

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 27 November 2017

Notice of meeting:

## Planning Committee

Tuesday, 5th December, 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 - 10
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise.	
4.1.	APPLICATION DC/2016/00703 - CONVERSION OF PART OF AN EXISTING BUILDING THAT CURRENTLY HAS A MIXED D2 USE AND A C3 USE INTO A SINGLE DWELLING (C3 USE). DEWSTOW GOLF CLUB, DEWSTOW ROAD, CAERWENT NP26 5AH.	11 - 20
4.2.	APPLICATION DC/2016/01128 - CHANGE OF USE OF LAND FROM AGRICULTURAL USE TO A CAMPING SITE FOR 4 TEMPORARY SHEPHERD HUTS TO BE OCCUPIED BETWEEN THE 1ST MARCH AND THE 31ST OCTOBER ANNUALLY AND ASSOCIATED ACCESS ROAD AND A NEW TOILET BLOCK. CEFN TILLA, LLANDENNY, USK, NP15 1DG.	21 - 32
4.3.	APPLICATION DC/2017/00376 - OUTLINE PLANNING CONSENT FOR AN ENERGY CENTRE IN THE FORM OF A GAS-POWERED COMBINED HEAT AND POWER (CHP) PLANT, PROVIDING UP TO 4MW OF ELECTRICAL POWER. VALLEY ENTERPRISE PARK, HADNOCK ROAD, MONMOUTH, NP25 3NQ.	33 - 40
4.4.	APPLICATION DC/2017/00651 - ERECTION OF A TWO-STOREY ANNEXE. 40A MAIN ROAD, PORTSKEWETT.	41 - 44
4.5.	APPLICATION DC/2017/00829 - PROPOSED NEW DWELLING. 20 CROSSWAY, ROGIET.	45 - 50

<b>4.6.</b>	<b>APPLICATION DC/2017/01120 - TWO STOREY REAR EXTENSION, PORCH AND SINGLE STOREY REAR EXTENSION TO KITCHEN. WOODSIDE, CRICK.</b>	<b>51 - 56</b>
<b>4.7.</b>	<b>APPLICATION DC/2017/01256 - RETROSPECTIVE APPLICATION TO RELOCATE GARDEN BUILDING AND REVISED PLANTING SCHEME. TAWELFAN, 22A PEN Y POUND, ABERGAVENNY, NP7 7RN.</b>	<b>57 - 60</b>
<b>5.</b>	<b>Appeal Decision - Wern Farm, Ash Cottage to Newbridge on Usk, Tredunnoch.</b>	<b>61 - 64</b>

**Paul Matthews  
Chief Executive**

## MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Edwards  
P. Clarke  
J.Becker  
D. Blakebrough  
L.Brown  
A.Davies  
D. Dovey  
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**

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#### **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](mailto: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, 7th  
November, 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, D. Dovey,  
D. Evans, M.Feakins, R. Harris, J. Higginson, G. Howard, P. Murphy,  
M. Powell and A. Webb

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Craig O'Connor	Development Management Area Manager
Shirley Wiggam	Senior Strategy & Policy Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillor A.Davies

County Councillor J. Becker left the meeting during consideration of application DC/2016/01308 and did not return.

County Councillor L. Brown left the meeting following consideration of application DC/2017/00651 and did not return.

#### **1. Declarations of Interest**

County Councillor P. Murphy declared a personal and prejudicial interest pursuant to the Members Code of Conduct in respect of application DC/2016/01308, as the applicant is his son's employer. He therefore left the meeting taking no part in the discussion or voting thereon.

#### **2. Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 3<sup>rd</sup> October 2017 were confirmed and signed by the Chair.

#### **3. APPLICATION DC/2017/00552 - ERECTION OF MARQUEES FOR FUNCTION USE BETWEEN APRIL TO OCTOBER (INCLUSIVE) AND RETENTION OF A SHED (4M SQUARED). THE BELL, SKENFRITH**

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.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th November, 2017 at 2.00 pm**

In the absence of Llangattock Vibon Avel Community Council speaking against the application, the Chair allowed the applicant, Mr. R. Ireton, to address the Planning Committee. In doing so, the following points were noted:

- The importance of the application was crucial to the future functioning of the business.
- A local landowner acquired the Bell in 2000 and invested into it turning it into an award winning business.
- During the time that the business has been owned locally, the owner had to invest heavily to keep the business running. However, the current owners were not in a position to run the business in this way.
- For the business to continue, it has to be run on a sustainable basis by developing events at the Bell to generate additional revenue.
- The local community has the use of a first class establishment which employs 20 local people. The accommodation for young people working there has been increased.
- The Bell makes an approximate contribution of £40,000 in rates to the County Council and over £200,000 in taxes to Central Government.
- The Bell supports local suppliers, who in turn, support local farmers.
- The applicant is doing everything that he can to produce a positive outcome for people in the locality.
- Some of the objections raised are fanciful.
- For any event in the village that brings in additional traffic the Bell field is opened to provide additional parking provision and this will continue to happen.

The local Member for Llantilio Crossenny, also a Planning Committee Member, stated that there is no other venue or facility in that area to accommodate large events and the Bell field is available to accommodate additional parking, when required.

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

- It is an innovative and vibrant business which supports Monmouthshire's tourism strategy. The visual impact will be minimal.
- Any potential noise issues will be addressed via conditions.
- Rural enterprise should be supported.



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- In response to a question raised regarding the nature of the conditions and whether reference should be made to indicate that they should be retrospective, the Head of Planning, Housing and Place Shaping stated that he would liaise with the Monitoring Officer regarding this matter and amend if required.

It was therefore proposed by County Councillor P. Murphy and seconded by County Councillor R.J. Higginson that application DC/2017/00552 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	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00552 be approved subject to the nine conditions, as outlined in the report.

**4. APPLICATION DC/2016/01219 - SITING OF A TEMPORARY DWELLING FOR A RURAL ENTERPRISE WORKING TO ESTABLISHES A CALF REARING BUSINESS. OAK TREE FARM, QUARRY ROAD, DEVAUDEN**

We considered the report of the application and late correspondence which was presented for refusal with reasons, as outlined in the report.

Having considered the report of the application, the following points were noted:

- Having seen additional information provided by the applicant, it does not convince the Committee that this is an appropriate development and it is not necessary for this site.
- There is no evidence that the enterprise is self-sustaining and has been planned on a sound financial basis.
- The financial test has not been evidenced and the business plan is not sound.
- The building is not suitable for calf rearing.
- There is no requirement to live on site to run a calf rearing enterprise.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins that application DC/2016/01219 be refused for the reasons, as outlined in the report.

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

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For refusal	-	14
Against refusal	-	0
Abstentions	-	0

We resolved that application DC/2016/01219 be refused for the reasons, as outlined in the report.

#### **5. APPLICATION DC/2016/01308 - REDEVELOPMENT OF SITE IN A PHASED MANNER TO PROVIDE TWO DWELLINGS; ONE PRIOR TO AND ONE POST DEMOLITION OF THE EXISTING DWELLING. BRIDGE HOUSE, PWLLMEYRIC, NP16 6LF**

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

The local Member for Shirenewton, also a Planning Committee Member, outlined the following points:

- The site remains located in flood zone C2 and there is no correspondence from Natural Resources Wales (NRW) to indicate that this has changed.
- Having spoken with a NRW representative regarding the flooding aspect of the site, it was confirmed that under section 6 of TAN 15, highly vulnerable developments should not be permitted in zone C2. The decision on whether or not a development is justified is a matter for the local Authority.
- Highly vulnerable development means all residential development in zone C2. Therefore, according to TAN 15 this development should not be allowed and the application should be refused.
- The justification test to mitigate, if followed, are meant to be for other developments which are not residential. The technical advice from NRW, as a consultee, is about meeting this criteria, which is set up to test development other than residential development.
- It does not mean that NRW is supporting the application. It is provided on the basis of the situation where the planning authority has not immediately refused the application, which, if following the TAN 15 Policy, it should do so, then NRW will provide technical advice.
- To approve the application is contrary to Welsh Government Policy and TAN 15 for highly vulnerable development which means that all residential development in zone C2 should not be permitted.
- The NRW had provided the local Member with details of the technical no objections letter and it had been confirmed that it had been a planning decision. If the TAN 15 Policy had been followed by the Planning Authority then the application should not be permitted.

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- There is no justification for the Planning Committee recommendation to approve this application and to act in a way that is contrary to TAN 15 and Welsh Government Policy and allow an unnecessary extra dwelling in flood zone C2.
- The decision has already been made to grant an application for a replacement dwelling. However, to grant two four bedroom properties with two double garages cannot be justified.
- A neighbour objecting has said that if the application is approved then such a decision is irresponsible.
- The original application for one replacement dwelling should remain and the application for two dwellings on this site should be refused.
- The one dwelling application was for a reasonably sized property set back from the road and was a reasonable distance from the brook at the rear of this modest plot.
- The application should also be refused on the grounds of overdevelopment, as a significant proportion of the site will be covered over.
- The application is for two four bedroom houses with two double garages and five additional parking spaces with a turning circle on this site. It is contrary to policy DES1.
- Mathern Community Council and an objector have also referred to overdevelopment of the site.
- With the site being concreted over, this will lead to less natural draining of water. The removal of some of the trees has already taken place and increasing the gradient of the land may assist with access to the highway but the water has to drain off elsewhere.
- There are highway concerns in relation to this development having two rather than the original granted application.
- There is an allowance for nine car parking spaces including four spaces in the double garages.
- This is an accident blackspot and the Highways Department, in its recent report on the New Inn, which is nearby, highlighted those concerns.
- If two dwellings are allowed instead of one then this will double the traffic in an accident blackspot. There are also access concerns at this location.
- The wall, which was close to the current house, has been hit by vehicles.

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- The local Member therefore moved that the application be refused on the grounds of breach of TAN 15, overdevelopment in relation to Policy DES1 and highways and access concerns. This will still leave the applicant with planning permission that has already been granted for a reasonably sized replacement dwelling with a garage at the front, set back from the road and away from the brook and one which is more in keeping with the plot size.

In response, the Head of Planning, Housing and Place Shaping outlined the following points:

- In terms of the flood risk, the local Member is correct as the site is located within flood zone C2. However, the applicant, with planning permission, has undertaken works to raise the site and protect it from flooding. These works have been completed and NRW is satisfied that the works are complete. Therefore the site has been raised and although at this time it remains on the maps as being in zone C2, it will not flood and will not cause additional flooding elsewhere.
- There have been no objections from the Highways Department regarding highway safety.
- The Planning officer view is that approval of the proposed application will not lead to overdevelopment of the site but that is a matter of planning judgement for the Committee to consider.

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

- Late correspondence refers to NRW stating that its significant concerns have been addressed and does not object to the planning application due to the land being raised. The local Member responded by stating that this is a test in terms of mitigation that should not be applied in relation to residential development and this point had been clarified with the NRW representative who had written the document mentioned in late correspondence.
- The plots are a good size.
- The Highways Department has no objections to the application.
- A Member expressed concern regarding the traffic at this location. An additional nine vehicles entering and leaving this site is a significant change. There is also a change in the number of traffic movements in the area with significant traffic movements coming from the Caldicot area commuting to Bristol. There are existing traffic issues in the area which will be exacerbated if the application is approved. Development of the surrounding area has increased which has led to an increase in the number of vehicles travelling along this route. Also, concern was expressed that the site will be overdeveloped if the application is approved.

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- Other Members considered that the access to the site was suitable.
- Paving to the front of the site should be one level.
- The site remains in flood zone C2 but will be raised above the flood plain.
- Concern was expressed regarding the parking provision and garages at the front of the site as it does not sit well in the street scene.

The local Member summed up, as follows:

- The site will remain in flood zone C2.
- If the Planning Committee was following the original letter from NRW then the application would be refused.
- The tests undertaken when looking at flood assessments relate to other types of development and does not include residential proposals. Therefore, the technical tests may have been passed, but it does not mean that this should be done in the first place.
- There are more risks involved in building near a brook. Also, there is a dangerous highway located nearby. To put an additional property in that area is not justified as it is contrary to the Welsh Government Policy and contrary to TAN 15.
- The parking spaces have not been marked out and should have been conditioned.
- There are existing traffic issues at this location and road traffic accidents have occurred involving vehicles accessing the site onto the A48.
- Mathern Community Council also objects to the application as the development is located within a dangerous traffic area and that the site will be overdeveloped if the application is approved.

Following the debate, it was proposed by County Councillor L. Brown and seconded by County Councillor D. Dovey that we be minded to refuse application DC/2016/01308 on the grounds of breach of TAN 15, overdevelopment in relation to Policy DES1 and highways and access concerns.

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

For refusal	-	2
Against refusal	-	10
Abstentions	-	0

The proposition was not carried.

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We resolved that application DC/2016/01308 be approved subject to the conditions, as outlined in the report and subject to the removal of permitted development rights to sub divide the front garden areas together with the marking out of the parking spaces prior to the use commencing.

### **6. APPLICATION DC/2017/00651 - ERECTION OF A TWO STOREY ANNEXE. 40A MAIN ROAD, PORTSKEWETT**

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

Members agreed in principle of providing an annex on the site. However, concern was expressed with regard to the proposed design as it does not relate very well to the main dwelling.

Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor R.J. Higginson that consideration of application DC/2017/00651 should be deferred to a future meeting of the Planning Committee to allow officers to liaise with the applicant with a view to agreeing a more appropriate design.

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

For deferral	-	12
Against deferral	-	0
Abstentions	-	1

The proposition was carried.

We resolved that consideration of application DC/2017/00651 would be deferred to a future meeting of the Planning Committee to allow officers to liaise with the applicant with a view to agreeing a more appropriate design.

### **7. APPLICATION DC/2017/00950 - ERECTION OF A TERRACE OF 3 NO. RURAL EXCEPTION DWELLINGS, NEW ACCESS AND CAR PARKING AREA, NEW FIELD GATE/ACCESS AND ASSOCIATED WORKS. LAND OPPOSITE OLD SCHOOL HOUSE, FORGE ROAD, TINTERN**

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 subject to a Section 106 Agreement to ensure that the housing remains affordable.

The local Member for St. Arvans, also a Planning Committee Member, expressed her support for the application to provide affordable homes at this location.

Some Members considered that the design of the properties could be improved slightly. However, it was noted that the design had been kept simple to ensure additional costs were kept to a minimum. Lengthy discussions had been held with the applicant with regard to the design of the proposed dwellings.

