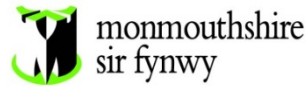


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Friday, 25 May 2018

Notice of meeting:

Planning Committee

Tuesday, 5th June, 2018 at 2.00 pm,
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Election of Chair.	
2.	Appointment of Vice-Chair.	
3.	Apologies for Absence.	
4.	Declarations of Interest.	
5.	To confirm for accuracy the minutes of the previous meeting.	1 - 10
6.	To consider the following Planning Application reports from the Chief Officer - Enterprise:	
6.1.	APPLICATION DC/2017/01359 - CONVERSION OF A FORMER AGRICULTURAL BUILDING INTO AN OFFICE; RETENTION AND COMPLETION OF A TRACKWAY. SYCAMORE FARM, LLANDENNY ROAD, LLANDENNY, NP26 3DB.	11 - 16
6.2.	APPLICATION DC/2018/00137 - TO USE THE AREA FOR PARKING COACHES, BUSES AND MINI-BUSES. THE AREA WILL BE FENCED FOR SECURITY AND WILL HAVE A STORAGE FACILITY FOR ANCILLARY EQUIPMENT ASSOCIATED WITH THE VEHICLES' OPERATION. INNOVATION HOUSE CAR PARK, WALES 1 BUSINESS PARK, MAGOR, NP26 3DG.	17 - 20
6.3.	APPLICATION DM/2018/00565 - MODIFICATION OF CONDITION 3 (PERMANENCY) ON DC/2015/01136. GLAMPING PODS WITH UTILITIES AND SERVICE BLOCK. FAIR OAK RUMBLE STREET MONKSWOOD USK MONMOUTHSHIRE.	21 - 26
7.	Confirmation Report for Tree Preservation Order) MCC273 - Woolpitch Wood, Bayfield, Chepstow 2017.	27 - 44

8.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
8.1.	Appeal decision - 40A Main Road, Portskewett.	45 - 48
8.2.	Appeal decision - 2, Woodland View, Rogiet, Caldicot.	49 - 50
8.3.	Appeals received - 28th March to 23rd May 2018.	51 - 52

**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

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

Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

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

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

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)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017

National Planning Policy

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

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

- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

Other matters

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

Planning (Wales) Act 2015

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

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

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

Environmental Impact Assessment Regulations 2016

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

Conservation of Species & Habitat Regulations 2010

Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. Examples of EPS are all bat species, dormice and great crested newts. When considering planning applications Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests are set out below.

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned as a favourable conservation status in their natural range.

Well-being of Future Generations (Wales) Act 2015

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

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

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

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

Equality Act 2010

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

Children and Families (Wales) Measure

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

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

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

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

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

Applicants

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

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

Procedure at the Planning Committee Meeting

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

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

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

Public Document Pack Agenda Item 5

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, Rhadyr, Usk, NP15 1GA on Tuesday, 1st May,
2018 at 2.00 pm**

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

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

County Councillor A. Easson attended the meeting by invitation of
the Chair.

County Councillor D. Evans left the meeting due to his personal and prejudicial interest in respect of applications DM/2018/00380 and DM/2018/00381 but did not return to the meeting following determination of these applications.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Craig O'Connor	Development Management Area Manager
Andrew Jones	Development Management Area Manager
Robert Tranter	Head of Legal Services & Monitoring Officer
Amy Longford	Heritage Manager
Jonathan Morgan	Senior Heritage Officer
Molly Edwards	Heritage Monitoring Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declarations of Interest

County Councillor D. Evans declared a personal and prejudicial interest pursuant to the Member's Code of Conduct in respect of planning applications DM/2018/00380 and DM/2018/00381, as he is a member of Monmouthshire Housing Association and also a tenant.

County Councillor A. Webb declared a personal and prejudicial interest pursuant to the Member's Code of Conduct in respect of planning applications DM/2018/00380 and DM/2018/00381, as she serves on the Monmouthshire Housing Association Board.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting held on 10th April 2018 were confirmed and signed by the Chairman.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, Rhadyr, Usk, NP15 1GA on Tuesday, 1st May,
2018 at 2.00 pm**

**3. APPLICATION DC/2016/01146 - AMENDMENT TO PHYSICAL BOUNDARY
LOCATION AND CHANGE OF USE FROM AGRICULTURAL USE TO
RESIDENTIAL CURTILAGE - PLOTS D6 - D10. 7-11 JAMES JONES CLOSE,
LLANFOIST**

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

The application had been presented to Planning Committee on 10th April 2018 with a recommendation for approval. However, the application had been deferred to explore whether a hedge outside the applicant's ownership could be planted and maintained. Following discussions between the applicant, local Member and Officers, it was suggested that the trellis style fence be painted dark green (Forest Green) to help it to blend into the vegetation below. It was also anticipated that existing and proposed planting behind the trellis within the applicant's own land would, in time, grow and further soften the appearance of the fence. The application had therefore been recommended for approval with the following additional condition:

The outer (most northern) fence shall be painted 'Forest Green' in accordance with the details submitted by email dated 18th April 2018, within six weeks of the date of this decision and shall be maintained in that colour or a near equivalent in perpetuity.

Reason: To protect the appearance of the landscape and the Abergavenny Conservation Area.

The local Member for Llanfoist, also a Planning Committee Member, informed the Committee that for future applications of a similar nature to this application, there is a need to control permitted development rights to ensure the boundaries at the front and rear of properties, where they are visible to the public realm, are appropriately designed.

Having considered the report of the application and the views expressed by the local Member, it was proposed by County Councillor R. Harris and seconded by County Councillor D. Evans that application DC/2016/01146 be approved subject to the conditions, as outlined in the report.

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

For approval	-	14
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2016/01146 be approved subject to the conditions as outlined in the report.

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4. APPLICATION DC/2018/00001 - ERECTION OF FIVE NEW DWELLINGS AND ASSOCIATED CURTILAGES AND PARKING AND NEW ACCESS. GLANUSK FARM, KEMEYS ROAD, LLANFAIR KILGEDDIN, MONMOUTHSHIRE, NP7 9BE

We considered the report of the application, and late correspondence, which was recommended for approval subject to the four conditions and subject to a Section 106 Legal Agreement, as outlined in the report.

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

- Visitor parking spaces were available on a first come first served basis.
- With regard to the adoption of the road on the site and visitors car parking spaces, this will be a matter for the developer to take forward.
- Drainage matters will be addressed at the reserved matters stage.
- There is a need for affordable housing at this location.
- The plot of land has been used in a positive way.
- It was suggested that a discussion could be held with the applicant that construction traffic could be taken via a nearby field avoiding Gethin Place, without having to implement a condition. However, officers considered that the most appropriate way to achieve this would be via a condition, otherwise, it would be a voluntary request with no powers to enforce it. Highways, who would be consulted on any subsequent discharge of condition application, would decide the best option for accessing the site.
- A footpath along Gethin Place could not be provided as there is considerable privately owned fencing and hedges along this route. Traffic is likely to be travelling slowly along this route due to the narrowness of the road and there is likely to be on street parking. The route acts like a shared space. Additional traffic generated will be minimal along the narrow highway.
- A condition regarding a construction management plan could be added pre-commencement rather than being submitted as part of the submission of reserved matters.

