m x 2.4m and are used for storage of tack and feed.

5.1.3 The applicant also wishes to replace the existing 5 bar metal gate with a steel framed single gate clad with sheet metal and painted dark green with profiled steel sheet side panels painted dark green. The existing timber post and wire boundary fences will remain in situ. The reasoning for such a solid looking gate is because the site is isolated on the Gwent Levels and is a prime target for thieves and vandals and largely unoccupied during the hours of darkness. The proposal is considered to accord with the criteria within Policies EP1 and DES1 of the LDP.

5.1.4 The development, both proposed and that seeking retrospective consent, is appropriate to its rural setting and reflects its equestrian character.

5.2 Visual Impact

5.2.1 The site is situated on the outskirts of Magor village and set back quite a distance from the main road. The site is well screened with mature trees and hedge lines and there are no residential properties near the site. The scale of development and the external materials used (and proposed) are also acceptable in visual terms. It is therefore considered that the proposal is acceptable in accordance with policies DES1, EP1, NE1 and LC1 of the Monmouthshire Local Development Plan.

5.3 Residential Amenity

5.3.1 There are no neighbours near the development site and therefore it is considered that proposal would not have any impact on residential amenity. The nearest are properties on the other side of the railway track which is a good distance away and would not be harmed by the development. The site is well screened from the road and it is anticipated that there will be no issues with the proposed development. Access to the site is via a dirt track and used for no other purpose. It is therefore considered that the proposal would be in accordance with policies EP1, LC1 and DES1 of the Monmouthshire LDP.

5.4 Other Issues

5.4.1 Natural Resource Wales requested a Flood Consequence Assessment (FCA) as it is close proximity to the Magor Reen. It is considered that the request for an FCA is unreasonable and unwarranted in this instance. Blackwall Stud is an established site and has been in situ since approximately 2007 and the applicant has recently erected other buildings on a parcel of land near the existing site. The purpose of this site is purely for domestic pleasure and not for business purposes. The site is in close

proximity to a small reën which runs along the southern boundary of the site. Due to the nature of the site and the length of time it has been established it is considered by officers that an FCA is unnecessary.

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

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

6.0 RECOMMENDATION: APPROVE

Conditions:

1. Development in relation to the two stable blocks that have not yet been commenced - 5 years in which to commence development.
2. Development shall be carried out in accordance with the approved plans listed in the table subject to the conditions below.
3. Notwithstanding the submitted plans, the entrance gates shall be set back a minimum of 5m from the edge of the highway and shall be inward opening only so that vehicles serving the site may park off the highway when opening and closing the gates. This work shall be carried out within three months of the date of this permission.
4. The stables and containers on site shall be used for domestic equestrian purposes only and not for any commercial purposes.

DC/2017/00444

PROPOSED CONVERSION OF REDUNDANT AGRICULTURAL BARN TO 2 NO. DWELLINGS

NEW HOUSE FARM, LITTLE MILL, USK

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Date Registered: 12/05/2015

1.0 APPLICATION DETAILS

- 1.1 This application seeks the conversion of two redundant barns to dwellings. The redundant buildings form part of an established group of farm buildings which include the two traditional barns that are subject to this application together with a farm house and more modern agricultural sheds.
- 1.2 The application is presented to Planning Committee only on the basis that the applicant works within the Council's Planning Department.

2.0 RELEVANT PLANNING HISTORY

DC/2016/01340 – Barn conversion to dwelling (land adjacent). Approved 2016.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial Distribution of New Housing Provision
S4 – Affordable Housing
S13 – Landscape, Green Infrastructure and the Natural Environment
S16 – Transport
S17 – Place Making and Design

Development Management Policies

H4 – Conversion of Redundant Buildings in the Open Countryside
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
NE1 – Nature Conservation and Development
MV1 – Development and Highway Considerations
LC5 – Protection and Enhancement of Landscape Character

4.0 REPRESENTATIONS

4.1 Consultations Replies

- 4.1.1 Llanbadoc Community Council – Recommends approval.
- 4.1.2 Natural Resources Wales – Advise that at least one additional bat survey should be undertaken in June or early July to provide information on the possible use of the building as a maternity roost. The bat survey report should then be updated accordingly and include appropriate mitigation proposals as required.