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Having considered the report of the application and the views expressed, it was proposed by County Councillor M. Feakins and seconded by County Councillor A. Webb that application DC/2017/00950 be approved subject to the conditions, as outlined in the report and late correspondence, and subject to a Section 106 Agreement to ensure that the housing remains affordable.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00950 be approved subject to the conditions, as outlined in the report and late correspondence, and subject to a Section 106 Agreement to ensure that the housing remains affordable.

#### **8. APPLICATION DC/2017/00974 - RETENTION OF TRACK - PROVISION OF SURFACE MATERIALS TO EXISTING ACCESS. LAND AT WALLWERN WOOD, CHEPSTOW**

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

The local Member for St. Kingsmark. Chepstow, also a Planning Committee Member, stated that he has no objection to the application, as the first five metres of the track will have a hard surface, making it safer.

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 M. Feakins, that application DC/2017/00974 be approved subject to the four conditions, as outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was approved.

We resolved that application DC/2017/00974 be approved subject to the four conditions, as outlined in the report.

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### **9. Appeal Decision - Old Mill House, Rockfield**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 18<sup>th</sup> September 2017. Site: Old Mill House, Rockfield, Monmouthshire.

We noted that the appeal was allowed with a certificate of lawful use or development describing the existing use which was considered to be lawful.

### **10. Appeal Decision - Upper Maerdy Farm, Llangeview**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 7<sup>th</sup> September 2017. Site: Land adjacent to Upper Maerdy Farm, Llangeview, Usk, Monmouthshire.

We noted that the appeal was allowed and planning permission was granted for the change of use of land to a private gypsy caravan site consisting of seven residential caravans and associated development at land adjacent to Upper Maerdy Farm, Llangeview, Usk, Monmouthshire, in accordance with the terms of the application, Ref DC/2015/01424, dated 12<sup>th</sup> November 2015, and the plans submitted with it, subject to conditions.

Llantrisant Fawr Community Council will be made aware of this decision.

### **11. New appeals received - 21st September to 26th October 2017**

We received the planning appeals received between 21<sup>st</sup> September and 26<sup>th</sup> October 2017.

**The meeting ended at 3.48 pm.**



**DC/2016/00703**

**CONVERSION OF PART OF AN EXISTING BUILDING THAT CURRENTLY HAS A MIXED D2 USE AND A C3 USE INTO A SINGLE DWELLING (C3 USE)**

**DEWSTOW GOLF CLUB, DEWSTOW ROAD, CAERWENT NP26 5AH**

**RECOMMENDATION: APPROVE**

Case Officer: David Wong

Date Registered: 04/07/2016

**1.0 APPLICATION DETAILS**

- 1.1 This application seeks planning permission for the conversion of the existing golf club house into a residential unit. The submitted supporting statement describes that the existing clubhouse for Dewstow Golf Club (DGC) includes a residential flat above. Having reviewed the planning history, the planning condition that related to the residential element states, "*The occupation of the residential flat within the clubhouse hereby approved shall be limited to a person employed in connection with the adjacent golf course or is a dependant of such a person residing with him or her.*"
- 1.2 Therefore, for clarification, this residential element was to serve the golf course use and was not a separate residential unit in its own right. Having consulted the Council's Planning Policy team about this application, they advise that Policy H4 of the Monmouthshire Local Development Plan (LDP) is applicable in this instance i.e. the conversion/rehabilitation of buildings in the open countryside for a residential use.
- 1.3 DGC used to have facilities on two separate parcels of land, physically separated by Dewstow Road. These facilities are no longer in operation. In terms of design, this change of use application proposes no alteration to the external appearance of the building. However, there would be internal alterations to enable rooms to be converted for domestic use. The existing access from the public highway will remain to provide vehicular access to the proposed dwelling.

**2.0 RELEVANT PLANNING HISTORY**

MB28731 - Extension to Existing Range. Approved 02/06/1988  
MB30992 - Extension of 9 Holes to Existing Club. Approved 12/09/1989  
MB33755 - 18 Hole Golf Course. Approved 04/03/1992  
MB34317 - Alterations and Extension to Clubhouse. Approved 05/02/1992  
MB35487 - Proposed Extension to Golf Club House to Provide Additional Changing Facilities. Approved 24/11/1992  
MB37521 - Proposed Lounge/Bar Extension. Approved 26/08/1994  
MB38875 - Proposed Golf Training Centre, Coffee Shop and Snack Bar. Approved 10/11/1995  
M01675 - Proposed Ground Floor Kitchen Extension with Offices Over. Approved 29/09/1997  
M03424 - Proposed Metal Fire Escape. Approved 30/04/1999  
M04690 - Proposed Entrance Porch. Approved 31/05/2000  
M04686 - Proposed New Golf Green And Tees. Approved 13/06/2000  
M10854 - Small Extension to Reception/Shop with Office Extension Over. Approved 20/12/2004

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S1 - Spatial Distribution of New Housing Provision

S4 - Affordable Housing Provision

S13 - Landscape, Green Infrastructure and the Natural Environment

S15 - Minerals

S16 - Transport

S17 - Place Making and Design

### Development Management Policies

DES1 - General Design Considerations

EP1 - Amenity and Environmental Protection

H4 - Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use

LC5 - Protection and Enhancement of Landscape Character

M2 - Minerals Safeguarding Areas

MV1 - Proposed Developments and Highway Considerations

MV2 - Sustainable Transport Access

## **4.0 REPRESENTATIONS**

### **4.1 Consultations Replies**

Caerwent Community Council – Recommend approval.

SEWBRc Search Results - No significant ecological record identified on site.

Cadw – The proposed change of use to the existing golf club building at Dewstow Golf Club to residential use is unlikely to affect the registered park and garden which is located approximately 500m to the south. The Glamorgan Gwent Archaeological Trust should be consulted as there may be undesignated historic assets that could be affected by the proposed development.

Glamorgan Gwent Archaeological Trust - There is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this department of the Trust.

MCC Highways – (comments made July 2016) No objection to the proposed change of use. One of the two 18 holes courses is already closed. Therefore, the number of golfers has already reduced as there can only be a limited number of golfers on the course. Also, golfers have historically crossed the highway between the 2 courses and facilities, without any highway issue therefore the existing situation remains unchanged. Should golfers have any safety concerns about crossing the highway, the management of the golf club should be contacted accordingly. Furthermore, there is ample parking for the proposed residential use. Given the above, there is no highway objection.

MCC Planning Policy – LDP Strategic Policy S1 applies. The site is located in the open countryside where planning permission will only be allowed for: acceptable conversions of rural buildings, in the circumstances set out in Policy H4; sub-divisions of existing dwellings (subject to detailed planning criteria), or dwellings necessary for agriculture, forestry or other appropriate rural enterprises, in accordance with TAN6.

Policy H4 should be considered in relation to the proposed conversion of the golf club. Policy H4 contains a number of detailed criteria relating to the conversion/rehabilitation of buildings in the open countryside for a residential use that must be considered. It is noted no external alterations are proposed, criteria a) to d) are therefore complied with. Criterion (e) relates to buildings of modern and/or utilitarian construction noting that close scrutiny will be given to proposals relating to those less than 10 years old. While the proposal relates to a modern building, it is of a traditional nature and has been used for its intended purpose for a significant period. Criterion (g) relates to buildings that are well suited for business use. No information has been provided with the application in relation to marketing the golf club for a business use, this is required in order to determine whether criterion (g) has been satisfied. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and should also be referred to. Other policies (Policy DES1, EP1, LC5, MV1 and MV2) should be considered.

MCC Housing (affordable housing financial contribution) - It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should contribute 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 set out in the table below. The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken. The amount requested in this instance is £27,685.

#### 4.2 Neighbour Notification

Six individual objections and are summarised below:

This application contains factual errors.

The club house and the living area has never been granted a C3 use as the planning condition of that relevant permission, A27577, states that... The occupation of the residential flat within the clubhouse hereby approved shall be limited to a person employed in connection of the adjacent golf course or is a dependent of such a person residing with him or her. The reason is that... the site lies within an area where additional dwellings are not normally permitted. The local planning authority would not be prepared to approve the erection of a dwelling on the site were it not for the specific nature of the use related to the adjacent land. Therefore, it is understood that the clubhouse has never had a C3 use but a D2 with condition as stated above. Therefore, the application is factually incorrect.

To allow a change of use of the existing clubhouse to a residential dwelling will limit facilities of the DGC that will have a long-term damaging effect on the viability of the golf course. For example, chemicals are used on the golf course. Therefore, it is essential for people with allergies to have access to the shower facilities for Health and Safety reasons. The shower facilities will not be available in the alternative building attached to the driving range.

The proposed change of use from the existing clubhouse (C3 & D2) to a single dwelling (C3) is totally unacceptable in the open countryside. The proposal is a misuse of business property, which if successful would generate substantial profit for the new owners. If this application were allowed, it would set a precedent for other similar buildings to be converted to a residential use.

There is no demand for a single private residence of this size in the area.

This application has no marketing exercise information as stipulated in Policy H4 of the Monmouthshire Local Development Plan.

The submitted Design and Access Statement is factually incorrect; the area marked bedrooms 1 & 2 are being used as golf club offices and have been so for some 20

years. The only remaining residential area of the flat consists of a kitchen/dinner, lounge and bathroom, which is only a small part of the whole building.

The clubhouse has always been a focal and friendly part of the club, with a bar, restaurant and comfortable areas for the golfers. However, this facility will be taken from the members on 1<sup>st</sup> October due to the sale of the clubhouse. The members will be moved into a building without the facilities of the clubhouse. Therefore, the sale of the clubhouse is totally unacceptable.

Many jobs will be lost with the closeure of this clubhouse and will impact on the whole area.

Should this change of use application be approved, it would be catastrophic to the viability of Dewstow Golf Club. The applicant has indicated that the building adjacent to the driving range would make a suitable alternative to the current clubhouse, if planning permission is granted. However, that building would not be suitable as there are essential aspects of a clubhouse that are not available i.e. no licensed bar, no formal kitchen and no showers.

There are no toilets on the 18 hole golf course. Therefore, golfers would have to cross the highway and use the facilities in the driving range area. Crossing the highway is always a hazard and having to use that building will greatly increase this risk. The highway authority should be involved in a detailed risk assessment of this planning application. In addition, there is limited disabled access to that building by the driving range with no designated disable parking spaces. Furthermore, there is no guarantee that the golf buggies hiring facilities will be relocated to the building by the driving range to assist the golfers of the less mobile and the disabled people.

The result of this application will alter order of the golf course and will cause an undesirable arrangement and will impact on the speed of play and the handicap systems.

The current owners will continue to manage the golf course, driving range and golf membership facilities after the future owners take ownership of the property. Therefore, the original planning condition for the clubhouse and flat will cease as the flat was conditioned to persons employed at Dewstow Golf Club or a dependent of someone working at Dewstow Golf Club. The future owners will have no connection with Dewstow Golf Club other than as Landlords of the driving range and golf course until March 2017.

If there is no catering facilities and changing facilities then members of the club would be forced to leave. As a result, the lack of income from the membership, societies and visitors would result in lack of income, and would lead to the closure of the Dewstow Golf Club.

This application should consider this planning application as an application for new building in the countryside.

The old and new owners fail to state how they would provide or compensate the loss of the essential facilities by closing the clubhouse. Without the essential facilities the club membership will decline, which will lead to DGC becoming economically unviable. There is no guranttee that the range and the golf course will remain open for the members.

A further change of use application is required for the range to operate as a shop (Use Class A2) for the past 12 years. A change of use from D2 to A1 is permitted but not vise vera.

There has been no marketing exercise and the application does not include a statement setting out whether or not it is compliance with Criterion g) of Policy H4 (SPG) of the LDP.

Other businesses in more rural areas than Dewstow which offer good quality food and surroundings are thriving and are full over weekends and during the week. So any claim by the old owners and new owners that they have made every reasonable attempt to secure continued business can be refuted and should be rejected.

The old owners asked the existing club members and past members if they would like to purchase Dewstow Golf Club for £2,000,000.00 in 2014, which was considerably over the £800,000 to £1,000,000.00 valuation obtained at that time.

The character of the surrounding curtilage will undergo extreme change if the golf course closes and there is no evidence that the golf course will remain open after April 2017.

The closure of the DGC will lose jobs; the loss of jobs in the countryside would be contrary to planning policy.

There is a discrepancy between the planning application and the area of curtilage as the information provided by the old owners who state that lower car park included in the curtilage is going to continue to be used as a car park for Dewstow Golf Club. There will be insufficient parking spaces at the range to serve the members.

The application states that building works have not commenced, yet there is evidence of works taking place at the existing clubhouse.

If the layout of the course is altered then it will have to be re-assessed for it to be played on by members who wish to play with an official handicap.

The building is of modern construction. Therefore, a change of use to residential is contrary to the planning policy.

The original golf course was agreed as it would provide local employment for over 50 staff. In addition, funding was provided for 1,000 diverse trees to be planted (giving it the colours in the autumn similar to the Masters Course in Augusta. Therefore, the form is filled incorrectly as there are over 1,000 trees and hedgerows (including some rare British Orchids) on site.

Two general observation comments received:

The recent correspondence states that the Golf Club was placed onto the "for sale market" as either a golf club or other suitable commercial site. I would like to know where such adverts or other promotional efforts were expended. As a member I was never aware that the club was being marketed as for sale as a going concern?

Building work has been taking place at Dewstow for some time now. Can you confirm if planning has been approved for the conversion?

## **5.0 EVALUATION**

### **5.1 Principle of the proposed development**

5.1.1 Policy H4 of the LDP is relevant regarding this proposal for the conversion of the golf club and associated managers flat to residential use. Policy H4 contains a number of detailed criteria relating to the conversion/rehabilitation of buildings in the open countryside for a residential use that must be considered.

5.1.2 It is considered that criteria a) to d) of Policy H4 are met as there are no external alterations proposed. Criterion e) relates to buildings of modern and/or utilitarian construction noting that close scrutiny will be given to proposals relating to those less than 10 years old. While the proposal relates to a modern building, it is of a traditional nature and has been used for its intended purpose for a significant period of time. Therefore, the proposal meets this criterion. Criterion f) allows modest extensions and suggest the removal of normal permitted development rights. There is no extension proposed and all permitted development rights would be removed via condition to manage the future development of this property.

5.1.3 Criterion g) relates to buildings that are well suited for business use. When the application was submitted, no information was included in relation to marketing the golf club for a business use. This information was subsequently requested. The DGC is a

unique property and Section 5 of the Policy H4 SPG acknowledges that it is difficult to be prescriptive about the definition of the marketing exercise as each case will be different. Therefore, this SPG sets out the Council's basic expectation of what a marketing exercise should comprise, the equivalent of the following...