It was proposed by County Councillor G. Howard and seconded by County Councillor M. Feakins that application DC/2018/00001 be approved subject to the four conditions, as outlined in the report and subject to a Section 106 Legal Agreement. An additional condition regarding a construction management plan would also be added.

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

For approval	-	15
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2018/00001 be approved subject to the four conditions, as outlined in the report and subject to a Section 106 Legal Agreement. An additional condition regarding a construction management plan would also be added.

5. APPLICATION DM/2018/00380 - ERECTION OF FOUR NO. ONE-BEDROOM TERRACED MEWS TYPE DWELLINGS, WITH CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS. LAND AT ELM ROAD, CALDICOT- REDUNDANT GARAGE BLOCKS

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 legal agreement to ensure that the dwellings are for affordable housing provision in perpetuity.

Having spoken with the developer, Monmouthshire Housing Association, it was recommended that a condition be added that the developer works with local residents to ensure that the correct retaining wall and boundary development is put in place.

Monmouthshire Housing Association was looking for some of the conditions to be amended to allow commencement of the development to begin earlier via a phased process. If the application were approved then the application would be referred to the Delegation Panel to approve the amended conditions.

The local Member for Dewstow, attending the meeting by invitation of the Chair, outlined the following points:

- The local Member supports the development.
- Late correspondence regarding the water run-off has been received. Concern was expressed regarding the permeability of the ground and a request was made for the drainage system to be looked at again.
- There is a sump drain in nearby gardens. There is already drainage in place within the site which could be utilised as a drainage system. This would avoid run-off from the development area onto Elm Road.

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

- Some Members expressed their support for the application, as it provides much needed affordable housing to the area.
- The development will enhance the area in comparison to what currently exists on this site.
- Concern was expressed regarding the drainage issues that had been identified. In response to a question raised regarding preventing surface water from joining the sewage system, it was noted that Welsh Water operates a standard requirement that surface water cannot be directed into the sewer system but has to be directed into an alternative drainage system.
- Parking provision could be increased. However, it was noted that the removal of two of the units from six to four had helped in providing a wider access and had improved parking provision to a degree.
- The design of the proposed dwellings is subjective, in that some Members expressed their support for the innovative design. However, other Members expressed concern that the design was inappropriate and might not age well.
- Concern was expressed regarding the metal roofing. It was noted that the roof had been discussed with the developer. Monmouthshire Housing Association were aiming to create a modern contemporary design that was cost effective. This matter had been robustly investigated with regard to its sustainability.
- The proposed dwellings have been positioned and designed to be energy efficient and sustainable and to help insulate the buildings. In time, the developer will be looking to place solar panels onto the dwellings, subject to planning consent.
- The noise of the metal roof and insulation of the building has been raised with the developer. It was noted that the insulation provided within the properties will help in reducing any noise levels generated via the roofs.
- There is a condition relating to surface water for a detailed surface water management plan to be implemented.
- The current surface at the site is impermeable (900sq.m). approval of the application will reduce the surface by two thirds (300sq.m). Therefore, permeability of the site will be increased. The landscaping of the site will aid in the permeability of the site and the guttering on the proposed dwellings will take water run off to a soakaway that will be approved by Building Control.
- Foul sewerage provision will be a matter for the developer to liaise with Welsh Water to address this matter.

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It was proposed by County Councillor R.J. Higginson and seconded by County Councillor A. Davies that application DM/2018/00380 be approved subject to the conditions, as outlined in the report and subject to a section 106 legal agreement to ensure that the dwellings are for affordable housing provision in perpetuity.

As Monmouthshire Housing Association was looking for some of the conditions to be amended to allow commencement of the development to begin earlier via a phased process, the application will be referred to the Delegation Panel to approve the amended conditions.

For approval	-	10
Against approval	-	1
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2018/00380 be approved subject to the conditions, as outlined in the report and subject to a section 106 legal agreement to ensure that the dwellings are for affordable housing provision in perpetuity.

As Monmouthshire Housing Association was looking for some of the conditions to be amended to allow commencement of the development to begin earlier via a phased process, the application will be referred to the Delegation Panel to approve the amended conditions.

6. APPLICATION DM/2018/00381 - ERECTION OF FOUR NO. ONE-BEDROOM TERRACED BUNGALOWS, WITH CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS. LAND AT CROESONEN ROAD (GARAGE BLOCKS), ABERGAVENNY, NP7 6HR

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 legal agreement to ensure that the dwellings are for affordable housing provision in perpetuity.

Monmouthshire Housing Association was looking for some of the conditions to be amended to allow commencement of the development to begin earlier via a phased process. If the application were approved then the application would be referred to the Delegation Panel to approve the amended conditions.

The local Member, County Councillor R. Harris, also a Planning Committee Member, informed the Committee that the proposed development provided an excellent use of the plot of land and approval of the application would considerably enhance the area.

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

- Support was expressed for the design of the proposed dwellings.

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- When this development and the development in Caldicot (the previous application) have been completed, the Planning Committee Design Tour will visit both developments.
- The amount of render to be used in the proposed development was considered to be excessive. The applicant could consider using a spar dash finish.
- The chimneys could be scaled down in size.
- The car parking provision is good.

It was proposed by County Councillor R. Harris and seconded by County Councillor M. Powell that application DM/2018/00381 be approved subject to the conditions, as outlined in the report and subject to a section 106 legal agreement to ensure that the dwellings are for affordable housing provision in perpetuity.

As Monmouthshire Housing Association was looking for some of the conditions to be amended to allow commencement of the development to begin earlier via a phased process, the application will be referred to the Delegation Panel to approve the amended conditions.

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

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00381 be approved subject to the conditions, as outlined in the report and subject to a section 106 legal agreement to ensure that the dwellings are for affordable housing provision in perpetuity.

As Monmouthshire Housing Association was looking for some of the conditions to be amended to allow commencement of the development to begin earlier via a phased process, the application will be referred to the Delegation Panel to approve the amended conditions.

7. Appeal Decision - Llan y Nant Farm, Trellech Grange

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 8th February 2018. Site: Llan y Nant Farm, Trellech Grange.

The appeal had been dismissed.

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8. Appeal Decision - Parklands, Llandogo, Monmouth

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 27th March 2018. Site: Parklands, Llandogo, Monmouth.

The appeal had been allowed and planning permission had been granted for a new vehicular access to Parklands, to separate access from holiday let within grounds, to provide secure garden to Parklands at Parklands, Llandogo, Monmouth, Monmouthshire NP25 4TW in accordance with the terms of the application, Ref DC/2017/01265, dated 14 September 2017, and the plans submitted with it subject to the following conditions:

- (i) The development shall begin no later than five years from the date of this decision.
- (ii) The development shall be carried out fully in accordance with the details shown on Drawing Ref BP2609/00 prior to the beneficial use of the access hereby approved.
- (iii) No structure, erection or planting exceeding 0.9metres in height shall be placed, erected or grown in the visibility splay.
- (iv) No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

9. LISTED BUILDING CONSENT DELEGATION - Annual Report from 1st March 2017 to 28th February 2018

We received a report which outlined all work undertaken by the Heritage team in terms of heritage management in line with the terms of the scheme of delegation agreed with Cadw.