NRW on foul drainage - Further to yesterday's response letter we offer the following advice in relation to the proposed foul drainage:

Foul Drainage Advice

We note that the proposed method of foul drainage is a new package treatment plant (PTP). Therefore, the applicant will need to apply for either a registration or a permit from NRW.

Further information is available on our website <https://naturalresources.wales/permits-and-plant/?lang=en>

The proposed soakaway should be at least 10m from any watercourse and 50m from any well, spring or borehole.

- 4.1.3 MCC Ecology Officer – It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision (TAN5 paragraph 6.2.2).

To confirm, we will require:

- Further Bat activity survey of the granary and adjacent steel barn during the period June/July.
- Dependent on the findings of the survey any avoidance/mitigation/compensation measures will need to be outlined to inform a planning decision
- Amended survey report to take into consideration the outstanding queries from NRW and the Biodiversity and MCC's Ecology Officer.

- 4.1.4 MCC Highways – No objection;

- 4.1.5 MCC Housing Officer – Affordable Housing financial contribution of £40,910 required.

4.2 Neighbour Notification

One representation received. Questioned the location of the proposed package sewage treatment plants in relation to bore hole and disputes a boundary.

4.3 Other Representations

SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

5.0 **EVALUATION**

5.1 Principle of Development

- 5.1.1 The barns that are to be converted are traditional stone and brick built structures that are no longer suitable for agricultural use as farming practices change. The structures have been inspected and are considered to be in fair condition with no obvious signs of significant failure. Timber floor joists and much of the roof were also found to be in good condition except for some fire damage. It is therefore considered that the building will be capable of conversion without substantial reconstruction in accordance with the criterion in Policy H4 of the adopted LDP.

5.1.2 No extensions or outbuildings are proposed as part of the application as all of the accommodation, including storage, can be accommodated within existing structures on the site.

5.1.3 The buildings are not considered suitable for business use due to their proximity to an existing dwelling and the access which is a relatively long private single lane track between the main road and the site itself.

5.1.4 The proposal is therefore considered to meet the criteria of LDP Policy H4 and is acceptable in principle.

5.2. Visual Impact

5.2.1 The two barns are typical traditional brick and stone walled agricultural farm buildings. The proposed fenestration design is simple to reflect the age of the structures and agricultural vernacular. No extensions to the existing footprints are required or proposed although the walls of a former piggery on the smaller barn will be raised to create a useable single storey lean-to. Only limited new openings will be required.

5.2.2 Materials will be traditional, with timber joinery and slate roofs on the main elevations. Where the roof pitches are shallower they will be covered using colour coated steel sheeting. These types of materials are typical on rural buildings and are therefore acceptable in this case.

5.2.3 The existing barns are sited around a yard with a hard surface. This will serve as the parking and turning areas for the conversions and the existing dwelling. Private amenity space will be provided to the south of the buildings and enclosed by stock proof fencing and new hedgerows. This additional planting will help to soften the appearance of the area and is welcomed.

5.2.4 Domestic storage for each of the barns has been allocated within the existing steel barn that is on the site. This will also continue to be used by the existing dwelling and therefore it is not anticipated that any other ancillary structures will be required in the foreseeable future.

5.2.5 It is considered that the proposed conversions of the buildings into dwellings will be in keeping with the rural character of the area and will not therefore harm the visual amenity of the wider landscape in accordance with LDP Policies DES1 and LC5.

5.3. Biodiversity Considerations

5.3.1 Bat emergence surveys were carried out in August and September 2015 which identified bats emerging from the roof of the granary building. No bats were observed emerging from the single storey shed but swallows were observed roosting in it at night. Bats were also identified and observed using the large steel framed shed opposite the granary (North) as a roost. This may be a feeding perch or night roost as they arrived towards the end of dusk surveys and were not detected or observed during the dawn survey. However, as the bat activity surveys were undertaken in late August and late September which is late in the season and many maternity colonies of bats have already dispersed, further survey work is being undertaken in June to fully inform the proposed mitigation strategy.

5.3.2 Swallows and sparrows were also observed using both buildings and should be taken into consideration. Timing of works will be essential if bird's' nests are to be protected

and mitigation will be required to ensure nesting areas are not lost as a result of the proposed development.