- A minimum of three adverts at two-monthly intervals in a regional newspaper, such as *The Western Mail* or *The South Wales Argus*;
- Active marketing through a recognised and independent commercial property agent covering South and Mid Wales and bordering English regions;
- Notifying other organisations who may have an interest in promoting the site (e.g. Monmouthshire County Council Business and Enterprise Section).

- 5.1.4 The latest marketing exercise submission included three adverts with The South Wales Argus (the first aspect has thus been met); they have used Linnell's, Parry's and Zoopla to advertise the site (the second aspect has been met) and they have notified Monmouthshire County Council Business and Enterprise Section about this site (the third aspect has been met).
- 5.1.5 In terms of the asking price, the agents (Linnell's and Parry's) have priced this property based on a general business use, which is what the Welsh Government seek to promote in the countryside (PPW). This is a unique property (size and location) and there is no similar comparison against which this property can be assessed. Having discussed this element with the District Valuer, owing the uniqueness of this property and there being no similar comparison, it is not considered that there is reason to dispute this asking price.
- 5.1.6 Linnells, the commercial property estate agent, has confirmed that there were enquiries generated by the first press advert from some prospective buyers and all of those individuals were sent the marketing particulars and plans but none of those parties viewed the property or proceeded any further with their enquiry. Neither Linnell's nor Parry's have received any other tangible interests. According to the Zoopla report, this shows 111 views and 3 direct clicks for the period until 18<sup>th</sup> October 2017.
- 5.1.7 As part of the marketing exercise, Linnell's provided its views about this property; it advised that the response to the marketing has been disappointing but not unexpected for such a unique and large property within this location. At the time of the initial campaign, it was of the opinion that the property may have appealed to a number of alternative uses such as restaurants, care homes, assisted living centres and other leisure related uses together with the potential for use as office accommodation. However, the applicant is an existing care home provider and he expressed that the property would be unsuitable due to the existing design, size and layout. As to the restaurant market, it would also be difficult due to the size of the building and location with very little passing trade and the level of competition within the vicinity. Taking into account these findings, it is considered that the marketing exercise has provided reasonable information to meet the terms of the marketing exercise, as set out within the adopted SPG.
- 5.1.8 The site is located in a minerals safeguarding area as designated in Policy M2. However, the proposal is unlikely to affect any area that is considered environmentally or economically feasible for minerals extraction. In addition, the site is within an existing group of buildings with other dwellings nearby. Therefore, that there is no conflict with Policy M2.

## 5.2 Design

5.2.1 The proposal will not require any further alteration to the external appearance of the building and extension. Thus, there would be no conflict with Policy DES1 of the LDP.

## 5.3 Economic Development Implications

5.3.1 This application was submitted in the summer of 2016. However, it was later established that no marketing exercise was conducted. As a result, the applicant was requested to carry out the marketing exercise as outlined within the Policy H4 SPG retrospectively. At the time of the application, the agent suggested that the new owners would continue to allow the members of the DGC to play on the golf course and the golfing range opposite the application site will remain open. There were local objections with regard to the viability of the remaining golfing facilities if the clubhouse was lost, which provided essential facilities for the club members of the DGC. Since then, all of the DGC golfing facilities/operations have closed. It is considered that the loss of this golf club is regrettable but it is ultimately the business decision of the club owners.

## 5.4 Neighbour amenity

5.4.1 There is no neighbouring property within close proximity of this building. Therefore, the proposal would be in accordance with Policy EP1 of the LDP.

## 5.5 Highway safety

5.5.1 The Council's Highway Department was consulted and they have no objection to the proposed change of use. At the time of their response, the golf course was still in use, although since then Highways have acknowledged that all golfing facilities/operations at the DGC have ceased. Therefore, there will be no golfers crossing the road from the parking area by the clubhouse to the opposite golfing range; their stance remains unaltered i.e. no objection. The proposed use of this building would involve significantly less traffic movements in and out of the site than the previous use as a golf club.

5.5.2 There were local objections about the fact that this application requires a detailed risk assessment regarding traffic movements. In addition, it was suggested that there was limited disabled access to that building by the driving range with no designated parking spaces for disabled persons. It was also argued that there was no guarantee that the golf buggies hiring facilities would be relocated to the building by the driving range to assist golfers. However, all golfing facilities/operations have ceased since those representations were made. Thus, these objections are no longer applicable.

## 5.6 Ecology

5.6.1 No significant ecological issues have been identified by the SEWBReC report concerning this building. In addition, the bargeboard fits tight along the eaves and the internal roof of the building is well lit and was recently partly modernised. Therefore, no further ecological information is requested. However, an informative will be imposed to remind the developer that bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately.

5.6.2 In addition, no trees will be lost as a result of this application.

## 5.7 Landscape impact

5.7.1 The proposal will not require any further alteration to the external appearance of the building and extension. In addition, all general permitted development rights will be removed to manage the future development of the building/site. Therefore, the result of this proposal is in accordance with Policy LC5 of the LDP.

## 5.8 Affordable Housing Financial Contribution

5.8.1 It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should contribute 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 financial contribution that will be required is £27,685.

## 5.9 Other issues raised by the objectors

5.9.1 To allow a change of use of the existing clubhouse to a residential dwelling will limit facilities of the DGC that will have a long-term damaging effect on the viability of the golf course i.e. no licenced bar, no hot food and no showers at the range. All golfing facilities/operations of DGC have now ceased. Therefore, this issue is no longer applicable.

5.9.2 It was also suggested that if this application were allowed, it would set a precedent for other similar buildings to be converted to a residential use. Each case has to be treated on its merits and the proposal is considered to comply with Policy H4 of the LDP for the conversion of buildings in the countryside to residential use.

5.9.3 An objector expressed that there is no demand for a single private residence of this size in the area. This is not the case as the applicant is currently pursuing a change of use planning application of this clubhouse to a residential unit for both him and his family.

5.9.4 This application initially had no marketing exercise information as stipulated in Policy H4 of the Monmouthshire Local Development Plan. Further marketing has now been submitted for consideration.

5.9.5 An objector argued that this this planning application as an application should be considered as a new building in the countryside. Policy H4 of the LDP is applicable and relates to conversions of buildings in the countryside. In this instance, the proposal is considered acceptable having regard to the criteria in the policy.

5.9.6 One of the objections suggested that other businesses in more rural areas than Dewstow which offer good quality food and surroundings are thriving and are full over weekends and during the week. So any claim by the former and the latest owners that they have made every reasonable attempt to secure continued business could be refuted and should be rejected. In regard to this objection, a further marketing exercise has now been submitted for consideration and the submitted details are in accordance with the policy criterion and the adopted SGG.

5.9.7 The former owners asked the existing club members and past members if they would like to purchase Dewstow Golf Club for £2,000,000.00 in 2014, which was considerably over the £800,000 to £1,000,000.00 valuation obtained at that time. The marketing



exercise and the asking price is considered to be acceptable and is in accordance with the criteria as set of within the Policy H4 and the SPG.

- 5.9.8 It is argued that the character of the surrounding curtilage will undergo considerable change if the golf course closes. The result of this application will alter the use of this golf clubhouse to a residential use leading to a change to the character of this building by the nature of its use. In response to this objection, the change would not be significant and would be negligible externally. All general permitted development rights would be removed to manage the future development of the building/site if permission is granted.
- 5.9.9 Any works carried out by the applicants without planning permission are at their own risks as no planning decision has been made and the applicants are aware of this.
- 5.9.10 In respect of the significant trees and shrubs planted in recent years there are no proposals to remove these as part of this application.

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

- 5.10.1 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 a Section 106 agreement for the Affordable Housing Financial Contribution**

#### Conditions/Reasons

1. Standard 5 years in which to commence development.
2. The development shall be carried out in accordance with the approved plans
3. Remove Part 1 and 2 permitted development rights for the dwelling house.  
Reason: in the interests of visual amenity.

#### Informative:

Glamorgan Gwent Archaeological Trust - There is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this department of the Trust.

Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees,

hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

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/2016/01128

**CHANGE OF USE OF LAND FROM AGRICULTURAL USE TO A CAMPING SITE FOR 4 TEMPORARY SHEPHERD HUTS TO BE OCCUPIED BETWEEN THE 1<sup>ST</sup> MARCH AND THE 31<sup>ST</sup> OCTOBER ANNUALLY AND ASSOCIATED ACCESS ROAD AND A NEW TOILET BLOCK**

**CEFN TILLA, LLANDENNY, USK, NP15 1DG**

**RECOMMENDATION: APPROVE**

Case Officer: Andrew Jones  
Date Registered: 25.10.2016

**1.0 APPLICATION DETAILS**

- 1.1 This application relates to a parcel of land located to the west of the village of Llandenny. The site forms part of the grounds of the grade II\* listed property Cefn Tilla and measures approximately 3.5ha.
- 1.2 The site lies outside of the Llandenny Conservation Area (CA) although it is located within the grade II registered historic park and garden known as PGW (Gt) 31 Cefn Tilla.
- 1.3 Planning permission is sought to change the use of part of the land to allow for the siting of four shepherd huts for tourism use. Each hut would be mounted on a grass enforcement system measuring 8m x 3m and all would be sited in the north westerly corner of the field. The timber huts would be on wheels and would measure 6.5m x 2.7m and stand 3.5m at their highest point (including wheels). A moveable toilet block would be sited between the huts; this would be finished in timber and would measure 8.6m x 4.5m. The site is to be accessed from the Class III highway that bounds the eastern part of the site. Vegetation would be cut back to less than 1m in height in order to achieve a 2.4m x 90m visibility splay. Car parking would be provided at the site entrance but no permanent hard surfaces would be employed. The site would be occupied seasonally between 1st March and 31<sup>st</sup> October.
- 1.4 The plans originally submitted included a seasonal touring caravan pitch that would have been sited within the grasscrete parking area but this has been withdrawn in its entirety from the application.

**2.0 RELEVANT PLANNING HISTORY**

DC/2016/00692 - Change of use of land from agricultural use to a camping and caravan site for 30 units including associated access roads and a new toilet block.  
Withdrawn 08/08/2016.

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Planning Policies

S8 - Enterprise and Economy  
S10 - Rural Enterprise  
S11 – Visitor Economy  
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

T1 – Touring Caravan and Tented Camping Sites

T2 – Visitor Accommodation outside Settlements

MV1 – Proposed Developments and Highway Considerations

LC1 – New Built Development in the Open Countryside

LC5 – Protection and Enhancement of Landscape Character

GI1 – Green Infrastructure

## **4.0 REPRESENTATIONS**

### **4.1 Consultation Replies**

Llanover Community Council – recommends refusal, making the following observations on the original plans:

- Applicant has not followed new guidance and consulted with residents and elected stakeholders prior to the application.
- Concern must be expressed at this stage why the developer needs to identify such a large parcel of land to site only seven shepherd huts plus one amenity building.
- The current application would seem to be in conflict with 3.7 in TAN 6.
- The current application would seem to be in conflict with 3.10.1 TAN 6.
- Plans should demonstrate how the diversified activity fits into the wider farming practice, and set out its environmental consequences highlighting how any significant adverse effects will be mitigated.
- The statement within the application that the site is relatively level is inaccurate and misleading. The proposed development is in the middle of the parkland in open countryside where there are no existing hedges or tree cover to screen the proposed site. The agent explains that the proposed development will include planting of hedges to screen the development, hence taking away the current registered parkland. Therefore the statement made is incorrect and misleading.
- The current design and application is in conflict with Policy S17, S13, RE6, T1, DES2 and S10.
- There are no landscaping statements, identifying a planting schedule.
- Landscape Character Assessment, is required to demonstrate how the landscape character has influenced the design and, scale of the development
- No comment or report from CADW or the registered Landscapes of outstanding historic interest in Wales & registered landscapes
- There is no land survey to identify the existing ground levels and the amount of excavation and engineering work required
- There are no engineering drawings showing construction levels of the proposed toilet block and utility area.
- There are no drawings or statements identifying green sewage system.
- There is no evidence provided that an application has been submitted relating to the diversion of the existing public Right of Way
- There is no environmental impact assessment
- There is no waste collection policy for storage and collection
- There is no traffic impact assessment
- There is no highway maintenance programme or assessment

- The proposed site layout plan would indicate the existing public right of way is further west than it would appear on the ground
- There are no reports or recommendations from NRW relating to the construction of the green sewage system
- There is no evidence how the applicant will conform to Policy DES4 – Advance Tourism Signs
- There does not appear to have been any consultation with MCC Environmental Health Department

MCC Planning Policy – Provided the following comments:

- I refer to the above application for the change of use of land from an agricultural use to a camping site for 7 temporary shepherd huts to be occupied between the 1st March and 31st October annually and associated access roads and a new toilet block at Cefn Tilla, Llandenny. Strategic Policy S11 relating to the Visitor Economy provides support in principle for sustainable forms of tourism subject to detailed planning considerations. Strategic Policies S8 and S10 are also of relevance. The site is located within a Historic Park and Garden. Strategic Policy S13 relating to Landscape, Green Infrastructure and the Natural Environment is therefore of importance.
- There are two different aspects in relation to this application namely; the shepherd huts and the amenity block. No details are provided of shepherd huts other than a maximum size as indicated on the layout plan. This is not considered to be acceptable, full details are required in order to make an informed opinion of whether the huts are removable in nature and of a suitable scale. In addition to this the structured layout of the proposal does not appear to relate to a typical low impact visitor accommodation site and is more akin to a layout of a caravan park. It should be questioned whether the car parking beside each of the huts and hardstanding area including the formal access is necessary or appropriate in this locality. It would have to be considered whether the siting of the huts in this location would detrimentally affect the appearance of the site and surrounding countryside/landscape, particularly as this is a sensitive site within the registered Historic Park and Garden.
- It is noted that the site will provide diversification for the estate although it is not known if the application could be considered a form of agricultural diversification. If it is determined to be agricultural diversification Policy RE3 would also be of relevance.
- The site is located in the Cefn Tilla Historic Park and Garden. While there is no specific local planning policy in relation to Historic Parks and Gardens it is important to ensure Policy LC5 relating to the Protection and Enhancement of Landscape Character is also considered in relation to siting and design. The application does not appear to include a LVIA. Chapter 6 of Planning Policy Wales relating to Conserving the Historic Environment is also a key consideration.
- With regard to the proposed toilet block, Policy LC1 contains a presumption against new-build development in the open countryside although identifies those type of developments involving new build that might be acceptable if justified in policies S10, RE3, RE4, RE5, RE6, T2 and National Planning Policy. Policy LC1 also contains a number of detailed criteria that should be considered. There is no specific policy support for amenity blocks, however, this could be considered ancillary to a sustainable tourism facility subject to relevant policy considerations such as impact on landscape and the historic environment.
- Policy DES1 in relation to General Design, Policy EP1 relating to Amenity and Environmental Protection and Strategic Policy S17 relating to Place Making

and Design would also need to be considered. Policy EP3 relating to Lighting is also of importance.