In doing so, the following points were noted:

- The Heritage Manager would liaise with Members individually after the meeting to address issues raised regarding specific cases.
- The report is presented annually to Cadw. However, it could also be presented annually to the Planning Committee, as well as all Members of the Authority.
- Most other local authorities have just one Heritage Conservation Officer. However, Monmouthshire has more officers. In comparison, Monmouthshire undertakes all of the work required, and is not just a consultee, as in other authorities. Therefore, Monmouthshire requires more staff to undertake these duties.

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- Collaborative and team working is important. However, it will be important to maintain a strong leadership in Monmouthshire regarding the protection of its heritage.
- Positive feedback has been received from the public regarding paid / additional for services.
- Listed building applications are free.

We thanked officers for presenting the report and resolved to receive the Listed Building Consent Delegation annual report in 12 months time.

The meeting ended at 3.50 pm.

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Application Number: DC/2017/01359

Proposal: Conversion of a former agricultural building into an office; retention and completion of trackway

Address: Sycamore Farm, Llandevenny Road, Llandevenny, NP26 3DB

Applicant: Mr Waters

Plans: All Proposed Plans 50019/34/100 REV B - Landscape Plan, All Proposed Plans 50019/34/104 - Proposed Elevations, All Proposed Plans 50019/34/102 - Sections, All Proposed Plans 50019/34/101 - Elevations, All Proposed Plans 50019/34/001 REV A - Existing Location,

RECOMMENDATION: Refuse

Case Officer: Mr Craig OConnor
Date Valid: 28.11.2017

1.0 APPLICATION DETAILS

1.1 Sycamore Farm, which is the subject of this application, is located to the east of Llandevenny to the south of Junction 23 of the M4 close to the County boundary. The application seeks consent to convert the existing agricultural Dutch barn at the site into a building that would be utilised as an office. The proposed conversion is outlined on the submitted plan Drg No's 50019/34/104, 50019/34/101, 50019/34/100 REV B and 50019/34/102. The proposed building would have a footprint that would measure 16.3m x 7.5m and it would have a curved roof that would measure 6.84m at its highest point. The building would have a zinc effect roof, timber cladded walls and aluminium openings.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2017/00573	The application is the construction of a new track to the existing agricultural buildings at Sycamore Farm. It will therefore ensure that the agricultural vehicles will utilise this access rather than passing between residential properties to Llandevenny and causing nuisance. The track will provide a direct unaffected access to the agricultural buildings.	Unacceptable	28.06.2017
DC/2014/01243	Installation of additional tower into an existing overhead line		17.10.2014
DC/2017/01359	Conversion of a former agricultural building into an office; retention and completion of trackway	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design
S8 LDP Enterprise and Economy

Development Management Policies

EP1 LDP Amenity and Environmental Protection
DES1 LDP General Design Considerations
RE2 LDP The Conversion or Rehabilitation of Buildings in the Open Countryside for Employment Use
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
E2 LDP Non-Allocated Employment Sites

4.0 REPRESENTATIONS

4.1 Consultation Replies

Magor and Undy Community Council - No response to date

Natural Resources Wales - We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement. Otherwise, we would object to this planning application. Requirement - Foul Drainage - further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment/ SSSI.

Evidence should be submitted to demonstrate that any discharge from the Package Treatment Plant (PTP) will not have a detrimental impact on the Gwent Levels-Redwick and Llandevenny Site of Special Scientific Interest (SSSI).

No porosity tests have been submitted as requested. The discharge to either a watercourse/ditch or to ground is likely to require an environmental permit from NRW as the site is located in the SSSI. Notwithstanding the need for a permit, the porosity test information should be provided at the planning stage, as without that information we are unable to ascertain that there will be no adverse impact on the SSSI from the discharge. Porosity tests should be undertaken and the results submitted together with calculations of the specific size of any proposed soakaway(s) to ensure that disposal of foul effluent from the proposed PTP will be effective at this location and will not have a detrimental impact on the SSSI. Should it be proposed to discharge the effluent to surface water, then additional treatment (for example reed-bed or mound) may be required to protect the SSSI

Flood Risk Management

The access track lies partially within Zone C1 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year), 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability tidal/fluvial flood outlines. Given the scale of the proposed development (and in the absence of a flood consequence assessment) we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks.

Glamorgan Gwent Archaeological Trust (GGAT) - The proposals are unlikely to have an impact on archaeological features and there are no objections to the proposals.

MCC Planning Policy Officer - The site is located in the open countryside. The proposal cannot be considered under Policy E2 relating to Non-Allocated Employment Sites as this Policy is aimed at new, non-speculative, single-site users that cannot be accommodated on existing or proposed industrial or business sites within the County. Policy RE1 is referred to in the Design and Access Statement along with Policy RE3. As the site is located within the open countryside RE1 is not applicable. It is also my understanding that the proposal does not relate to agricultural diversification, RE3 is therefore not applicable. Policy RE2 may be of relevance relating to the conversion or rehabilitation of buildings in the open countryside for employment use. The first part of criterion b) is not of relevance as this relates to proposals for farm diversification. The second part relates to all other buildings and is of particular importance noting buildings should be capable of conversion without major or complete reconstruction. Section 5 of the Design and Access Statement states that the proposal will utilise the existing frame with the remainder being timber clad under a zinc effect roof. This suggests the only part of the existing Dutch Barn to be retained is the steel frame, the proposal therefore appears to relate to substantial reconstruction and the proposal would subsequently not comply with Policy RE2, specifically criterion b). The Dutch Barn is also of modern construction, no information has been provided in relation to the length of time the building has been utilised for an agricultural use. This would need to be determined in relation to criterion d).

The Rural Conversions to a Residential or Tourism Use SPG while strictly speaking is not relevant for this type of use, has a paragraph referring specifically to Dutch barns:

3.14 Open structures such as Dutch Barns do not lend themselves to conversion. These are often large open structures of steel frame construction and would require a substantial amount of new build development to enable them to accommodate a residential use. Buildings of substandard quality or incongruous appearance will not be considered favourably for conversion.

MCC Biodiversity officer - The barn is a Dutch barn with open sides; no features suitable for bats have been identified and no further surveys are recommended. Based on the description and photographs of the building provided, I am satisfied with the level of survey and conclusions of the report. The area immediately surrounding the barn that will be affected by construction and is presumably intended to provide parking, is of low ecological value and is unlikely to support protected species. No further information with regard to ecology is required for these areas. No objection to the proposal subject to the suggested conditions.

MCC Public Rights of Way - The applicant's attention should be drawn to Footpath No 92 in the community of Magor with Undy which runs adjacent to the site of the proposed development. Public Paths no. 92 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 Rights of Way taking place.