- 5.3.3 The granary is a confirmed bat roost and as such any development would require a Natural Resources Wales (NRW) mitigation licence.

5.4 Residential Amenity

- 5.4.1 By virtue of the traditional arrangement of the group of buildings around a central yard area, there will inevitably be some overlooking between them. However, window openings and internal arrangements have been designed where possible to avoid overlooking, window to window, or at close proximity over garden areas. The resulting development will not therefore lead to a significant loss of residential amenity for the existing occupier of the farmhouse or future occupiers of the converted barns and the development is therefore considered to meet the requirements of LDP Policy EP1.

- 5.4.2 In relation to the concern about the proximity of the proposed private treatment plant to the neighbour's borehole, the outfall from the nearest tank would be located at least 60 metres away from the adjoining owner's indicated borehole extraction point. We understand the NRW Groundwater Source Protection Zone to be a 50 metre radius. The proposed tank and treated effluent outfall drainage location is therefore located well outside the protection zone of the existing borehole. In any case, this matter would be taken into account when NRW assess the application for the foul drainage permit, outside the planning process.

5.5 Access and Parking

- 5.5.1 The site is well off the public highway and is accessed by an existing track which currently serves the farmhouse and the recent barn conversion on adjacent land. There is no objection on highway safety grounds for this access to serve two additional dwellings.
- 5.5.2 The application site can provide sufficient parking and turning without detriment to the other occupied buildings on the site.

5.6 Affordable Housing

- 5.6.1 It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is £40,910 (£16,420 for barn 1 and £24,485 for the larger barn 2). This will be secured via a Section 106 Agreement and is payable on completion or occupation of the buildings (whichever is the sooner).

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

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

6.0 RECOMMENDATION: APPROVE subject to the s106 agreement to secure an affordable housing financial contribution and subject to the further bat survey being carried in June/ July out as recommended by NRW and the MCC Ecologist and provided that survey report is considered acceptable to NRW and subject to wildlife mitigation conditions being added where necessary.

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	No part of any wall of the existing building other than shown on the approved plans is to be demolished.
4	Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) (Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwelling houses or any outbuildings shall be erected or constructed.
5	Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.
6	All rainwater goods shall be of cast metal and matt painted and remain as such in perpetuity.
7	All windows and door frames shall be of softwood painted and remain as such in perpetuity.
8	Wildlife mitigation condition(s) to be added following additional survey work.

Informatives:

Need for a Bat licence informative.

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 11/05/17

gan Paul Selby BEng (Hons) MSc MRTPI**Arolygydd a benodir gan Weinidogion Cymru**
Dyddiad: 15.06.2017**Appeal Decision**

Site visit made on 11/05/17

by Paul Selby BEng (Hons) MSc MRTPI**an Inspector appointed by the Welsh Ministers**
Date: 15.06.2017**Appeal Ref: APP/E6840/A/17/3170064****Site address: White House, Pant y Rheos Road, Gwehelog, Usk NP15 1RE****The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Professor Kathy Triantafilou against Monmouthshire County Council.
- The application Ref DC/2016/01221, is dated 21 October 2016.
- The development is described as 'Existing agricultural building (goat barn) attached to an existing outbuilding'.

Decision

1. The appeal is allowed and planning permission is granted for Existing agricultural building (goat barn) attached to an existing outbuilding at White House, Pant y Rheos Road, Gwehelog, Usk NP15 1RE, in accordance with the terms of the application, Ref DC/2016/01221, dated 21 October 2016, subject to the following condition:
 - 1) The development shall be carried out in accordance with the following approved plans and documents: 1238(2)/PLN/01 (Goats Barn As Built); 1238(2)/PLN/02 (Goats Barn Site Layout).

Procedural Matters

2. The development has been completed. Notwithstanding the description of development given on the planning application form, I have determined the appeal on the basis that retrospective planning permission is sought for an Existing agricultural building (goat barn) attached to an existing outbuilding.
3. On my site visit I saw some minor differences between the appearance of the constructed lean-to and those on the submitted plans, including a small chimney on the western roof slope, which I am informed was previously on the site and was incorporated into the structure subject to the appeal. Whilst the differences between the submitted drawings and the constructed lean-to are minor, for the avoidance of doubt I have determined the scheme on the basis of the submitted plans.