- It is noted Policy RE6 is referred to in the DAS. It is not considered that this policy is of relevance, Policy RE6 relates to small-scale informal uses such as walking, fishing and cycling facilities. It does not relate to tourism accommodation.
- Policy MV1 should also be considered relating to proposed developments and highway considerations.
- Finally it should be noted that the site is located in the Gliding Safeguarding Area.

MCC Public Rights of Way - Provided the following comments:

- The applicant's attention should be drawn to Public Footpath No 102 in the community of Raglan the alignment of which appears to be wrongly indicated on the proposed layout drawing.
- The legal alignment of Public Path No 102 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place.
- The Active Travel (Wales) Bill places a requirement on local authorities to continuously improve facilities and routes for walkers and cyclists. Countryside Access would therefore like to see connections formed from the site onto Footpaths 102 and 102A.
- By way of improvement Countryside Access would also like the stiles in control of the applicant replaced with gates or less restrictive alternatives.
- No barriers, structures or any other alternatives should be placed across the legal alignment of the path and any damage to its surface as a result of the development must be made good at the expense of the applicant.

MCC Highways - Provided the following comments:

- The proposed application is for a small scale glamping style site with parking adjacent to the shepherd huts. The application as proposed would provide an improved point of access to the site for this proposal and to the adjoining fields. This will enhance the highway safety of the highway network by providing improved visibility in the vicinity of the site.
- The proposed site is for seasonal use and as such will have a low impact on the adjoining highway network. Access will be off a County Class III route and offers good communication links to the highway network in the vicinity of the site.
- The recreational use of the site will have a low impact on the surrounding highway network.
- Subject to the site being restricted to the low numbers proposed and the type of facilities being offered, the Highway Authority would offer no adverse comment.
- Should you be minded to approve the application, access and visibility must be provided prior to seasonal occupation of the site for highway safety. The access must be constructed strictly in accordance with the approved plan.

MCC Landscape Officer - These comments should be read in conjunction with separate arboriculture, access and ecology comments (where relevant).

## MAIN ISSUES

1. New touring caravan and tented camping sites and the expansion of such sites will only be permitted where there is no unacceptable impact on the countryside having

regard to biodiversity, landscape quality and the visibility from roads, viewpoints and other public places [T1]

2. New built development will only be permitted where all the criteria set out in [LC1] is satisfied.

3. Development that may have unacceptable adverse effects on the special character or quality of Monmouthshire's landscape, as defined by LANDMAP will not be permitted [LC5].

4. 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 [DES 1].

RECOMMENDATION: The (revised) proposal is acceptable because it considered the main issues and met requirements set out in the relevant policies (listed above).

#### REASONS

5. Where the principle for this type of development is supported by national and local policy and where the applicant has demonstrated through a landscape assessment that environmental aspects have been considered, and (subsequently) where they have satisfactorily incorporated changes to the layout and detailed design, including:

- a. The seasonal siting of shepherd huts and ancillary facilities (only).
- b. Relocating the shepherd huts near to field boundaries and existing vegetation.
- c. Changes to surface materials.
- d. The removal of hard surfaced areas (car park & access roads)

6. Policies LC1 & LC5 were fully considered and satisfactorily incorporated during the planning process: there is no unacceptable impact on the countryside having regard to landscape quality and the visibility from roads, viewpoints and other public places [T1].

7. The revised proposal satisfactorily assimilates into the landscape (and complies with policy LC5) by way of siting the proposed shepherd huts near to existing and established field boundaries; where trees and shrub planting screen and protect the development from key viewpoints.

8. The reduction of associated infrastructure and changes to surface treatments respect the surrounding landscape.

9. A strict short-term tourist condition is being used because the proposal development is located within the registered historic park and garden of Cefn Tilla, and because of its potential impact on the character and visual amenity of the wider landscape. The removal of the Shepard huts and amenity block when seasonal variation increases visibility ensures development would not have a significant adverse impact on landscape character or visual amenity.

The information submitted with this application demonstrates that the proposed development would not cause a significant adverse impact to landscape character or visual amenity.

Please note. Further change of use from agricultural land to recreational use is of great concern to me and I would advise Development Management Officers to consider the cumulative impact of such developments in the future.

Glamorgan Gwent Archaeological Trust (GGAT) – Whilst the current application will require ground intrusion works these are relatively limited in scale. As such it is unlikely to an archaeological restraint to this proposed development.

Cadw – provided the following comments:

- The proposed development is located within the grade II registered historic park and garden at PGW (Gt) 31 Cefn Tilla. The land is currently agricultural and undeveloped. The parkland at Cefn Tilla is a long narrow strip of land to the north, east and south of Cefn Tilla house. The parkland, planted with parkland

trees, is depicted on the first edition Ordnance Survey map of Monmouthshire (surveyed 1881, published 1886) together with Cefn Tilla house, gardens, walled garden and orchard.

- The impact of the proposed development on the registered park and garden is not assessed in the supporting documents to the application. However, in our view the proposed development comprising the introduction of new access tracks and areas of hard-standing together with campsite huts/facilities/services and associated hedging and landscaping will be detrimental to the historic character of the registered park.
- Having carefully considered the information provided with the planning application, it is considered that the documentation inadequately analyses the impact of the proposal on the aforementioned designated historic assets. We therefore consider that the following information is critical to the determination of the application so that the suitability of the proposed development can be properly assessed against national planning policy and that the final decision is in line with administrative law.
- We, therefore, advise that your authority should request that the applicant address the issues raised above, and re-consult us accordingly. These views have been expressed without prejudice to the Welsh Ministers' consideration of the planning application, should it come before them formally for determination.

Welsh Historic Gardens Trust – provided the following comments:

- Proposed development at Cefn Tilla is situated towards the southern end of a Grade II listed Park and Garden. The development, if approved, would be clearly visible from the road and from the footpaths crossing the Park. From these viewpoints the proposed development would clearly compromise the views of the Park thus nullifying its Grade II designation.
- The changes to the original proposal neither remove nor substantially reduce the damage to the listed Park. We remain of the view that this application for proposed development in the Park should be refused and that, if accommodation is required for the Cefn Tilla estate, there are alternatives that could be considered.

#### 4.2 Neighbour Notification

19 letters of objection have been received raising the following areas of concern in respect of the original plans:

- No contamination assessment
- Lighting around toilet block will be clearly visible at night
- The proposed site is on protected parkland
- The development is invasive and disruptive in terms of visibility from the west (Llandenny Walks)
- Would be better sited closer to Cefn Tilla house
- Increased road traffic on a road unsuitable for additional traffic
- Limited visibility at site access
- Control of dogs
- The proposed application is in conflict with policy S10
- The development does not comply with policy LC5 of the LDP because it will cause significant visual intrusion, being insensitively and unsympathetically sited at the top of the ridge in open countryside
- No evidence of improvements needed to public highways; access is via single track roads with inadequate passing spaces.



- No evidence of environmental impact; wildlife, biodiversity, rare species incl. grass snakes, slow worms, newts and badgers, all of which have been observed on this site
- The site is in open farmland in a conservation area
- There are no services to the site, electricity, water and waste facilities will have to be provided
- The site sits above an aquifer which supplies all the houses on that road and whose integrity must be assured
- The frequent shooting activity that has been ongoing at Cefn Tilla has caused unbearable noise nuisance and stress to the local residents and would in all likelihood increase even more, with additional visitors on site
- Steep site therefore dangerous to drive vehicles within it
- Concerned real motive is to eventually build houses on the land
- This is an area of outstanding natural beauty which would be ruined by commercial Development and waste disposal and lighting
- The LDP commits many paragraphs to the safeguarding and enhancement of our historic and natural environments and to the fact that they form part of our attraction and heritage, and the need for good design
- Insufficient information to support the application, particularly within the Design and Access Statement

Seven further letters of objection have been received raising the following areas of concern in respect of the revised plans:

- How many other huts, tents or caravans is the intended outcome with all the problems with access on narrow roads
- The amended plans do not address the fundamental problem that was cause for objection previously
- Four shepherd huts will not be viable as a business
- No proposals are made for provision of services and disposal of waste
- Highway and environmental impact assessments are imperative
- If this development is allowed, very strong planning constraints and limits must be placed on it
- The proposed area is accessed via very narrow lanes where large vehicles will find it difficult to manoeuvre.
- Concerns regarding the size of the proposed area and believe there are better suited locations near to the main house and nearer to the road network.

## **5.0 EVALUATION**

### **5.1 Principle of the proposed development**

#### **5.1.1 National Policy**

5.1.2 National planning policy relating to tourism is set out in Chapter 11 of Planning Policy Wales (PPW, Edition 9 November 2016) and reflects the Welsh Government's aim to encourage tourism to grow in a sustainable way and make an increasing contribution to the economic, social and environmental well-being of Wales (11.1.2). It provides for the planning system to encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and local communities (11.1.4).

5.1.3 PPW recognises the importance of tourism to economic prosperity and job creation and its ability to act as a catalyst for environmental protection, regeneration and improvement in both urban and rural areas. In rural areas tourism-related development is considered

to be an essential element in providing for a healthy, diverse local economy and in contributing to the provision and maintenance of facilities for local communities. However, it also clarifies that such development should be sympathetic in nature and scale to the local environment and to the needs of the visitors and the local community.

#### 5.1.4 Local Development Plan

5.1.5 Strategic Policy S11 *Visitor Economy* of the Local Development Plan (LDP) sets out that “proposals that provide and/or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations”.

The recently adopted Supplementary Planning Guidance (SPG) in respect of Tourism aims to provide certainty and clarity for applicants, officers and Members in the interpretation and implementation of the existing LDP policy framework in relation to proposals for sustainable visitor accommodation.

The LDP defines sustainable tourism as tourism that is ‘economically viable, generates local benefits, is welcomed by and helps support local communities, reduces global environmental impacts and protects/enhances the local environment’ (5.82).

In this instance the shepherd hut accommodation provided is therefore considered to be a low impact form of visitor accommodation and would satisfy Policy S11 in principle.

The type of accommodation proposed is considered to fit within the remit of ‘glamping’. The draft SPG identifies the following key principles this form of accommodation should reflect:

- Generate benefits for the local economy (residents and visitors)
- Protect and enhance landscape character and natural/historic environment i.e. visually unobtrusive
- Scale and design appropriate to site context.
- Locally adapted (recognising that sustainable accommodation solutions can be diverse/unique)
- Generate minimal car trips
- Make use of renewable energy resources (energy efficient)
- Capable of being removed without leaving a permanent trace.

5.1.6 The first of these principles is key in considering the principle of development as it is recognised that tourism is a fundamental part of Monmouthshire’s economy. In 2015 there were 2.19 million visitors to the County, with tourist expenditure amounting to £187 million. Tourism also provides opportunities for enterprise and employment, and is a significant employer in the County. The other principles highlighted in par. 5.1.5 are addressed in the ensuing sections of this report.

## 5.2 Visual Amenity

5.2.1 Whilst the site does not fall within the Llandenny Conservation Area (CA) it is entirely within the grade II registered historic park and garden at PGW (Gt) 31 Cefn Tilla. As such the original proposal which would have seen seven shepherd huts sited on the more prominent easterly edge of the site has been significantly amended. The number of huts has been reduced to four and they are to be re-sited on the western, lower edge of the site which bounds mature vegetation. This has been informed by a *Landscape Character Assessment and Historic Impact Assessment* which has also resulted in an area of hardstanding that was to provide parking and turning facilities to each of the huts being removed. The huts would be sited on a grass enforcement system which is considered to be low impact and minimally intrusive to the landscape. It is also welcomed that all hard surfaces at the parking area, along the eastern edge of the site, have been removed and will be completely informal. Access to each hut is also to be via informal surfaces, full details of which are to be managed through a planning condition.

5.2.2 The applicant has indicated that they intend to operate for 8 months of the year, between 1<sup>st</sup> March and 31<sup>st</sup> October. Between November and February the huts are to be removed from the site. It is considered that because at this time vegetation coverage within the rural landscape is reduced the seasonal condition is necessary and reasonable.

5.2.3 At a more immediate level Public Right of Way No 377/102/1 runs along the southern edge of the site in fair proximity to the siting of the huts. Whilst users of this footpath would have views of the huts, given the design and low numbers proposed, combined with existing and proposed landscaping it is not considered that the localised visual impact would be unacceptable.

5.2.4 The huts and toilet block are considered to be of appropriate size and finished in sympathetic materials including timber walls and roofs. Whilst there is no specific policy support for amenity blocks this element is considered acceptable as being ancillary to a sustainable tourism facility and meets policy considerations in respect of impact on landscape and the historic environment.

5.2.5 The site also benefits from existing mature vegetation that runs along its boundaries. A detailed landscaping (hard and soft) plan is to be provided through appropriate planning conditions which would further help to assimilate the development into the landscape and help to maintain and enhance local Green Infrastructure assets

### 5.3 Residential Amenity

5.3.1 The closest neighbouring properties to the site are Tump Cottage, approximately 200m to the North and Rock Farm, approximately 270m to the East. It is not considered that given the modest scale of the proposal - up to four huts - together with the distances involved, that it would result in unacceptable harm to local residential amenity. No lighting is proposed, although a condition is to be attached to remove normal permitted development rights in respect of lighting. This will ensure no light pollution during night hours. With regard to additional traffic levels created this is addressed in section 5.4 below.

### 5.4 Highway Safety

5.4.1 The site would be served by an access that would achieve 2.4m x 90m in visibility, which is considered sufficient. No objections have been raised by the Council's Highways Engineer who has advised that the application as proposed would provide an improved point of access to the site for this proposal and to the adjoining fields. This will enhance the highway safety of the highway network by providing improved visibility in the vicinity of the site.

5.4.2 The site would only feature four huts and therefore the Highway Engineer is satisfied that a seasonal site such as this would have a low impact on the existing highway network. The huts would be on site and therefore visitors would not have to tow anything large as would be the case with a touring caravan site. Given the small number of huts proposed it is not considered that the proposal would generate significant additional traffic along the Class III carriageway to the detriment of highway safety.