MCC Green Infrastructure and Landscape Officer - the proposal is for new development within the open countryside (LC1). The proposal is to remove an agricultural barn and replace it with a heavily glazed, industrial looking office of similar form. The site is not within a designated landscape, but it is within a valued landscape (LC5) (as defined by LANDMAP). LANDMAP has defined this area as Flat lowland/Levels where gently rolling lowland forms a transition to the open levels to the south of the site and rolling agricultural land to the north. It is worth noting that their assessment identified inappropriate modern development as a key concern. The site can be viewed from the main railway line, PROW [No. TBC], the A4810 and some minor roads around the site.

Given the proximity of the industrial units to the north and south of the site, and when viewed in this context from the previously mentioned viewpoints: the proposal would convey only slight (adverse) changes in the character and appearance of the (wider) landscape. Having said that, at a local level, the overall design (LDP Policy DES1) needs to be improved. The rationale behind architectural style is missing and the overall layout (including the access track) is unsympathetic, and it has missed numerous opportunities to improve the energy efficiency of the building and sustainable drainage for hard surfaced areas (the landscaping plan should also be revised to

accommodate these changes). As such, the proposal does not meet requirements set out in LDP Policies S13/S17; GI1, DES1, SD2 and SD4 and I am unable to support it.

4.2 Neighbour Notification

There have been two letters received in relation to the application which made general comments rather than object. These letters outline the following: -

1) Confirmation that the new track recently laid across the field will be the only access to any development. We would object to any access to 'offices' from the present lane, that presently serves two private properties and a farm, into the field. Any such access would significantly change the type and quantity of usage of the lane.

2) Confirmation that the present gateway would be blocked with an appropriate wall to prevent casual usage of the lane from the proposed offices.

3) Clarification that the situation regarding any future change of status from office to housing.

4) Clarification regarding the term 'conversion'. The present state and material of construction hardly represents a conversion opportunity and so this would seem to be a new build. Does this affect any planning?

4) Clarify the nature and extent of the proposed 'offices'. This 'conversion' represents a significant change in usage for this piece of land.

4. Local Member Representations

Cllr F Taylor - Requesting that the application be considered by the Planning Committee.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The description of the development is for the conversion of the existing Dutch barn into a professional office (Use Class B1), however after reviewing the existing structure and the proposals the development is not considered to be a conversion. The existing Dutch barn is a dilapidated modern structure that has a steel frame and metal sheeted walls. The extent of work that would be required to construct the proposed office building would represent a substantial amount of construction work. Open structures such as Dutch Barns do not lend themselves to conversion. These are often large open structures of steel frame construction and would require a substantial amount of new build development to enable them to accommodate a use (as referred to in the Council's Supplementary Planning Guidance for Policy H4 and T2). Buildings of substandard quality or incongruous appearance such as the one subject to this application are not considered favourably for conversion. Section 5 of the Design and Access Statement states that the proposal would utilise the existing frame with the remainder being timber clad under a zinc effect roof. This outlines that only a small part of the existing Dutch Barn would be retained, the steel frame. The proposal therefore relates to substantial reconstruction of the building and the development would be contrary to LDP Policy RE2. Criterion b) of Policy RE2 clearly outlines that "buildings should be capable of conversion without major or complete reconstruction". The degree of rebuilding required to create the office building is substantial and unacceptable. The proposed development cannot be considered as a conversion and the proposals would be contrary to criterion b) of Policy RE2 of the LDP.

5.1.2 There would be substantial reconstruction work required to provide the resultant building and therefore the application represents a proposal for new build development in the open countryside. The principle of constructing a new build development within the open countryside is unacceptable and would be contrary to national and local planning policies.

5.1.3 Policy LC1 of the LDP outlines that "There is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism." The applicants have outlined that the application is an agricultural diversification, but

there is no evidence to suggest that the proposed building would supplement the income of a working farm. The office building would act independently to any agricultural business and therefore it is not considered to be an agricultural diversification scheme. There is no exceptional rationale or justification to deviate from national and local planning policies which clearly outline that there is a presumption against new built development in the open countryside. The construction of the new building is not justified for the purposes of agriculture or forestry and is therefore contrary to the guidance within Planning Policy Wales and Policy LC1 of the LDP.

5.1.4 The applicants have outlined that the location of the site should be a material consideration in allowing the development given that the site is located between two protected employment sites and thus lends itself to be designated to provide employment. However it is not considered that this would form a reasonable justification to allow this new build development. This site is not allocated as an employment site and for policy interpretation purposes is located within the open countryside. New build development within employment sites can be acceptable and there is land specifically designated within the LDP for this type of development. It is appreciated that this site is close to employment sites, however the site is not within a designated area and thus this development does not accord with the current adopted policy framework. This type of proposal should be sited within a sustainable location, i.e. within a recognised settlement or within a designated employment area. The proposed development is not in accordance with national and local planning policies.

5.2 Impact of the development on the SSSI

5.2.1 It is noted that NRW have outlined concerns with the development and its potential to have an adverse impact on watercourses. Given that porosity tests have not been conducted the potential for the development to harm watercourses has not been evaluated. The development does have the potential to have an adverse impact on the water environment and in the absence of evidence to prove otherwise would be contrary to the requirements of Policy EP2 of the LDP. This concern may be overcome if the application was to be supported by porosity tests which could demonstrate that any discharge from the proposed Package Treatment Plant (PTP) would not have a detrimental impact on the Gwent Levels-Redwick and Llandeenny Site of Special Scientific Interest (SSSI).

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

5.3.1 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.

5.4 Conclusion

5.4.1 The proposed development would require a substantial degree of reconstruction and would result in the creation of a new building in the open countryside, contrary to long established national and local planning policy. The proposed unjustified new build office would be contrary to the guidance within Policies RE2 and LC1 of the LDP. The development also has the potential to harm the water environment and the Gwent Levels-Redwick and Llandeenny Site of Special Scientific Interest and would be contrary to Policies EP2 and NE1 of the LDP.

6.0 RECOMMENDATION: REFUSE

Reasons for Refusal:

1 The proposed development requires substantial construction and rebuilding and would result in a new build that is unjustified development within the open countryside contrary to criterion b) of Policy RE2 and Policy LC1 of the Monmouthshire Local Development Plan.

2 Due to the lack of information in the form of porosity tests the proposals do not evidence that the development would not harm the Gwent Levels-Redwick and Llandevenny Site of Special Scientific Interest. The development does have the potential to have an adverse impact on the water environment and therefore would be contrary to the requirements of Policy EP2 and NE1 of the LDP.

DC/2018/00137

TO USE THE AREA FOR PARKING COACHES, BUSES AND MINI-BUSES. THE AREA WILL BE FENCED FOR SECURITY AND WILL HAVE A STORAGE FACILITY FOR ANCILLARY EQUIPMENT ASSOCIATED WITH THE VEHICLES' OPERATION

INNOVATION HOUSE CAR PARK, WALES 1 BUSINESS PARK, MAGOR, NP26 3DG

RECOMMENDATION: APPROVE

Case Officer: Kate Young
Date Registered: 07/03/2018

1.0 APPLICATION DETAILS

1.1 This application seeks the change of use of an overflow car park into an area for parking coaches, buses and mini-buses in association with the Council's public transport operation. The land is located within Wales 1 Business Park adjacent to the Hilton Hotel on land which had been allocated under Policy SAE2 of the Local development Plan as a protected Employment Site.