Main Issue

4. The Council failed to determine the planning permission within the statutory timeframe. Based on the submitted information I consider the main issue to be the effect of the development on the character and appearance of the area.

Reasons

5. The appeal relates to a structure located at the southern end of a farmstead, which occupies an area of sloping land elevated above a shallow depression. A short way to the west of the site is a public footpath which traverses fields in the appellant's wider landholding. The surrounding fields, hedgerows, scattered woodland and undulating topography present an attractive, pastoral landscape of high intrinsic value.
6. The appellant contends that the appeal development is necessary to provide feed and shelter to a herd of goats during inclement weather. I saw on my site visit that the herd of goats is of some size and that the existing building is unlikely to provide shelter necessary for their health and wellbeing. As the appeal site forms part of a registered smallholding, I do not dispute that there is a need for a goat shelter.
7. Whilst the immediate vicinity has a strongly rural character, farmland predominates. Accordingly the surrounding landscape is as much a human one as it is natural, and the presence of farm buildings is an intrinsic element of it. That said, the structures within the smallholding exhibit a wide range of designs and materials. On my site visit I saw a variety of boundary treatments and buildings with little consistency in form, external materials or siting, and which, due to their relatively elevated position on an area of sloping land, are readily visible in views from the north and west. Nonetheless, the smallholding is not extensive and the combined visual effect of these structures is confined to a relatively modest area within the wider landscape.
8. The appeal scheme before me relates solely to a lean-to structure attached to a rendered brick outbuilding, which itself was permitted at appeal in 2014 (ref: APP/E6840/A/13/2206994). In that decision, the previous Inspector described the current goat barn as an 'unassuming agricultural building', a description with which I concur. Whilst the lean-to extension significantly extends the footprint of the goat barn, it is lower in height than the main part of the building and is well screened by nearby mature rural boundaries in long range views. Consequently, despite its somewhat elevated position, the appeal scheme is not a prominent feature when viewed from the highway and it is unlikely to be readily apparent from nearby properties.
9. Part of the appeal structure is located on a raised concrete base. Due to its elevated position relative to the adjacent footpath the lean-to is clearly visible against the skyline in short range views from the west. Nonetheless, its simple rural form and modest scale appropriately reinforces the character of the original building, and whilst it is visually separated from most other structures within the farmstead its overtly rural character is appropriate to the context of the smallholding. The raised concrete base and part of the west elevation are partially obscured by a food storage building which is not featured on the submitted plans, but in any case this adjacent building has little mitigating impact on the appearance of the appeal structure, and the concrete base is not so extensive as to cause visual harm by itself. Inelegant finishes within the lean-to, such as the slightly awkward junctions between the roof slope and eaves of the original building, are not unusual in an agricultural structure and are not perceptible from the public footpath.

10. Consequently I find that the extended goat barn remains as an unassuming agricultural building and does not detrimentally encroach into the open countryside. The timber construction, simple form and modest height of the appeal structure are appropriate to the rural location and do not cause harm to the character and appearance of the immediate area, either individually or cumulatively in combination with other structures nearby. For the given reasons I conclude that the appeal development accords with the design and landscape objectives of policies S13 and LC5 of the Monmouthshire Local Development Plan (LDP).

Other Matters

11. I have had regard to the representations submitted by interested parties. Whilst planning permission is applied for in retrospect, this has had no bearing on my decision. I note the concerns regarding alleged discrepancies and inaccuracies within the submitted plans and documents, but having visited the site and considered the evidence and representations, I find that satisfactory accurate information is before me upon which to base my decision. As planning decisions are based on their individual merits, I am satisfied that allowing the appeal scheme would not set an undesirable precedent for development in the open countryside, and the use of the appeal site for business purposes would require separate planning permission. I afford these matters limited weight.
12. Some representations have referred to a Special Landscape Area, but the Council has confirmed that that designation related to the former Monmouthshire Unitary Development Plan and is no longer extant. I have proceeded to determine the appeal scheme on the basis of the relevant policies of the adopted LDP.
13. Allusions have been made to a legal dispute, but that is a private concern. Matters pertaining to the public right of way through the appellant's land are not relevant to the appeal scheme before me. Similarly, references and allegations relating to other developments outwith the appeal site have no bearing on the development or my decision. I attach little weight to these matters and have made my decision on the basis of considerations relevant to planning.
14. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Conclusion