### 5.5.1 Biodiversity

5.5.2 The application site lies outside of any designated area of ecological value (e.g. a SINC or a SSSI) and as such given the low impact nature of the development no formal ecological survey work has been requested. The main development involves the formation of the grass enforcement system areas on an area of grassland that is well maintained. Similarly whilst works would be required to the eastern boundary to create the site entrance, it is not considered that the vegetation in this area is of sufficient ecological potential so as to warrant survey work.

5.5.3 A detailed landscaping plan is to be managed through a planning condition that can lead to biodiversity enhancements. In addition the control of lighting through a condition will also serve the purpose of protecting foraging species, such as bats, in the vicinity.

### 5.6 Response to Consultation Responses

5.6.1 A number of the concerns raised by third parties have already been addressed in the preceding sections of this report and these shall not be repeated. However other material planning concerns have been raised.

5.6.2 References to sections of TAN6 made by the Community Council are not relevant to the consideration of this particular application. It is accepted that the proposal does not constitute rural diversification, but Policy S11 does provide support for such development that does not need to be linked to an existing rural enterprise. The development is easily reversible and therefore it would not result in the permanent loss of agricultural land.

5.6.3 The need for an Environmental Impact Assessment (EIA) has been screened and is not considered necessary given the scale and nature of the development. Similarly a number of comments challenged the need for a Transport Assessment; this is not a validation requirement and was not considered necessary by the Council's Highway Engineer in order to evaluate the proposal.

5.6.4 The closest Public Right of Way, Public Footpath No 102 in the community of Raglan, is to the south of the site and would not be obstructed by the proposed development. It is noted that the Council's Right of Way Officer has requested the stiles in control of the applicant are replaced with gates or less restrictive alternatives. However, this is not considered necessary to make the development acceptable and would fail the standard tests for applying planning conditions.

5.6.5 It is noted within the representations that the Council's Environmental Health (EH) Department has not been consulted. Owing to the scale (four huts) and significant distances from neighbouring properties it is not considered that the proposal would give rise to unacceptable levels of nuisance. As has been requested by EH for similar applications a condition is to be attached to agree a written scheme for the disposal of foul drainage. The control of dogs has also been raised as an issue but this would fall outside the remit of planning control. Concerns relating to shooting activity at the site and associated noise/safety concerns are not relevant to this planning application.

5.6.6 Finally concerns have been raised that the motive is to eventually build houses on the land. This is only speculation at this point and not what is before Members of Planning Committee to consider. Any potential future applications at the site would need to be considered on their own merits at such a time.

## 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

### 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.
	<b><u>Pre-commencement conditions</u></b>
3.	Prior to the proposed use commencing, a written scheme for the disposal of foul drainage shall be submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until the drainage system has been constructed in accordance with the approved scheme. The approved scheme shall be maintained for the life of the approved development. Reason: To ensure satisfactory facilities are available for disposal of foul and surface water.
4.	Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the LPA. These details should include species rich grassland, mature trees, hedgerows and pond creation (Green Infrastructure assets). Details shall include. <ul style="list-style-type: none"> <li>• Proposed and existing utilities/services above and below ground.</li> <li>• Soft landscape details shall include: means of protection, planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.</li> <li>• Means of enclosure.</li> <li>• Hard surfacing materials.</li> </ul> Reason: In the interests of visual and landscape amenity; in accordance with POLICY DES1 & LC1/5.
	<b><u>Compliance conditions</u></b>
5.	In the event of the shepherd huts site ceasing to trade, all units shall be removed from site and the land restored to its former condition within 3 months of closure in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority. Reason: To safeguard the visual amenity of the area.
6.	None of the shepherd huts hereby permitted shall be replaced by any other structure(s) or glamping accommodation differing from the

	<p>approved details, unless and until details of the size, design and colour of such replacements have first been approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure compliance with the approved plans, for the avoidance of doubt and to safeguard the amenities of the area.</p>
7.	<p>The site shall be carried out in accordance with the layout and specification shown on the approved plans only.</p> <p>Reason: To ensure compliance with the approved plans in the interests of the wider landscape, visual and residential amenity.</p>
8.	<p>The site shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. The site shall remain as holiday accommodation in perpetuity.</p> <p>Reason: To ensure the site is occupied as holiday accommodation only. The site is unsuitable for general residential accommodation because of its temporary nature and its location in the open countryside, and the policy support for glamping is due to the economic benefits secured.</p>
9.	<p>An up to date register containing details of the names, main home address, dates of arrival and departure of occupants using the shepherd huts shall be made available for inspection by the Local Planning Authority upon request.</p> <p>Reason: To ensure the site is occupied as holiday accommodation only. The site is unsuitable for general residential accommodation because of its temporary nature and its location in the open countryside, and the policy support for glamping is due to the economic benefits secured.</p>
10.	<p>No accommodation, including the toilet block, shall remain on site between 1<sup>st</sup> November and 28<sup>th</sup> February the following year.</p> <p>Reason: To safeguard the landscape amenities of the area.</p>
11.	<p>There shall be no more than 4 shepherd huts on the site at any one time.</p> <p>Reason: To safeguard the landscape amenities of the area and to ensure compliance with the approved plans.</p>
12.	<p>Before the permitted access is used it shall be constructed in accordance with the specifications on the approved plan.</p> <p>Reason: To ensure the access is constructed in the interests of highway safety.</p>

DC/2017/00376

## OUTLINE PLANNING CONSENT FOR AN ENERGY CENTRE IN THE FORM OF A GAS-POWERED COMBINED HEAT AND POWER (CHP) PLANT, PROVIDING UP TO 4MW OF ELECTRICAL POWER

VALLEY ENTERPRISE PARK, HADNOCK ROAD, MONMOUTH, NP25 3NQ

### RECOMMENDATION: APPROVE

Case Officer: Craig O'Connor

Date Registered: 24/08/2017

#### 1.0 APPLICATION DETAILS

- 1.1 The site is located to the west of Monmouth town centre and forms part of Hadnock Road Industrial Estate. The existing use of the site is for general industry (Use Class B2) although the site has been vacant for over eight years. The vehicular access to the site is off Hadnock Road which connects to the A4136 which is to the south of the site. The site is enclosed by the River Wye to the west and there is a mix of different uses on the surrounding sites including residential, industrial, offices and educational uses. The site lies within the Monmouth town development boundary and is allocated as a Protected Employment Site under Policy SAE2 of the Local Development Plan (LDP). The site lies entirely within Flood Zone C2 (unprotected floodplain).
- 1.2 This application seeks outline consent for the principle of constructing an energy centre with all matters reserved for future consideration. The appearance, landscaping, layout and access would all be reserved matters for consideration at a later date if this outline application was to be approved. The energy centre was previously considered as an ancillary part of a much larger form of development under application DC/2015/01431 for a hotel and spa facility at the site. The submitted layout plans outline that the proposed energy centre would be sited in the northern part of the wider industrial estate. The proposed energy centre would accommodate a combined heat and power (CHP) generator that would provide energy for the neighbouring school and other local businesses and also create energy to go back into the grid. It could provide up to 4MW of electrical power with excess power being fed into the local grid connection. Details of the resultant energy centre have been submitted within the application and the proposed building would measure approximately 300sq metres. It would be between 7m and 10m in height, with a finished floor level of 21.05m AOD. The plant would also include a flue the height of which would depend on further assessment, although at the most the flue would be 21m high (11m higher than the building) with a diameter of 840mm. Details of how the CHP plant generates energy has been submitted within the application.

#### 2.0 RELEVANT PLANNING HISTORY

DC/2015/01431 Demolition of existing industrial sheds and the erection of 60 no. bedroom hotel, 6 no. two bed serviced hotel apartments, 3,700 sq. m destination spa, ancillary mixed use development (up to 3,000 sq. m), energy centre, landscaping, car parking and other ancillary development; also reserved matters for access approval. The application was resolved to be approved by Committee, but was subsequently called in my Welsh Government and refused.

DC/2014/00676 Partial change of use from B2 to sui generis and the associated equipment for standby, top up or reserve energy generation. Withdrawn 22/3/2016.

DC/2012/00052 Application for partial change of use from B2 to Sui Generis and the associated equipment for standby top up or reserve generation - Withdrawn April 2014

DC/2011/00142 Use of site for biomass recycling centre - Approved April 2011

DC/2010/00658 Change of use of an existing factory/warehouse building and the addition of an exhaust vent stack to accommodate a renewable energy generation facility - Refused February 2002

DC/2007/00613 Change of use - timber yard to cycle hire; placement of two storage containers - Permitted development February 2008

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

#### Strategic Policies

- S8 Enterprise and economy
- S12 Efficient Resource Use and Flood Risk
- S13 Landscape, Green Infrastructure and the Natural Environment
- S16 Transport
- S17 Place making and design

#### Development Management Policies

- EP1 Amenity and Environmental Protection
- DES1 General Design Considerations
- SAE2 Protected Employment Sites
- E1 Protection of existing Employment Land
- SD3 Flood risk
- NE1 Nature Conservation and development
- LC4 Wye Valley Area of Outstanding Natural beauty
- LC5 Protection and enhancement of landscape character
- MV1 Proposed development and highways considerations
- SD2 Sustainable construction and energy efficiency

### **4.0 REPRESENTATIONS**

#### 4.1 Consultations Replies

Monmouth Town Council – Recommends refusal:

- The application does not meet environmental claim of efficiency.
- The output is disproportionate.
- The Hotel and spa have been refused, the Committee have concerns as to why this application is still going forward.
- No employment benefit to the Town.

Natural Resources Wales – No objections to the proposals subject to the suggested condition.

MCC Environmental Health Officer – No objections to the proposals subject to the suggested conditions and informative.



Cadw – considers that the proposed development will have no impact on the designated historic assets outlined within their correspondence.

Dwr Cymru-Welsh Water – No significant concerns with the development and have no objection to the positive determination of the application.

Glamorgan Gwent Archaeological Trust – There is an archaeological constraint however no objection to the positive determination of the application subject to the suggested conditions and informative.

#### 4.2 Neighbour Notification

There have been four letters of objection and concerns with the application:

The letters of objection have outlined the following:

- What will happen with the rest of the site?
- If the site remains a hardstanding area how will this affect the flooding implications of the site?
- What affect will the emissions have on air quality?
- The previous application was acceptable as it included the hotel and spa; there are concerns over just an energy centre being constructed at the site based on noise and pollution.
- Concerns over the need for the CHP and its size and whether additional plant would be required in the future.
- The CHP would generate noise and harmful emissions.

### 5.0 **EVALUATION**

#### 5.1 Flooding

5.1.1 The principle of siting this development in this location is considered to be acceptable. The proposed energy centre is a less vulnerable form of development as categorised by Technical Advice Note 15 (TAN15) 'Development & Flood Risk'. The site lies within flood zone C2. The proposal, however, is materially different from the previous application DC/2015/01431 at the site for a hotel and spa facility as that application provided overnight accommodation that is considered to be a highly vulnerable form of development. TAN15 clearly distinguishes that less vulnerable forms of development can be permitted in flood zone C2 areas subject to the development meeting the justification tests outlined within section 6.0 of TAN15. In this instance, it is considered that the proposed energy centre would meet the justification tests and the siting of this type of development at this location would be acceptable. The development would regenerate the immediate site which is currently dilapidated and unused. The development would generate a limited amount of employment to help sustain the area. The site is on previously developed industrial land and the potential consequences of a flooding event for this particular type of development can be reasonably managed. Natural Resources Wales (NRW) have reviewed the submitted Flood Consequences Assessment (FCA) and are satisfied that subject to the proposed condition relating to finished floor levels the consequences of flooding are acceptable. NRW have outlined the following:

"The FCA states that the building level will be set at a minimum of 21m AOD, therefore the building will be designed to be flood free during the 0.1% flood event. Although the FCA has not specifically assessed the 1% plus climate change allowance (25%) design

event, we consider the proposed development meets the criteria set out in paragraph A1.14 of TAN15. The FCA describes that the building will be on a lattice structure, and therefore suggests an assessment of potential increases of flooding elsewhere post development is not required. We normally recommend avoiding the use of silts/voids as flood risk mitigation measures, however, in this instance we have no objection.”

5.1.2 On balance siting the proposed less vulnerable form of development in this location is considered to be acceptable subject to the suggested condition by NRW in relation to the finished floor levels.

5.1.3 Policy SD3 of the Local Development Plan (LDP) outlines that less vulnerable forms of development will be permitted in defined settlements subject to the criteria outlined within the policy. The proposed development can be protected by existing flood protection measures and would not result in flooding elsewhere. The proposal can be sympathetically assimilated into the existing industrial estate and would be an appropriate use for the site. The development would not interfere with the ability of emergency services and other bodies to act on any flooding issues. On balance siting the proposed less vulnerable form of development in this location is considered to be acceptable and would be in accordance with TAN 15 and Policies S12 and SD3 of the Monmouthshire LDP.

## 5.2 Protection of existing employment land

5.2.1 The existing site is a protected employment site and Policies SAE2 and Policy E1 aim to protect these sites and retain them for industrial and business use to maintain employment opportunities for the locality. Policy E1 of the LDP outlines the following: Proposals that will result in the loss of existing or allocated industrial and business sites or premises (classes B1, B2 and B8 of the Town and Country Planning Use Class Order 1987) to other uses will only be permitted if:

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

5.2.2 The proposed development would result in the loss of a small proportion of the larger industrial site, but this is considered to be acceptable given the type of development that is proposed. An industrial estate is considered to be an appropriate location for the proposed energy centre. The existing site has been vacant for over eight years and has fallen into poor condition. As outlined within the evaluation of the previous application at the site DC/2015/01431 it can certainly be argued that the overall Hadnock Road Industrial Estate site is no longer suitable for many employment uses. Criterion b) of Policy E1 of the LDP outlines the need for the County and the Monmouth area to have a sufficient amount of industrial land available for employment requirements. The proposed development only relates to a small area of the allocated industrial land and the Monmouth area would still be served by a sufficient amount of employment land to meet the needs of the area. The proposal is considered to be in accordance with criteria b) and c) of Policy E1 of the LDP.

5.2.2 The proposed development would create a limited amount of employment; however it would enhance the site and benefit local businesses as it would generate energy. Given that the development would only occupy a small proportion of the industrial site

and it would meet the criteria of the policy the development would be in accordance with Policy E1 of the LDP.