1.2 The proposal involves erecting a 2 metre high weld mesh fence around the site which would include 4 lockable gates. Inside the site there would be a steel container to be used as a storage unit. This would measure approximately 6.3 metres by 2.4 metres and would be 2.5 metres high.

1.3 The land to the west of the site is currently vacant and the area to the north is within the M4 Safeguarding route.

1.4 At present the car park can provide spaces for 97 cars. It is proposed to use the site to store up to 20 light goods and public carrier vehicles. The application form states that 15 part-time employees will use the site. There is no indication of operating hours.

4.0 REPRESENTATIONS

4.1 Consultation Replies

Magor with Undy Community Council - No response to date.

Welsh Government Transport - No response to date

MCC Highways - The proposal is to utilise the existing Monmouthshire County Council employees' private car park as a parking area for coaches, buses and mini-buses and storage of ancillary equipment associated with the vehicles operation.

The submission states that no new or altered vehicle/pedestrian access is proposed to/from the public highway, no new public roads are to be provided within the site, no new public rights of way are to be provided within or adjacent to the site and that the proposals do not require any diversions, extinguishments and/or creation of rights of way.

The existing car park barriers are to be replaced with a 2m high weld mesh security gate of the same width as in the existing situation. The proposed boundary fencing is to be 2m high weld mesh security fencing. Proposed vehicle/pedestrian access into the parking area is to remain unchanged from the existing situation. There are no Highways grounds for objection.

4.2 Neighbour Notification

None Received

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 This site has been allocated under Policy SAE2 of the LDP as a protected employment site and as such it is protected for industry and business development (use classes B1, B2 and B8). At present it is being used as a temporary overflow car park for staff employed by the Council at Innovation House which is located elsewhere on the business park. When the staff from Innovation House are re-located there will no longer be the demand for parking spaces on this site. The proposed use will see the site continue to be used for the parking of vehicles for Council use but would now be used to park commercial vehicles. The principle of the two uses is very similar and it can be argued that the proposed use would be providing employment opportunities, and therefore does accord with the objectives of Policy SAE2 of the LDP.

5.1.2 The storage container would be on the northern side of the site within the safeguarding route for the M4. Policy MV10 of the LDP states that these routes will be safeguarded from development that would prejudice their implementation. The Welsh Government Transport Directorate has been consulted on the application but we have not yet received a reply. As the storage container is a temporary structure which could be easily moved within the site or elsewhere, its siting in this location would not prejudice the implementation of the potential new motorway route.

5.2 Design

5.2.1 The site would be surrounded by a 2 metre high weld mesh security fence with a double gate at the entrance of the site. The colour of the fence and gates can be controlled by condition. The gates will be set back approximately 5 metres from the carriageway. This will allow for a landscaping strip between the fence and the road which would be visually appealing and in character with other plots on the site.

5.2.2 Photographs have been submitted showing that the proposed container would be of silver galvanised metal, recycled from elsewhere. It would measure 6.3 metres long and 2.5 metres high. As it is at the rear of the site it will not be visually prominent.

5.3 Economic Development Implications

5.3.1 The application form states that the proposal would result in 15 part-time jobs. These jobs will be relocated from the existing site.

5.4 Highway Safety

5.4.1 Proposed vehicle/pedestrian access into the parking area is to remain unchanged from the existing situation. MCC Highways have no objection to this proposal. Coaches and mini-buses can utilise the existing vehicular access without the need for alterations.

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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3. Samples of the proposed external finishes of the gates and means of enclosure shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place.

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Application Number: DM/2018/00565

Proposal: MODIFICATION OF CONDITION 3 (PERMANENCY) ON DC/2015/01136. GLAMPING PODS WITH UTILITIES AND SERVICE BLOCK.

Address: FAIR OAK RUMBLE STREET MONKSWOOD USK MONMOUTHSHIRE

Applicant: Mr Matt Sims

Plans: Landscape Visual Impact Assessment Project 1157 - , Landscape Visual Impact Assessment 1157/PL/04 - ,

RECOMMENDATION: APPROVE

Case Officer: Mr Andrew Jones

Date Valid: 04.04.2018

1.0 APPLICATION DETAILS

1.1 This application relates to a parcel of land adjacent to the property known as Fair Oak, located along Rumble Street in Monkswood.

1.2 Planning permission was granted in July 2016 for 10 glamping pods in addition to a utilities and services block. The application was subject to a number of planning conditions including the following (originally listed as No 3):

The site shall not be used for the approved use between 30th September in any one year and 1st March in the succeeding year. During this time all pods shall be stored on the car parking area identified on drawing 2016/0805/99/01 (May 2016).

1.3 Permission is now sought to modify the wording of the above condition by removing the sentence which would in effect allow the glamping pods to remain in situ all year round.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00565	Modification of Condition 3 (Permanency) on DC/2015/01136. Glamping Pods with Utilities and Service Block.	Pending Determination	
DC/2007/00164	2 X Domestic 1.4KW wind generators.	Approved	26.04.2007
DC/2007/01021	Certificate Of Lawfulness (existing use or development) - use of dwelling in breach of condition 1 of permission 192 (granted 18/7/1951) that required the dwelling to be occupied by a person full time employed on the adjoining smallholding.	Approved	24.09.2007

DC/2017/00473	Discharge of conditions 4 (lighting), 6 (earthworks), 7 (sparrow terrace box), 8 (Green Infrastructure), 10 (Access), 11 (Construction Traffic Management Plan and Designated Access Route Plan) and 12 (hard and soft landscaping) of planning permission DC/2015/01136.	Approved	19.06.2017
DC/2015/00325	Removal of condition 4 from planning consent DC/2012/00254.	Approved	14.05.2015
DC/2012/00254	Replacement dwelling	Approved	12.10.2012
DC/2013/01022	Ten touring caravan pitches with utility & services block	Refused	11.08.2015
DC/2015/01136	Proposed glamping pods with utilities and services block.	Approved	11.07.2016
DC/2010/00573	Replacement dwelling	Refused	01.06.2011

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S11 LDP Visitor Economy
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

T1 LDP Touring Caravan and Tented Camping Sites
EP1 LDP Amenity and Environmental Protection
DES1 LDP General Design Considerations
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
NE1 LDP Nature Conservation and Development
GI1 LDP Green Infrastructure
MV1 LDP Proposed Developments and Highway Considerations
MV3 LDP Public Rights of Way

4.0 REPRESENTATIONS

4.1 Consultation Replies

Llanbadoc Community Council - recommend the application is approved. The application requests the removal of a condition of permanency (applied to the approval of several glamping pods) which require the pods to be removed and stored on an annual basis. The applicant claims that such removal will negatively affect landscaping and the visual aspect. We recall that there were considerable objections to the original application in 2016 but that these were somewhat mitigated by the condition for partial occupation. There are several objections on the case file generally being concerned with the matter of permanency. At the time of the 2016 application this council carried out a site visit which indicated that there would be little or no visual impact to surrounding properties. We would have concerns about potential increased traffic but would rely on Monmouthshire County Council Highways to determine this matter. Having considered these aspects we would recommend that there would be no objection to the "pods" remaining on a permanent basis subject to the original conditions regarding periods of occupancy.