15. In the interests of proper planning, I have attached the standard plans condition to the permission. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Paul Selby

INSPECTOR

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 11/05/17

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 22.06.2017

Appeal Decision

Site visit made on 11/05/17

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers
Date: 22.06.2017

Appeal Ref: APP/E6840/A/17/3171509

Site address: Caxton Tower, Newbolds Farm, Rockfield, Monmouth NP25 5SY

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Tony Cottrill against the decision of Monmouthshire County Council.
- The application Ref DC/2016/01131, dated 27 September 2016, was refused by notice dated 27 January 2017.
- The development is described as 'Amendment to existing planning permission DC/2013/00623. Rehabilitation and extension of former hunting lodge to provide 1 no 3 bed dwelling to include the construction of an outbuilding and underground service route to connect the dwelling and outbuilding at Caxton Tower, Newbolds Farm, Rockfield, Monmouth. Following refusal of application for non-material amendment'.

Decision

1. The appeal is allowed and planning permission is granted for 'Amendment to existing planning permission DC/2013/00623. Rehabilitation and extension of former hunting lodge to provide 1 no 3 bed dwelling to include the construction of an outbuilding and underground service route to connect the dwelling and outbuilding at Caxton Tower, Newbolds Farm, Rockfield, Monmouth. Following refusal of application for non-material amendment' at Caxton Tower, Newbolds Farm, Rockfield, Monmouth NP25 5SY, in accordance with the terms of the application, Ref DC/2016/01131, dated 27 September 2016, subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. The development has been partially completed. The appeal therefore seeks a retrospective non-material amendment to an extant planning permission, granted by the Council under Ref: DC/2013/00623, insofar as that permission relates to an ancillary outbuilding.

Main Issue

3. This is the effect of the development on the character and appearance of the area.

Reasons

4. Caxton Tower is a derelict late Victorian former hunting lodge situated on the rise of a hill within open countryside. Whilst not listed, the structure is an historic building and it is visible from vantage points nearby. An outbuilding comprising a two storey pitched roof structure and single storey flat roofed annex, the subject of this appeal, has been constructed a short distance south of Caxton Tower.
5. Various planning applications have been made in relation to the appeal site, including a proposal for the outbuilding refused at appeal in 2016 (Ref: APP/E6840/A/16/3154336), details for which have been submitted. The appeal scheme now before me seeks amendments to the outbuilding under the terms of an extant planning permission (Ref: DC/2013/00623). These amendments involve raising the eaves height by around 400mm, reducing the angle of the roof pitch, and altering the form and dimensions of openings. Whilst heights were not specified in the plans pertaining to the extant permission, the appellant contends that there would be no change in the ridge height of the outbuilding. I have no reason to find otherwise.
6. Caxton Tower is not a Listed Building but it is nonetheless a building of considerable local historic importance. I saw on my site visit that its setting is influenced by its form and original purpose, the main tower facing out over the surrounding countryside, with a more functional elevation facing the access track to the east. The location of the outbuilding is sensitive to this form and setting, being sited south of the access track, adjacent to woodland and on an area of lower land.
7. Whilst the increased eaves height of the appeal scheme moderately augments the mass of the outbuilding, in the context of the height and bulk of Caxton Tower the visual effect is not substantive and, unlike the scheme dismissed at appeal in 2016, the scale of the building is not appreciably larger than that permitted. The outbuilding remains of modest height and scale and it is clearly subordinate to the main building. Although the shallower roof pitch lends the structure a moderately more domestic appearance than that permitted, it retains a sufficiently rural character that is appropriate to the context.
8. The positioning of the windows and doors flush with the exterior walls lends the principal elevation a somewhat flat appearance, but the visual harm of this is not significant in itself. The Council contends that the width of the garage door may inhibit its functionality, but it is sufficient for most standard-sized vehicles and its reduced width has little effect on the character of the principal elevation. The pointed arch above the front door reflects the window in the side elevation, which has a form akin to that already permitted. Whilst not an exact match to the segmental arches in Caxton Tower, the similar shape and materials of the sandstone openings visually connects the two structures and reinforces the ancillary nature of the outbuilding.
9. Having regard to the fallback position provided by the extant planning permission, I find that the modest scale and form of the outbuilding, and its elevational treatments, to be acceptable and not harmfully intrusive to the setting of Caxton Tower. For the reasons given above I conclude that the appeal development accords with the design objectives of the relevant criteria of policies S17 and DES1 of the Monmouthshire Local Development Plan.
10. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its

contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Conditions

11. Other than the standard plans condition, which is necessary in the interests of proper planning, the Council has suggested a number of other conditions to which I have had regard.
12. In order to ensure that the outbuilding remains ancillary to the main dwelling I have imposed a condition to limit its use accordingly. Natural Resources Wales has raised concerns in regards to bat and Barn Owl roosts on the site but recommends that, based on the results of updated ecological surveys undertaken in February 2016, conditions requiring works to be undertaken in accordance with mitigation and management strategies would overcome these concerns. I concur with this advice and have attached conditions to this effect, which are necessary in the interests of nature conservation.
13. In terms of the other conditions imposed on the original planning permission, I have re-imposed all that I consider remain relevant, amended where necessary to reflect the guidance given in the Welsh Government Circular 016/2014 '*The Use of Planning Conditions for Development Management*'.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Paul Selby

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall be carried out in accordance with the following plans and documents: Drawing No 1338-02 (Survey); Drawing No 0858-03A (Location Plan); Drawing No 1338-10 (Design Proposal Floor Plans); Drawing No 1338-11 (Design Proposals Elevations); Drawing No 1233-02E (Design Proposal).
- 2) The outbuilding hereby approved shall only be used for purposes ancillary to the residential use of the dwelling known as Caxton Tower.
- 3) The exact type and colour of the proposed materials for the dwelling shall be agreed in writing with the local planning authority prior to the recommencement of any works to Caxton Tower. The approved materials shall be used on the development and remain as such for the lifetime of the development.
- 4) Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed without the prior written approval of the local planning authority.

- 5) Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the local planning authority.
- 6) The hereby approved development shall be implemented in strict accordance with Section 6 'Mitigation Strategy for Bats' and Appendix 2 'Proposed Outbuilding with Bat Mitigation' of the report 'Caxton Tower, Newbolds Farm, Rockfield, Monmouth. Bat Roost and Barn Owl Survey Report & Preliminary Mitigation Strategy', Pure Ecology, dated 20 November 2012.
- 7) Notwithstanding the Town and Country (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no lighting or lighting fixtures shall be attached to or be positioned in the curtilage so as to illuminate the roost entrances.
- 8) The preparation of a method statement to detail how bats will be conserved during the works shall be submitted to and agreed in writing with the local planning authority prior to the start of any works on Caxton Tower. This must include, but not exclusively, details of methods of works; timing and duration of works; and action to be taken in the event a bat is found. The development shall be implemented as agreed.
- 9) All new external and internal works and finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this planning permission.
- 10) Details of the eaves of the proposed extension to the dwelling, to a minimum scale of 1:10, shall be submitted to and approved in writing by the local planning authority prior to the recommencement of any works to Caxton Tower.
- 11) Details of the of the glazing, windows and doors, including junction with openings and timber cladding, to a scale of 1:10, shall be submitted to and approved in writing by the local planning authority prior to the recommencement of any works to Caxton Tower.
- 12) Prior to the recommencement of any works to Caxton Tower full details of the proposed sedum roof shall be agreed in writing with the local planning authority.
- 13) All rainwater goods shall be of cast metal and matt painted and remain as such for the lifetime of the development.
- 14) Notwithstanding the hereby approved plans the first floor doorway in bedroom 1 that goes out onto the sedum roof shall not be constructed and shall be replaced with a fire escape opening that is to be agreed in writing with the local planning authority prior to the recommencement of any works to Caxton Tower.
- 15) Notwithstanding the provisions of Article 3, Schedule 2, Part 40 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no solar panels shall be erected or placed on the building without the prior written approval of the local planning authority.