### 5.3 Design, Scale and layout of development

- 5.5.1 The proposed energy centre building would be a maximum of 10m high although it would also have an external flue that at most (depending on health considerations) could be up to 21m in height (11m above the highest part of the building). Given that the proposed flue would be situated in an area characterised by industrial buildings to the north and would be sited on lower land with the land rising to the east and screened by existing trees, its visual impact is considered to be acceptable. The design of the proposed buildings would be considered in more detail within a reserved matters application if consent were to be granted. At this stage though, the proposed scale parameters of the building are considered acceptable and the development would not have an adverse impact on the wider area and would be in accordance with Policies DES1, EP1 and LC4 of the LDP.

### 5.4 Energy Centre

- 5.4.1 The proposed energy centre would provide power and heat to the local school and local businesses and could provide surplus power into the local grid network via the substation adjacent to Hadnock Road. The principle of constructing the combined heat and power (CHP) system is considered to be acceptable and this type of power generation is widely supported by the Government as a way to reducing overall carbon emissions. The Council's Environmental Health Officer has not objected to the principle of the proposed energy centre and is reviewing the exact details of the levels of emissions and impact on human health and the environment. There have been concerns raised regarding the energy centre outlining that it would be excessive in scale and would create additional emissions in the area. The scale of the energy centre is considered acceptable in this context on a wider employment site. The proposed building would not be visually intrusive given that it would be sited within an industrial estate and this type of utilitarian structure would be appropriate for the area. The proposed energy centre would provide a form of sustainable energy production and subject to the appropriate measures being taken it would not have a detrimental impact on air quality or result in unacceptable levels of noise. Subject to such measures that would be agreed with Council's Environmental Health Officer (EHO) this aspect of the development would not have an unacceptable impact on the amenity of any other party, human health or harm the environment so as to warrant refusing the application. The applicants have outlined that the building would have to be well designed and not generate an unacceptable level of noise, smells or other emissions. In conclusion, the Council's EHO is satisfied that the principle of this element is acceptable and emissions can be adequately controlled, subject to the submission of additional detail.

- 5.4.2 Within the Planning Inspector's decision letter for DC/2015/01431 the Inspector did not raise any environmental health concerns regarding the proposed energy centre and considered that providing that the applicants meet the legislative requirements it would be acceptable and not harm any party's amenity. The Planning Inspector outlined the following:

"The proposed Energy Centre (Document 27) element of the proposals and any potential impacts in terms of environmental health are addressed in the submitted Air Quality Assessment (Document 28). It confirms that, with the implementation of the recommended stack height, the centre would comply with UK national air quality objectives/ EU limit values in Monmouthshire and that no risk to health will result from the future operation of the Energy Centre".

## 5.5 Response to objections

- 5.5.1 The application relates to the construction of an energy centre that was previously recommended for approval as part of a larger hotel and spa facility development. This application is a separate application for a standalone energy centre. Given that the hotel and spa application (DC/2015/01431) was refused the applicant is currently reviewing options for the site. There is no current application for a larger development for the Local Planning Authority to consider and this application should thus be reviewed in isolation. The hardstanding on the site would be retained and therefore the existing flooding concerns would not change. This application relates to the small proportion of the overall site only and does not relate to the hardstanding located within the larger site. The Council's Environmental Health Officer is satisfied that the development would not have an adverse impact on any party's health and the air quality providing that the proposed energy centre meets the regulatory requirements. There are concerns about additional plant being constructed at the site but any further applications for such development would be considered on their own merits. If further application were submitted the cumulative impact of the developments would have to be considered.

## 5.8 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 WBFG Act.

## 5.9 Conclusion

- 5.9.1 The proposed energy centre was previously approved as part of the larger development at the site under application DC/2015/01431 and there are not considered to be any overriding reasons why an application for a solitary energy centre would be unacceptable. The proposed energy centre is a less vulnerable form of development that is appropriate within a flood zone provided risks can be managed acceptably and subject to the suggested condition from NRW. The environmental impacts of the development can be managed to ensure that the development does not have an unacceptable impact on any party's amenity. The proposed development would not have an adverse impact on the visual appearance of the industrial estate and would be an appropriate form of development for this site. The proposed development is considered to be in accordance with the relevant policies in the LDP.

## **6.0 RECOMMENDATION: APPROVE**

### Reason

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
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. No part of the development hereby permitted shall commence until:
- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
  - b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
  - c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.  
No part of the development hereby permitted shall be occupied until:
  - d) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
  - e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

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

4. Prior to the commencement of development the exact details of the air, smells and noise emissions from the energy centre and how the proposals will mitigate these emissions to ensure that the development meets the required regulations shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of human health.

5. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) dated 7 August 2017 v1 and the following mitigation measures detailed within table 11 of the FCA:

- Concrete slab soffit level is set no lower than 20.71 metres above Ordnance Datum (AOD) (Newlyn)
- Internal building flood level is set at lower than 21.0 metres above Ordnance Datum (AOD) (Newlyn).

Reason: To protect the building from a potential flooding event.

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**DC/2017/00651**

## **ERECTION OF A TWO-STOREY ANNEXE**

**40A MAIN ROAD, PORTSKEWETT**

### **RECOMMENDATION: APPROVE**

Case Officer: Nia Watts

Date registered: 28/06/2017

#### **1.0 APPLICATION DETAILS**

- 1.1 This application was previously presented to Planning Committee on 7th November 2017 with an officer recommendation for approval. However, Members expressed concern regarding the design as it was not considered to relate well to the main house. It was proposed by County Councillor P. Murphy and seconded by County Councillor R.J. Higginson that consideration of application DC/2017/00651 should be deferred to a future meeting of the Planning Committee to allow officers to liaise with the applicant with a view to agreeing a more appropriate design.
- 1.2 Since then an amended plan (drawing no. 162404 Rev 8) has been received which indicates decorative amendments to the proposed annexe, featuring re-constituted stone quoins, lintels and cills, and overhanging eaves and barge boards to match the existing dwelling house. It was again advised by officers to make other design alterations including options to reduce the height of the annexe to single storey and compensate by increasing the floor area, position the annexe further away from the boundary with the neighbours of Hill Barn View (by attaching the annexe to the main dwelling), or explore converting the existing garage to annexe accommodation. These design suggestions were not agreed and the applicant wishes Committee to consider the annexe with the same dimensions and profile as presented in the previous committee meeting.
- 1.3 The application is therefore once again presented to Planning Committee with the same style annexe proposal with alterations to the decorative nature of the building so it is more in keeping with the existing dwelling.

#### **PREVIOUS REPORT**

##### **1.0 APPLICATION DETAILS**

1.1 40a Main Road is large detached dwelling and forms part of two new dwellings built under the scheme DC/2007/01327. These dwellings are located away from the main street scene behind No. 40 and Hollyberry House and share a driveway. No. 40A has its principal elevation facing east. To the south of the site are properties in Hill Barn View and the rear gardens of No's 20, 21 and 22 bound onto the southern boundary of 40A. It is proposed to erect a two storey annexe building to the south (side) elevation of the house measuring approximately 5.3m by 8.3m by 5.8m high. The scheme has been amended to remove a roof light from the annexe. It has also been requested that the proposal is amended to reduce the height of the annexe; this has been reduced from 6.1m to the ridge to 5.8m and the annexe has been made wider with the roof pitch becoming less steep

1.2 The scheme was considered at a Delegation Panel meeting on Tuesday 26<sup>th</sup> September whereby Members resolved to request that the application was presented to

Planning Committee; Members were not satisfied regarding the impact of the proposal upon neighbouring properties' amenity and were also concerned about the visual impact of the proposal. It was felt the proposal was an overdevelopment of the plot. It was considered that it would be preferable to convert the existing large double garage into annexe accommodation. Following this, the applicant was advised to reduce the size of the annexe further and represent the design as a single storey annexe building. The plans however have not been altered and the application wishes to pursue the design presented at the Delegation Panel.

## **2.0 RELEVANT PLANNING HISTORY**

DC/2007/01327 – 2 No. dwellings with garages (Reserved matters)  
Approved 25.07.2008

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

S17 Place making and design  
DES1 General Design Considerations

S13 Landscape, Green Infrastructure and the Natural Environment  
EP1 Amenity and Environmental Protection

## **4.0 REPRESENTATIONS**

### **4.1 Consultation Responses**

Portskewett Community Council – recommends refusal. Concerns with regards to the proximity of the proposed development to the perimeter fence of the property and the impact this will have upon neighbouring residences. Also concerns raised regarding the size of the proposed development in relation to the existing dwelling.

Glamorgan Gwent Archaeological Trust – no objections.

Welsh Water – draws attention to a public sewer that runs across the site.

### **4.2 Neighbour Representations**

Three letters of objection have been received from the properties to the rear No's. 20, 21 and 22 Hill Barn View. No. 21 has also written in with concerns in relation to the amended drawings

The following concerns have been raised:

- Annexe extremely close to the boundary fence - affecting privacy, overlooking and blocking sunlight.
- The house has not been built in accordance with the plans, (being built parallel rather than at an angle) which results in train noise resonating round my back garage – the annexe proposal will exacerbate this.
- Amendments have not changed initial concerns.

A letter of support has also been received from someone in the locality with comments that he is supportive of a proposal which facilitates people to look after their elderly parents.

4.3 Local Member representations – concerns about the proximity of the building towards the shared boundary with neighbouring properties and questions the need for a two storey building as accommodation for the elderly is usually on the ground floor.

## **5.0 EVALUATION**



## 5.1 Principle of proposal

5.1.1 40a Main Road is located within Portskewett's development boundary which allows in principle for annexe development to share the primary facilities of the existing dwelling house, such as the garden and parking area providing there is an acceptable impact on visual amenity and neighbour amenity.

## 5.2 Impact on Visual Amenity

5.2.1 40a Main Road is set away from the streetscene and cannot be seen from Main Road. The annexe is to be located to the south elevation and would be largely obscured by the existing dwelling house. Although there are concerns a new building in this location is overdevelopment of the plot, it is considered that visually the annexe will have a limited impact on the wider area in that it cannot be seen within the public street scene and there is enough space to accommodate such a new outbuilding. Visually the annexe will appear subservient to the main dwelling house. It is considered that the visual impact of the proposal is acceptable.

## 5.3 Impact on Neighbour Amenity

5.3.1 It is considered that in relation to the residential amenity impact of the proposal, the annexe will have an acceptable impact. Although it is appreciated it is sited in close proximity to the rear boundaries of the neighbouring dwellings approximately 800mm away, 40a Main Road is set a lower level, approximately 1.1m lower than the neighbouring properties 20, 21 and 22 Hill Barn View. The annex would project 2.7m to the eaves from the ground level of Hill Barn View, projecting approximately 1m above the existing fence screen. The overall height of the annexe to the ridge line is 5.8m (from the ground level of 40A Main Road) and 4.8m from the ground level of Hill View Barn but from the eaves the roof line will taper back from the fence boundary. Although there will be a large mass above the fence line, this is common in mid to high density residential areas whereby residential properties have outbuildings up to the boundary. There are permitted development allowances to erect an outbuilding up to 2.5m high to the eaves and up to 4m to the ridge height. Comparatively this proposal is 2.7m to the eaves and 4.8m to the ridge height from the ground level of Hill View Barn's rear gardens. The resultant impact therefore is not considered to be significantly overbearing to warrant the refusal of the application.

5.3.2 In terms of overlooking there will be minimal impact towards No's 20, 21 and 22 Hill Barn View as no first floor windows or roof lights are proposed to the rear (south) elevation. The proposed first floor windows to the end gable elevations which are to serve a bathroom and stairway (non-habitable rooms) will have oblique views into these gardens. A condition will also ensure they are obscure glazed to ensure no direct overlooking occurs towards the rear garden area of No.19 Hill Barn View.

5.3.3 Overall the consideration of this application takes into account the effect of the proposal on local residential amenity. While acknowledging residents' concerns, it is considered that the limited harm caused to local amenity by the proposal is not so significant as to be unacceptable in planning terms and the proposal would not affect the peaceful enjoyment of the neighbouring properties or their privacy. The proposed annexe is considered to be in accordance with policies S13, S17 DES1 and EP1 of the Local Development Plan.

## 5.4 Response to the Community Council's and Local Members representations

5.4.1 In response to the Community Council's representations regarding concerns about proximity of the proposed annexe to boundaries and the size of the proposal, these are addressed in the previous sections, above.

5.4.2 In terms of why it has been designed as a two storey outbuilding, the agent has stated that this was to avoid a larger ground floor build and the first floor accommodation was to make use of the roof space. Although a single storey development would limit the amenity impact (and this option has been requested) the applicant has not agreed to amend the plans. Despite this, it is not felt in this instance that the two storey development is significantly overbearing enough to warrant its refusal. It is stated the occupiers will be the parents of the owners of 40a and a condition will ensure that it can only be lived in as annexe (ancillary) accommodation by family members who require the support of the household living in the main dwelling house. It cannot be rented or lived in by somebody independent of the family and not dependent on the main house.

## 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	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.
	<b><u>Compliance conditions</u></b>
3.	The annexe accommodation hereby approved shall not be occupied otherwise than for purposes ancillary to the residential use of the existing dwelling.
4.	The bathroom window in the west elevation and the stairway window in the east elevation shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

### Informatives

The proposed development site is crossed by a public sewer. The applicant may need to apply for any connection to the public sewer under S106 of the Water Industry Act 1991. For further information, the applicant is advised to contact Welsh Water on 0800 917 2652.

**DC/2017/00829**

## **PROPOSED NEW DWELLING**

**20 CROSSWAY, ROGIET**

### **RECOMMENDATION: APPROVE**

Case Officer: Kate Young

Date Registered: 18/07/2017

#### **1.0 APPLICATION DETAILS**

1.1 Number 20 Crossway, is a two story detached dwelling with a detached garage to the side. The current application seeks the demolition of the garage and the flat roofed outbuilding and the erection of an attached two storey separate dwelling. Provision would be made at the front of the site for five off road parking spaces. The finishing materials for the new dwelling would be to match those of the existing dwelling.

1.2 The site lies within the Rogiet Village Development Boundary.

1.3 A Bat Survey was submitted as part of the application.

#### **2.0 RELEVANT PLANNING HISTORY**

None Found

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

##### Strategic Policies

S1 – Special Distribution of New Housing Provision

S4 – Affordable Housing Provision

S13 - Landscaping, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

S16 - Transport

##### Development Management Policies

H2: Residential Development in Main Villages

EP1: Amenity and Environmental Protection

NE1: Nature Conservation and Development

DES1: General Design Considerations

MV1: Proposed Development and highway considerations

#### **4.0 REPRESENTATIONS**

##### 4.1 Consultations Replies

Rogiet Community Council – no reply to date.

MCC Highways - The proposal should be refused in the interests of highway safety.