MCC Landscape/Heritage Officer - Will not be supporting the application.

Neighbour Notification

Five letters of objection have been received raising the following areas of concern:

- Would provide potential for the pods to be used unofficially outside the consent periods.
- Previous objections remain valid.
- Will be the beginning of the process to obtain permanent structures on the land.
- Should not be allowed to manipulate guidelines in place to protect our environment.
- Condition 3 was also, no doubt, intended to help assuage the concerns of those many opponents, and to reassure them that the MCC Planning Department were sensitive to these anxieties and would ensure the project construction would proceed in a constitutional manner. There are no salient circumstance changes since the campsite permission was granted.
- The permission to proceed was granted based on the construction details presented at that time, and therefore subsequent additions, changes or modifications to construction details of the site are not grounds for removal of any part of the conditions.
- The removal of requirement to move the pods to storage in the winter would put the development in contravention of Policy T1 of the LDP.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 Since planning permission was granted by Committee in July 2016 the Council has since adopted Supplementary Planning Guidance (SPG) entitled Sustainable Tourism Accommodation in November 2017. Section 4.18 of the SPG sets out that "glamping accommodation such as yurts, tepees, bell tents, shepherd's huts should be taken down or relocated out of season. However, the necessity for this will need to be considered on a case by case basis depending on site context and landscape/ visual impacts." In light of this, it is considered that in principle the siting of the glamping pods in the same location throughout the year would be acceptable in principle subject to the visual impact on the wider rural landscape.

5.2 Visual Impact

5.2.1 As noted during the original application the site is located approximately 110m from Rumble Street and is sited immediately to the east of the area of woodland known as Great Coedcae Du. To the south there is a small landscape bund, whilst the land steeply slopes up outside the site to the north.

5.2.2 The woodland provides significant screening from the west, and the existing landscape features and the proximity from Rumble Street mean that the ten pods could be well-screened from wider vantage points. Since the original approval an application (Ref: DC/2017/00473) to discharge a number of the conditions has been received and approved, including full details of hard/ soft landscaping as well as a Green Infrastructure Management Plan. The conditions have been partially discharged, are to be fully discharged upon implementation, and would further aid the assimilation of the pods into the rural landscape.

5.2.3 The existing condition requires that the pods be moved a short distance to the grass-crete parking area for storage during the closed winter months. It is considered that, on balance, maintaining the pods in situ would not cause demonstrable unacceptable harm to the wider rural landscape. As noted the distance between the car park area and the main site layout is short and therefore the pods would not be unacceptably more visually prominent during the winter months. The modification of the condition is therefore considered to meet the requirements set out in the adopted SPG.

5.3 Residential Amenity

5.3.1 The modification of the condition would still ensure that the site is not used during the winter months and as such the revised siting during the close season would not intensify the use. As noted during the original application, the nearest neighbouring dwellings (Keepers Cottage to the north-east and Woodlands Farm to the east) are both in excess of 100m from the site, and in the case of Woodlands Farm on the opposite side of Rumble Street. As a consequence, even with the modification of the condition, the glamping site would still meet the criterion detailed in Policy EP1 - Amenity and Environmental Protection of the LDP.

5.4 Response to Third Party Representations

5.4.1 The overriding concern raised in the representations in opposition to the application relates to the potential gateway to a permanent use of the site. The revised location for storing the pods during the winter months is to be considered on its own merits and for the reasons detailed in the preceding section of this report is considered acceptable. Any further intensification or other variation to the approved use would require separate planning permission and would not form part of the consideration of the application that is the subject of this application.

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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

6.0 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.
Reason: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 The site shall not be used for the approved use between 30th September in any one year and 1st March in the succeeding year.
Reason: In the interests of visual amenity and to ensure compliance with Policy T1 of the Monmouthshire Local Development Plan.

4 No lighting or lighting fixtures shall be installed within the development boundary until an appropriate lighting plan which includes low level PIR lighting and allows dark corridors for bats has been agreed in writing with the Local Planning Authority. The plan shall detail light type, specification and position. The development shall be carried out in accordance with the agreed details and no other lighting or lighting fixtures shall be installed. ~
Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

5 All piles of rubble, stones and wood piles within the development site shall be removed by hand.
Reason: To safeguard species of conservation concern (common reptile species) in accordance with the Wildlife and Countryside Act 1981 and LDP policy NE1.

6 No construction activities including earthworks shall be undertaken within 6m of the woodland trees at the western edge of the site or within 3m of the northern hedge line including new tree planting.

Reason: To protect the integrity of the woodland and hedge line including new planting.

7 A sparrow terrace box shall be provided on the new service block, it shall be installed prior to the site being brought into beneficial use and retained in perpetuity.

Reason: To provide enhancement for a Section 7 species of principle importance for conservation in accordance with the Environment Wales Act 2016 and LDP policy NE1.

8 A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the operation of the development. The content of the Management Plan shall include the following; a) Aims and objectives of management of the grassland and hedgerow including new planting b) Prescriptions for management actions. The approved plan will be implemented in accordance with the approved details.

Reason: To safeguard all Green Infrastructure Assets at the site in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4.

9 During the permitted period the combined total number of glamping pods on the site shall not exceed 10 at any one time. No touring caravans or tents will be allowed to enter or use the site.

Reason: To ensure compliance with the approved plans.

10 The existing access shall be improved in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any development commences and shall be completed in accordance with the approved details before the development is brought into beneficial use.

Reason: In the interest of Highway Safety

11 Prior to the commencement of any works a Construction Traffic Management Plan and Designated Access Route Plan shall be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved plans.

Reason: In the interest of Highway Safety

12 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following items:

- The submission should be presented on an A1 plan (or plans), to scale: 1:100
- The plan should be supported by a written landscape strategy (the aims/objectives).
- The plan should illustrate and where required, detail or specify the following information:
- Existing levels (10m spacing's)
- Location and size of existing tree(s) and hedgerows on and within 10m of the site.
- Details of planting to be retained, together with measures to protect planting during construction.
- Finished levels (10m spacing's)
- Car park layout and details of hard surface materials and means of enclosure.
- Any other vehicular access and circulation areas.
- Pedestrian access and circulation areas (footways to glamping pods) and details of hard surface materials and means of enclosure (if required).
- Planting plan, including name of species, plant size and densities in addition to the provision of native species rich grassland seeding
- Minor artefacts and structures (play, furniture etc.).
- Proposed and existing service provision above and below ground (drainage, power, communications)

The development shall be implemented in accordance with all of the approved details.