Crossway is too narrow and not constructed to accommodate the levels of current car ownership and vehicular use giving rise to significant parking stress and associated issues. The depth of frontage to No. 20 and the proposal is not sufficient to accommodate the provision of a standard parking space, the minimum depth required is 4.8 metres (MFS), and this is not achievable and will result in vehicles obstructing the footway.

The applicant therefore cannot demonstrate that appropriate off street parking provision can be provided. In addition it should be noted that the creation of any new off street parking although removing cars from the roadside actually adds to the on-going parking stress by removing any available on street parking for others. In this case this would mean that all available parking outside No. 20 and the proposal. Residents opposite will be unable to park on street as they will obstruct the access and egress from the proposed parking bays due to the width of Crossway.

MCC Housing Officer - 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 set out in the table below (not supplied here).

The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken.

Dwr Cymru - Welsh Water - We have reviewed the information submitted as part of this application and note that the application form suggests that surface water will drain to a public mains sewer. All our records indicate the public sewers in the area are foul only and therefore surface water should not be conveyed to these assets. The current drainage arrangement of number 20 is unclear and therefore we suggest that an assessment is undertaken to explore utilising sustainable drainage methods to dispose of surface water. In light of the above, we request that if you are minded to grant planning permission conditions are imposed requiring that surface water does not drain into the public sewer

MCC Biodiversity - The agent Liddell Associates has prepared some photographs and information, it is noted that this is not completed by a licensed ecologist and furthermore the photographs of the building are poor, the first two photographs are of neighbouring properties and there are none of the exterior of actual main building's roof.

In order to support their assessment we will need to see photographs of the front and rear elevations showing the roof itself and the soffits. Also please can you provide your assessment in the form of the Part B checklist, I would agree that the landscape quality in this area is low but we will need confirmation in the form of sufficient photographs and Part B to enable us to provide formal comment on the proposal.

#### 4.2 Neighbour Notification

Letters from two addresses received.

Out of character with the design and character of this pair of semi's

Adverse impact on the visual appearance of the area

Overspill car parking would end up on the road to the detriment of highway safety

Unneighbourly form of development

Adverse impact on the amenity of surrounding properties

Overbearing Impact

The occupiers of the property opposite lease their drive to Western Power and therefore cannot park on their drive and have instead to park on the road; this is difficult as the occupier is disabled

Double parking reduces the carriageway width making negotiating the road difficult.

Many children use the road and the adjacent pavement. Cars may mount the pavement to get past and this may lead to an accident occurring.  
Overlooking and loss of privacy for the property opposite.

## **5.0 EVALUATION**

### **5.1 Principle of the proposed development**

5.1.1 Number 20 Crossways is within the Rogiet Development Boundary. LDP policies S1 and H1 presume in favour of new residential development within development boundaries subject to detailed planning considerations. The site is in the centre of an established residential area. Once the existing garage and outbuilding have been demolished there would be a plot width of 7 metres to accommodate the new dwelling. The depth of the plot is over 37 metres. There is sufficient land available to accommodate a new dwelling of a similar size to the existing dwellings in the area and also to allow for a 1 metre gap between the proposed new dwelling and the side boundary with number 22. The plot is of sufficient size to accommodate a new dwelling together with the necessary off road parking and sufficient amenity space for both the existing and the proposed occupiers. The principle of a new dwelling in this location is acceptable and accords with the objectives of policy S1 and H1 of the adopted LDP.

### **5.2 Design**

5.2.1 The proposal would add a new dwelling to a pair of semi-detached dwellings thus changing these into a terrace of three properties. While the majority of housing in this area is two storey semi-detached dwellings there are some examples of small terraces. The proposed dwelling is in keeping with the character of the adjoining property and other properties in the area, in terms of size, form and detailing. The finishing materials and fenestration detailing of the proposed dwelling would match those of the existing dwelling. This infill development respects the character of the area and the street scene. The new dwelling would contribute to a sense of place while being compatible with the surrounding land uses. The proposal does respect the existing form, scale, siting, massing and materials of the neighbouring properties. It also makes the most efficient use of land while maintaining the character and density of the surrounding housing development. The proposal is therefore compatible with the criteria b), c), g) and i) of LDP Policy DES1.

### **5.3 Residential Amenity**

5.3.1 The main property to be affected by this proposal is no 22 Crossways, which is on the eastern boundary of the proposed plot. No 22 has a driveway to the side, two ground floor windows on the side elevation and a rear extension. There is also a single garage set further back in the plot. The fact that there is a 4.8 metre driveway to the side of no 22 and that the two small windows of the side elevation do not serve a habitable room means that the proposed two story dwelling would not have a significant negative impact on the adjoining property in respect of being overbearing. In addition, the proposed new dwelling would be set 1.2 metres from the common boundary resulting in there being at least 5 metres between the two properties. The proposal would not result in overdevelopment and would not have a significant adverse impact on the amenity or outlook of the occupiers of no. 22. There would be no windows on the side elevation of the proposed house and therefore there would be no issue with reduced privacy. At present the existing house at no. 20 has two windows on the side elevation, both serving the hall and landing, these windows would be lost leaving the landing and stairs with no natural daylight. Given that these are not habitable rooms the situation is acceptable. The property opposite is no 11. The proposed new dwelling would face onto the driveway of that property resulting in no direct overlooking or loss of outlook. There is a road between no 11 and the proposed new dwelling. The siting

of the new dwelling would maintain reasonable levels of privacy and amenity for the occupiers of neighbouring properties. The development does have regard to the privacy, amenity and health of the occupiers of neighbouring properties and therefore accords with Policy EP1 and criterion d) of Policy DES1 of the LDP.

#### 5.4 Parking Provision

5.4.1 The adopted Monmouthshire Parking Standards require a minimum of one parking space per bedroom, up to a maximum of three, for each dwelling. The existing property at 20 Crossway has three bedrooms while the proposed dwelling would have two bedrooms. Therefore, five off street parking spaces are required; this has been provided at the front of the two properties. The standard size of a parking bay is 4.8 metres by 2.6 metres. Officers have measured the land available at the front of the proposed and existing dwelling and found it to be in excess of 4.8 metres in depth. Therefore, it is possible to park five cars at the front of the property without obstructing the footway. The proposal does meet the adopted parking standards.

5.4.2 The neighbours have stated that by opening up the whole frontage of the plot it will reduce the amount of on-street parking in front of the property. The road is narrow in this location and is only wide enough to park a car on one side of the road, in this case cars will still be able to park in front of no.11. It is known that the narrow roads in this area contribute to parking stress but by providing policy compliant parking provision within the site, the proposal will not be adding to this stress.

#### 5.5 Affordable Housing

5.5.1 As the proposal is for new residential development within Severnside there is a requirement for a financial contribution for affordable housing. Policy S4 states that within Severnside settlements, development sites with a capacity for 5 or more dwellings will have to make 25% of the total dwellings on the site affordable. Development sites with a capacity below this threshold will make a financial contribution towards the provision of affordable housing with Monmouthshire. This is explained further in the Supplementary Planning Guidance relating to Policy S4 (Affordable Housing provision) of the LDP which outlines that new residential development will be required to make a financial contribution towards affordable housing within the County. In this case the contribution would amount to £9,982 and this will be secured through a section 106 legal agreement.

#### 5.6 Drainage

5.6.1 The application indicates that foul sewerage will be disposed of by mains sewer which is the preferred method in a sewered area and that surface water will also discharge into the mains. Welsh Water will not permit surface water to enter mains sewers and policy requires that alternative forms of sustainable drainage are sought. The applicants have now indicated by letter that surface water would discharge via soakaways. There is sufficient land available in the rear garden of the proposed dwelling to accommodate soakaways. This can be secured by condition.

#### 5.7 Biodiversity

5.7.1 The proposal involves demolition of a corrugated metal sheeted detached garage and a single storey, single skin flat-roofed extension, neither of which have a loft space. The existing dwelling is well maintained with tightly fitting uPVC fascia, soffits and verges. It does have cavity walls but there are no apparent openings or cracks in the wall or the mortar. There is no internal roof lining but there is electric light to the loft. The property is located within a high density residential area with street lights outside. There is a row of trees along

the motorway verge approximately 160 metres north of the dwelling. It would appear that there is little potential for a bat roost in the main house, the garage or the flat roofed extension. An informative can be put on the decision notice if this application is approved, referring to the need to protect bats.

## 5.8 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 WBFG Act.

## 5.9 Conclusion

5.9.1 The proposed site lies within the Rogiet Development Boundary where the principle of new residential development is acceptable subject to detailed planning considerations. The proposal accords with strategic policies S1 and S4 of the LDP as well as policies EP1 and DES1. The proposal does not compromise residential amenity for existing occupiers and is in keeping with the character of the area. It will not compromise the street scene. The proposal is acceptable in policy terms and having regard to all material considerations.

## **6.0 RECOMMENDATION: Approve subject to a section 106 agreement requiring a financial contribution of £9,982 towards affordable housing in the local area.**

### Conditions

1. Five years in which to commence development.
2. Development shall be carried out in accordance with approved plans listed.
3. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

### Informatives

- Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).
- All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September
- 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.

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**DC/2017/01120**

## **TWO STOREY REAR EXTENSION, PORCH AND SINGLE STOREY REAR EXTENSION TO KITCHEN**

**WOODSIDE, CRICK**

**RECOMMENDATION: APPROVE**

Case Officer: Nia Watts

Date registered: 27/09/2017

### **1.0 APPLICATION DETAILS**

- 1.1 This application relates to Woodside, a semi-detached dwelling located within open countryside approximately 400m east of the settlement of Crick, off the A48. Woodside is a part of a group of three properties located in this area, the other two being the adjoining semi-detached house, Sunnyside, and also a detached bungalow known as Amberley. Woodside enjoys its own individual access off the A48 and the dwelling is set a good distance back off the A48, approximately 70m.
- 1.2 Woodside benefits from a recent planning consent DC/2017/00797 for a two storey side extension to the property. Rather than constructing the two storey side extension, it is now proposed to extend the rear of the property with a projecting two storey gabled extension and single storey lean to with a porch to the side. The reason for this is due to the internal layout of the dwelling and the proposal would provide a more practical layout for the applicants.

### **2.0 RELEVANT PLANNING HISTORY**

DC/2014/00790 - Proposed demolition of a shed and proposed detached garage/store – Approved 12.09.2014

DC/2014/00797 - Proposed part two storey side extension and part first floor rear extension with canopy porch roof and entrance forecourt – Approved 12.09.2014

DC/2016/00442 - Revised scheme to DC/2014/00790 - to erect a steel portal frame building - exactly same footprint but to have building clad with timber one side and polyester coated box profile sheets to 2 sides and remaining end to have wooden clad doors - Approved 19.05.2016

MB28645 – Sunnyside Crick – 2 storey rear extension  
Approved 21.08.1987

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

S1 Spatial distribution of housing  
H6 Extensions to dwellings in the open countryside

S17 Place making and design  
DES1 General Design Considerations

S13 Landscape, Green Infrastructure and the Natural Environment  
EP1 Amenity and Environmental Protection

## **4.0 REPRESENTATIONS**

### **4.1 Consultation Responses**

Mathern Community Council – Recommends refusal. The proposed extension is significant, two storey and directly on the boundary which will impact on the amenity and access to light of the neighbouring property by over shadowing it. It can be seen when the houses were initially designed that the rear sections of the buildings were designed as single storey and were set in from the respective boundaries on plan to protect the amenity of both dwellings. It is considered that the proposed extension will compromise these design principles to the detriment of the neighbouring property. It is considered that any proposed extension to the property should focus on the western boundary so as not to adversely impact the neighbouring property.

### **4.2 Neighbour Representations**

Correspondence has been received from the neighbouring adjoining property with concerns in relation to the proposed extension blocking daylight into their kitchen and obstructing views into the countryside at the rear. It is commented that there is no objection to previous plans passed under DC/2014/00797 on the west elevation of the property.

Comments have also been received in relation to the position of the soakaway which serves both Woodside and Sunnyside.

### **4.3 Local Member representations**

Requests the application is presented to Planning Committee due to concern about the impact of the proposed extension upon the neighbouring property's amenity.

## **5.0 EVALUATION**

### **5.1 Principle of proposal and visual impact**

5.1.1 Woodside is located within the open countryside and therefore Policy H6 of the Monmouthshire Local Development Plan applies. Policy H6 'Extension of Rural Dwellings' sets out that extensions must be subordinate and respect the character of the existing dwelling house and cannot increase the volume of the existing dwelling by more than 50%.

5.1.2 It is considered that the proposed extension to the property, although two storey, would be subordinate to the existing dwelling and as Woodside is not a traditional dwelling and not prominently located within its setting the design is considered acceptable and in keeping with the terms of Policy H6. The proposed extension is within the volume increase allowance, and is not considered to over dominate or detrimentally alter the appearance of existing dwellinghouse. The proposal is set to the rear of the dwellinghouse and thus has minimal visual impact upon the front (principal) elevation and surrounding open countryside. It is therefore considered that the visual impact of the proposed extension is acceptable and in accordance with policies S1, S17, H6 and DES1 of the Monmouthshire LDP.

5.1.3 In terms of the previous consent DC/2014/00797 this approved development could not be carried out if this current application is implemented. There is no requirement therefore to sign a unilateral undertaking. It is possible an additional extension could be built on the side as permitted development and therefore permitted development

rights will be conditioned to be removed as further extension to this property is unlikely to be unacceptable in the future in that it would conflict with Policy H6 of the LDP (it would represent an unacceptable increase in volume).

## 5.2 Impact on Neighbour Amenity

5.2.1 In terms of the two storey projecting gable element, this is set approximately 2.3m from the shared boundary with Sunnyside and projects approximately 4m. Although a fairly large projection is it noted that Sunnyside does have a similar projecting gable extension, set approximately 2m from the shared boundary with Woodside, albeit Sunnyside's extension does not project as far out from the rear building line as the proposal for Woodside. Although there is a slightly longer projection on the proposal, approximately 4m, it is considered that as the two storey element is set away from the boundary this element is acceptable in terms of impact on neighbour amenity and will be similar to the existing impact of the two storey extension on Sunnyside.

5.2.2 The main concern with this application is the impact of the single storey extension element upon the adjoining neighbour's amenity in terms of reducing light from their ground floor kitchen window. In particular there is concern in relation to the proposed single storey element which is built up to the shared boundary with Sunnyside and due to its 4m projection and close proximity to Sunnyside's kitchen window, this element would reduce daylight into this north-facing window, which currently receives limited sunlight. Although it is empathised that the proposed extension will reduce a degree natural daylight into Sunnyside's kitchen window, the proposed extension is to the north-west of the kitchen window and will not block direct sunlight and would cause limited overshadowing. There is no right to a view and blocking the occupiers view from the window is not a planning consideration. It also needs to be taken into account that the single storey element which measures 4m from the rear boundary of the existing dwelling by 2.5m to the eaves and 3m to the ridge, could be built as permitted development under schedule 2 part 1, class A of the General Permitted Development Order (GPDO) . There is therefore little planning justification to refuse this element of the application and it is considered in accordance with policies S13 and EP1 of the Monmouthshire LDP.

## 5.3 Biodiversity

5.3.1 An assessment has been undertaken to consider whether the proposed works will have an impact upon bats. It has been assessed that in all probabilities there will be a potential medium impact upon bats, this is because:

- There are no known bat roosts at the site as indicated by SEWBReC Records.
- There is a lack of potential crevice features on the building such as lifted ridge tiles and internal roof linings and therefore limited potential for bats to roost.

5.3.2 An informative will draw the applicant's attention to the significance of the protection of bats.

## 5.4 Response to the Community Council's and Local Member's representations

5.4.1 In response to the Community Council's and Local Member's concerns about proximity of the extension to the boundary with Sunnyside and the resultant amenity impact, these are addressed in section 5.2 of the report, above.

## 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	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.
	<b><u>Compliance conditions</u></b>
3.	Remove permitted development rights for further extension(s) to the property.

### Informatives

#### Party Wall Act

Please note that Bats are protected under The Conservation of Species and Habitats (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (02920 772400)

Roosting bat provision can be in the form of self- contained bat brick(s) which can be fixed within the exterior of the upper storey walls, for example under the western eaves/ gable apex of the new extension note that bat bricks can be recessed into the wall to create a less obtrusive finish.

Note: Wooden bat boxes should not be used as these are prone to decay and are unlikely to last throughout the lifespan of the dwelling.

Further information and details about bat roost products can be found at the Bat Conservation Trust website: [http://www.bats.org.uk/pages/bat\\_boxes.html](http://www.bats.org.uk/pages/bat_boxes.html)

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DC/2017/01256

## RETROSPECTIVE APPLICATION TO RELOCATE GARDEN BUILDING AND REVISED PLANTING SCHEME

TAWELFAN, 22A PEN Y POUND, ABERGAVENNY, NP7 7RN

### RECOMMENDATION: APPROVE

Case Officer: Elizabeth Bennett

Date registered: 31/10/2017

#### 1.0 APPLICATION DETAILS

1.1 This application relates to a retrospective application for landscaping works and the moving of a garden building (timber pavilion) from one part of the front garden of no. 22a Pen-y-Pound to another. The landscaping works were approved under planning permission DC/2017/00772.

1.2 The property is a recently constructed modern detached property at 22a Pen-y-Pound, Abergavenny. It is outside but adjacent to the Conservation Area. Due to the orientation of the property, the main garden area is located to the principal elevation of the property, this being the key factor in why the proposal needs planning permission. The main issue regarding the application is the relocation of the pavilion. The pavilion is a single storey timber structure that has a footprint that is approximately 4.9m x 3.2m and it would measure 3.18m to the ridge of the roof. The structure is outlined on Drg No 150715 W1. The application also includes a site plan that alters the proposed landscaping of the site that is outlined on Drg. No 2017/01.

#### 2.0 RELEVANT PLANNING HISTORY

DC/ 2016/00772 – Pool Building – 22a Pen Y Pound – Approved 10/11/2016.

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

##### 3.1 Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

##### 3.2 Development Management Policies

EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations

HE1 - Development in Conservation Area

#### 4.0 REPRESENTATIONS

##### 4.1 Consultation Responses

Councillor Paul Jordan – requests that this application is considered by Planning Committee due to the effect of the development on the amenity value of the adjoining properties.

Abergavenny Town Council – recommends refusal. The application flouted the original approval conditions and they should be upheld.

#### 4.2 Neighbour Consultation Responses

Five objections have been received from neighbouring households.

##### 4.2.1 Objection Letters

- Breaches of planning permission to the detriment of neighbours whose gardens adjoin the plot and is contrary to the local plan (policies S13 & S17)
- The diminishing greenery of this plot
- The landscaping plan has been cast aside
- The garden building has already been moved
- The garden building is very large and has been placed on a permanent concrete base
- Prior to this the garden building was not in the direct line of sight of neighbours
- In the new position the garden building has a dominating and overbearing impact on a much reduced garden
- This once verdant and well stocked garden has been stripped bare except for a few small trees
- We urge that the re-siting of the garden building should be refused
- The probability of noise and light pollution is significantly increased
- This is an area that was previously prone to flooding
- The building had been previously situated in an inconspicuous part of the garden where it caused no hindrance, has now been moved very close to the boundary line with our property, with power and lighting having recently been added
- Light pollution during the evening
- Loss of green space
- The planning officers' consent said that 'for the avoidance of doubt' the very clear replanting plans has to be obeyed
- The size of the garden had been greatly reduced
- Loss of green space, the landscaping plan was to mitigate against the destruction of the green space
- Planning permission for landscaping has been brazenly ignored.

## 5.0 **EVALUATION**

### 5.1 Visual Amenity

5.1.1 This retrospective application has been submitted to supersede the previous landscaping plan as approved under permission DC/2016/00772 that included the siting of the pavilion. The main issue for this application is the relocation of the domestic structure generally being known as – garden building/hut/ pergola/pavilion. For the purposes of this report, this structure will be known as the Pavilion.

5.1.2 The Pavilion structure is a timber structure that has been relocated within the garden area of the property and faces the front elevation of the dwelling. The structure itself measures 3.18m in total height to the ridge, 4.9m in length and 3.2m wide. It has been relocated from the originally approved location (adjacent to the drive) to an area of the garden closer to the recently constructed swimming pool with an access footpath leading from the pool patio to the timber pavilion.



- 5.1.3 The applicants have submitted details of the revised landscaping plan in support of their application, including layout and planting details. The planting detail includes a proposed beech hedge for screening along with planting borders D1 & D2.

Plant border D1 will include:

- A) Pumila Cortaderia Selloana – Pampas Grass;
- B) Carex Evergold - A grassy, evergreen sedge;
- C) Carex Everest - A grass-like plant, mostly preferring sites with moist, rich soil;
- D) Festuca Glauca Intense Blue - Herbaceous or evergreen grass
- E) Festuca Glauca Golden - Herbaceous or evergreen grass
- F) Hebe Armstrongil Mix - Compact evergreen shrubs
- G) Unicinia Firedance - Tufted perennial

Plant border D2 is to remain as was original proposed and approved. The landscape area is proposed to be laid to lawn in the middle with small footpath leading from the pool patio area to the pavilion structure.

- 5.1.4 The proposed relatively small timber structural does not have an adverse visual impact on the area. It is contained from view within the residential curtilage of the property and its impact on the wider area is limited. It is not noticeable within the street scene and does not harm the character and appearance of the area. This type of structure is typical of a residential garden and is acceptable. The relocation of the timber structure is acceptable, it would preserve the setting of the adjacent Conservation Area and the development is in accordance with Policies DES1 and HE1 of the Local Development Plan.

## 5.2 Residential amenity

- 5.2.1 The relocation of the single storey timber structure does not harm any party's residential amenity. The pavilion is still well away from any neighbouring boundary and owing to its scale and mass, it would not appear as an overbearing element to adjacent householders. The structure does not result in an unacceptable level of overlooking or obstruct any party's light. The development would be in accordance with Policy EP1 of the LDP.

## 5.2 Response to third party objections

- 5.2.1 Neighbour objections have been raised concerning this application relating to: breach of approved plan, light pollution, diminishing greenery, location of the pavilion, noise related problems and possible flooding issues. Having assessed the application, and taking account of comments received from objectors, it is considered that the overall impact of relocating the timber structure will have little or no effect upon the area and it would not harm any party's residential amenity. It is contained from view of the highway and cannot be viewed from any vantage points other than first floor windows of immediate neighbours, which in itself is not significant in planning terms. The applicants have taken consideration to their neighbours into account and have themselves included in the landscaping plan evergreen screening borders, which have yet to be planted. The applicants have submitted a landscaping plan of how they intend to plant their garden and this is considered acceptable to soften and green-up the garden area.
- 5.2.3 The pavilion is considered an ancillary domestic building to serve the dwelling house and does not have an unacceptable impact on any other party to warrant a refusal of the application. The pavilion has been measured to be located approximately 17m

away from the joint rear boundary of 20 & 22 Pen-y-Pound and 11m from the rear boundary of Avenue Court. These are acceptable intervening distances and the structure does not have an unacceptable impact on any party's privacy or amenity. There is no reason why normal use of the (existing) garden including the revised pavilion should give rise to unacceptable levels of noise or light pollution.

## 6.0 Conclusion

6.1 It is quite clear that the applicant has inadvertently altered the plans without the understanding of the implications of the requirement to gain planning consent for the relocation of the timber structure. That being said, the pavilion building is an ancillary domestic building and is to be used for 'purposes incidental to the enjoyment of the dwelling-house'. The pavilion does not adversely affect any neighbour's enjoyment of their garden or house; it does not cause any overshadowing, overlooking or overbearing impact to any neighbour's property and does not harm the visual appearance of the area. The development does not have an unacceptable impact on any neighbouring party's residential amenity. The development is therefore considered to be in accordance with the relevant policies held within the adopted LDP, namely policies S13, S17, DES1 (c, d, e, f & l), HE1 and EP1.

## 7.0 **RECOMMENDATION: APPROVE**

### 7.1 Conditions:

- The development shall be carried out in accordance with the list of approved plans set out in the table below.
- All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the approval of this planning permission and any trees or plants which within a period of 5 years from the date of this permission, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 09/10/17

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17.11.2017

## Appeal Decision

Site visit made on 09/10/17

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 17.11.2017

**Appeal Ref: APP/E6840/A/17/3180429**

**Site address: Wern Farm, Ash Cottage to Newbridge on Usk, Tredunnock, NP15 1PE**

**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 grant of planning permission subject to conditions.
- The appeal is made by Mr Steve Davis against the decision of Monmouthshire County Council.
- The application Ref: DC/2017/00415, dated 3 April 2017, was approved on 30 May 2017 and planning permission was granted subject to conditions.
- The development permitted is described as retrospective planning application for gates and piers.
- The conditions in dispute are Nos 2 and 3 which state that: (2) No gates may be attached to the gate pillars so as to prevent any obstruction to the public footpath ensuring that the public right of way is open at all times. The existing gates shall be removed from the pillars within 1 month from the date of this permission; and (3) The ornamental features to pillars shall be removed within 1 month from the date of this permission.
- The reasons given for the conditions are: (2) In the interests of visual amenity and to maintain access over the public right of way; and (3) In the interest of visual amenity.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. As set out above, the development has already been carried out. As such 'retrospective planning permission' is sought for the development without compliance with Condition Nos. 2 and 3 of planning permission Ref: DC/2017/00415.

## Main Issue

3. This is the effect of the development upon the public right of way and the character and appearance of the area.

## Reasons

4. The appeal relates to the erection of gates and pillars at Wern Farm which is located off Tredunnock Road in Monmouthshire. Wern Farm is located along a well established access lane which, for the purposes of planning, is defined as being within open countryside. The development has been carried out without the benefit of planning permission and comprises the erection of two stone pillars, each of which are in excess of 2 metres in height and 1 metre wide, and black cast iron gates that

measure approximately 2.17 metres high and 3.95 metres wide. Carved decorative sculptures top each of the stone pillars, whilst the electric gates are operated by solar panels.

5. Despite the reasons given for the imposition of Condition No.2, it is clear from the Council's evidence, including its Delegated Report, that it considers the style of the cast iron gates to be acceptable in terms of their effect upon the character and appearance of the area. I can therefore only assume that the reference to visual amenity in the reasons for imposing the condition relate to the contention that the style of gates would be intimidating to the users of the right of way. I shall therefore confine my reasoning in respect of the appropriateness of Condition No.2 to the issues relating to the public right of way.
6. The Council contends that Public Footpath No.21 runs along the access road and through the area covered by the erected gates. It also contends that the gates would be intimidating to the users of the right of way and that the area should remain open and free from obstruction at all times. In contrast, the appellant points to the fact that a stile located to the south west of the erected gates provides sufficient access to the right of way. The appellant also contests that the access track has been gated for a number of years and that, despite being locked historically, would not be locked should the appeal be successful.
7. The Definitive Map of Public Rights of Way defines the legal highway network through which the public can access the countryside and the Council has submitted robust evidence to indicate that Footpath No.21 runs through the area covered by the gates. In addition to this, despite some limited evidence to the contrary, no reference is made on the Definitive Map or Statement to any kind of gate or stile. Indeed, the Statement refers specifically to the "unrestricted use" of the right of way and I have not seen anything to robustly demonstrate that the historic use of gates or other furniture in this location was in fact lawful. The evidence does indicate that the stile referred to by the appellant has been used for a number of decades. However, this does not diminish the legal standing of Footpath No.21 and, for this reason, fails to weigh substantially in favour of this planning appeal. Indeed, it is only possible to move the alignment of Footpath 21 via a legal order which is beyond my determination in determining this planning appeal.
8. Notwithstanding the legal framework set by the Highways Act, Policy MV3: '*Public Rights of Way*' of the adopted Monmouthshire Local Development Plan (LDP) states that development that would obstruct or adversely affect a public right of way will not be permitted unless satisfactory provision is made which maintains the convenience, safety and visual amenity offered by the original right of way. Despite the presence of the adjacent stile, I have not seen anything to indicate that the convenience and visual amenity of the original right of way would be maintained should this appeal succeed. Accordingly, I find the Council's imposition of Condition No.2 to be both reasonable and necessary.
9. Turning to Condition No.3, the Council objects to the decorative structures that top the stone pillars on the basis that they are unnecessary and inappropriate given their rural setting. Having observed these structures at the time of my site visit, I concur with the Council in its assessment of such features. Specifically, whilst I do not consider that they are intimidating, there is no doubt that their decorative nature jars with the immediate and wider rural context. Indeed, they serve to urbanise the immediate vicinity and cause material harm to the character and appearance of the area. Accordingly, they run counter to the general thrust of Policy DES1: '*General Design Considerations*' of the adopted LDP. For these reasons, I find that the

Council's imposition of Condition No.3, which requires the removal of the decorative structures, to be both reasonable and necessary.

10. Based on the foregoing, and having considered all matters raised, I conclude that the appeal should be dismissed. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

*Richard E. Jenkins*

INSPECTOR

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