Reason: To safeguard the landscape amenities of the area.

13 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the

completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the landscape amenities of the area.

INFORMATIVES

1 The applicant is advised that there are public rights of way in the vicinity of the development. The grant of planning permission does not give permission to close, divert or obstruct a public right of way. Obstructing a public right of way is a criminal offence for which you may be prosecuted. You should contact the Public Rights of Way Officer, Monmouthshire County Council (Tel 01633 644860/644862) for advice on procedure should you need to close or divert a public right of way.

MONMOUTHSHIRE COUNTY COUNCIL COMMITTEE REPORT

SUBJECT: Confirmation Report: Tree Preservation Order (TPO) MCC273

DEPARTMENT: Tourism, Leisure and Culture.

MEETING: Planning Committee

Date to be considered: 5th June 2108

DIVISION/WARDS AFFECTED: St. Kingsmark.

1. PURPOSE

To consider the confirmation of provisional Tree Preservation Order number MCC273 (2017) without modification.

2. RECOMMENDATION(S)

That the County Council confirms Tree Preservation Order No. MCC273 (2017) – Woolpitch Wood, Bayfield, Chepstow without modification.

3. REASONS

- a) The woodland to which this TPO relates is growing on land in the ownership of Persimmon Homes, Cardiff. Persimmon were one of the original developers of Bayfields, Chepstow.
- b) The intention was for this land and its trees to be transferred to Monmouthshire County Council and maintained by them thereafter at the Council's expense. Persimmon Homes were required to pay the Council a sum of money equivalent to twenty years the annual cost of maintenance in the form of a commuted sum. It is understood that Persimmon Homes have refused to comply with this requirement and therefore the land remains in their ownership.
- c) Over the years, a number of trees on this land have, for various reasons, been pruned or removed. This has occasioned a numerous complaints from concerned residents that the visual appeal of the woodland was being eroded.
- d) During November 2017, Mark Cleaver and Jonathan Wassell of the Council's Landscape Unit held a site meeting with residents and the local member to discuss the future of this plot of land (please refer to the email extract of 14th November 2017). In view of the fact that Persimmon had little or no interest in the trees it was perceived that they would have little interest in retaining them either and would, in all probability, take no action if trees were removed. There is also the possibility that this land is being retained in order to pursue infill development in some later date. Consequently Mark Cleaver felt that the making of a TPO would be expedient.

e) It should be noted that in 2014, Natural Resources Wales (NRW) produced the world's first study into urban tree canopy cover. The survey was entitled "**Tree Cover in Wales' Towns and Cities Understanding canopy cover to better plan and manage our urban trees**". The report assessed the square metreage of canopy spread within each town's total area in order to arrive at a percentage. Surprisingly, Monmouthshire, despite being perceived as a "green" county fell below the national average for urban tree coverage.

f) Taking into account all the factors above plus the statutory duty placed upon local planning authorities under the Town and Country Planning Act 1990 to protect trees, a TPO was prepared and served upon the landowner. In line with the legislation copies of the TPO were also sent to residents whose properties share a common boundary with the woodland.

4. Three letters of objection to the TPO were received and are appended to this report.

5. **Relevant Policies**

The retention of these trees will be in accordance with **Strategic Policy S13 – Landscape, Green Infrastructure and the Natural Environment.**

6. **CONSULTEES**

Cllr. David Dovey

7. **RESOURCE IMPLICATIONS**

None.

8. **BACKGROUND PAPERS**

- Letter of objection from Ms Brigitte Allen, 4 Yew Tree Wood Chepstow dated 21st January 2018.
- Letter of objection from Mr and Mrs Hester, 1 Bayfield Wood Close Chepstow dated 27th January 2018.
- Letter of objection from Mr and Mrs Evans-Randall of 2 Bayfield Wood Close, dated 30th January 2018.
- Email extract from Mark Cleaver, MCC Landscape Unit.
- Aerial photograph of the woodland.
- Google Street View image of the woodland.

- **AUTHOR** Jim Keech, Tree Officer.
- **CONTACT DETAILS:** Tel: 01633 644962
- E-mail jimkeech@monmouthshire.gov.uk

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FAO Jim Keech
Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN

Brigitte Allen
4 Yew Tree Wood
Chepstow
NP16 6AZ

Mobile: 07213 064042

Email: brigitte.allen@omail.co.uk

21 January 2018

Dear Sir/Madam,

**Objection to Tree Preservation Order MCC273 (2017) - Woolpitch Wood, Bayfield
Map ref: W1**

Description: Broadleaved woodland

Situation: ST 5202 9372

Your ref: JK/TPO/MCC273

I'm writing in response and to object to the tree preservation order letter dated 20 December 2017 that I have been sent.

The reason for my objection are:

- The trees in the woodland area have never been maintained or pollarded since the development was built by Persimmon in 2003.
- The group of Ash trees have been allowed to grow to a dangerous height and are currently nearly double the height of my house which they back on to.
- Some of these Ash trees are diseased and in high winds blow dangerously towards my house.
- I have two young children that live at my property and I'm very concerned that these trees are not being cut back or maintained and they frequently drop branches into my garden which they overhang, and they also do this while my children and I are in the garden.
- As the trees have been allowed to grow so big, they are also now causing damage to my property and the roots of the trees are making the fence bordering the garden lean at a considerable angle into the garden and it is now at risk of falling over.

I have already been in contact with Monmouthshire County Council in the past year to try and get assistance with maintaining these but was firmly told that this was nothing to do with the council and was the responsibility of Persimmon. However Persimmon will not take responsibility for maintaining these trees. Therefore in the interests of health and safety risk to the public and immediate property owners it is the responsibility of the council to make sure that these trees are cut back and maintained or apply an enforcement order on Persimmon to do this as a matter of urgency.

I have also sent a copy of this objection by email to the email addresses stated on the letter.

Regards,



Brigitte Allen

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31 JAN 2018

1 Bayfield Wood Ck

Chepstow

NP16 6FB.

27th January 2018

RE: Tree Preservation Order MCC273 (2017) Woodfield
Bayfield, Chepstow

Dear Sir,

Thank you for your letter notifying us of this order. Before the order is confirmed we think the following issues should be taken into consideration:

1) A full survey of all the trees should be carried out, as some appear diseased

2) They are not good specimens of ASH trees as they have not been managed + are therefore very tall + "lanky" as they fight for light. If you look at ABOVE WOOD further along there is a beautiful ASH tree that has been given space + has flourished

3) Before any order is confirmed all the trees ~~should be~~ cut back to residents boundaries as there are long standing issues with sizeable fall ~~page 33~~ branches - as

previously discussed with Tim Bradford.

4) The whole area the trees^{are} on needs tidying up + managing properly. The area is a fire hazard as there is a lot of dead wood + vegetation beneath. If ignited this poses a problem for property + wildlife, i.e. hedgehogs which frequently visit our garden + are welcome.

5) On 2/1/18 at 08³⁰ Council workers were "tidying up" + cutting bushes near the childrens play area adjacent to this copse. They were then "dumping" the cuttings in this copse, therefore adding to the hazard! Not helpful! Another neighbour spoke to them + they then removed the cuttings. It says it all that the Council see this area as "a dump" but wish to preserve the spindly trees!

Yours faithfully

~~_____~~ + ~~_____~~

ACK 5TH FEB 18

01 FEB 2018

Mr and Mrs Evans-Randall
2 Bayfield Wood Close
Chepstow
NP16 6FB
30th January 2018

Jim Keech
Monmouthshire County Council
PO Box 106,
Caldicot
NP26 9AN

**Tree preservation order number MCC273 (2017) – Woolpitch Wood, Bayfield, Chepstow.
Monmouthshire County Council.**

We wish to confirm our objections to the above referenced tree preservation order (TPO) and our reasons for this objection are set out below.

- 1 The specific trees or overgrown shrubs and branches are of no particular value (such that their removal would have a significant impact upon the local environment and its enjoyment by the public), and it is questionable the health or safety of the growth that is found on this plot of land. If there were specific healthy trees with sufficient area and maintenance in which they could flourish as afforded to other areas within this location with partnership between Council and landowners there would be justification for the Council to make a TPO Order to protect them, but this is not the case.
- 2 We fail to see how this overgrown land with unspecific trees can be considered as bringing significant amenity value to the area, particularly as the area around the growth does not have public access
- 3 This TPO will not address the issue but cause further lack of maintenance being afforded to this disputed area as residents will strive to contact both council and landowner for Health and Safety issues to be addressed and both are never forthcoming in wishing to engage or action maintenance work.
- 4 Inappropriate favourable influence and opportunity given to selected residents outside the affected boundaries to have access to the initial assessment panel prior to the decision being made to place a TPO on the plot.

- 5 As you will be aware from your internal emails a subsequent lack of engagement from council when clarity was sought on TPO when initial contact was made in early December 2017 as offered in notification letter.
- 6 Lack of continuity or authority made by council to resolve longstanding issues surrounding this land particularly addressing Health and Safety and maintenance issues with residents for a period exceeding 7 years. Including the presence to adopt the land. Only once in this period has the council made the site safe following our complaints when we personally went on the un kept land to remove 5 bin bags of dumped rubbish which included used hypodermic needles and other very unpleasant products. There was an inference at this stage that the Council were adopting the land.
- 7 Resident from opposite side of this piece of land and Council Ground workers using this site as a dumping ground for garden waste. Interesting that although the Council are unwilling to maintain the plot they are happy to dump their rubbish from clearing other residents public areas. I am sure there is not an entitlement to dump garden waste on land that has not been adopted.
- 8 That there is a general lack of ground maintenance to the Bayfield Wood Close side of Woolpitch Wood that is afforded to other residents in the area and which includes allowing the landowner of this TPO to impinge over the footpath which the Council ignores and therefore causes some residents particularly those with child push chairs to have to cross the road to pass the stinging nettles. When the Council has been contacted no action is taken.

As a previous principle manager in the public sector I have always looked for solutions rather than challenges and always hope for positive outcomes and in that pursuance I would add the following recommendations:

- a) As with other areas of land in the area the Council either adopt the land or make good partnership arrangements with landowners and hold them to task rather than the residents trying to maintain the site. This type of contract should have been included on any planning permission given to building developers to prevent residents for landowner and council disputes.
- b) The whole plot should be independently inspected by a qualified tree surgeon to assess what is salvageable from the dead or diseased overgrown shrubs or trees that have the opportunity to survive and flourish and have a positive impact upon the local environment and its enjoyment by both the public and residents.

- c) Once we have a well managed plot of land which encourages good, healthy and safe woodland growth we would be in a good position to secure a meaningful and permanent TPO which could be supported by all residents

Due to the lack of transparency in the process, and following the outcome of this issue, after consultation with other residents I will be considering submitting an Freedom of Information application on the full procedure undertaken. Although you have advised me that this can take a long time, and I could send a query directly, unfortunately my past experience has shown a lack of engagement and at least the Act does set out time parameters to be adhered to.

I hope that this won't be necessary and the information I have given supports an appropriate outcome. I am sure the council will give due diligence and respect to residents submissions and resume an equitable provision to all who live in the area rather than the inference that you live on the wrong side of the street.



Cliff Randall
2 Bayfield Wood Close

From: Cleaver, Mark
Sent: 14 November 2017 10:05
To: Keech, Jim <JimKeech@monmouthshire.gov.uk>
Cc: Wassal, Johnathan <JohnathanWassal@monmouthshire.gov.uk>
Subject: TPO

Hi Jim

Jon Wassal and I had a meeting on the Bayfield Estate last week to discuss with residents and the local councillor the condition of the open spaces and trees. One of the areas of concern is a small pocket of woodland that was retained within the development but has not been adopted by MCC. The trees are mature and provide a real asset to the estate. However, in the last couple of years, the developer has removed a couple of the trees on request by a resident for shading and TV signal reasons. This has made a significant impact on the visual and other amenity of the woods and there is also concern that the developer will look to remove all trees over time on request by the immediate neighbours leading to an opportunity to infill.

Given the value of these trees and expressed concerns of other residents and local Councillor, the imminent adoption of the tree policy and the current status of Monmouthshire's urban tree canopy cover (one of the lowest in Wales), I have been petitioned for the group of trees to be protected by TPO. Can you let me know if this is possible and how the process works.

Map attached with area of woodland shaded in green

Thanks

Mark

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10 m
50 ft



- Streetview
- TPO
- Group

©Getmapping Plc



Print title
Print description
Monmouthshire County Council, County Hall, The Rhadyr, Usk. NP15 1GA

Scale : 1:709 Printed : 9/5/2018 at 10:25 AM Grid Ref: 352054,193742



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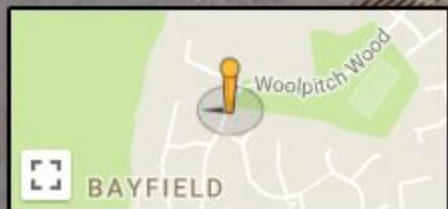
Woolpitch Wood

Chepstow, Wales

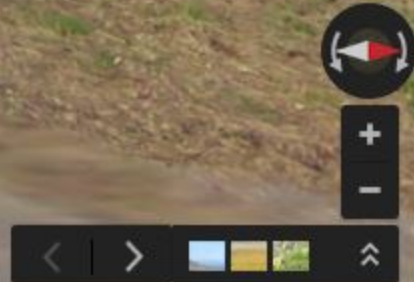
Google, Inc.

Street View - Mar 2011

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/04/18

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 21.05.2018

Appeal Decision

Site visit made on 26/04/18

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

an Inspector appointed by the Welsh Ministers

Date: 21.05.2018

Appeal Ref: APP/E6840/D/18/3199444

Site address: 40A Main Road, Portskewett, NP26 5SA

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Jerrum against the decision of Monmouthshire County Council.
- The application Ref: DC/2017/00651, dated 30 May 2017, was refused by notice dated 10 January 2018.
- The development proposed is the erection of a two storey annexe.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey annexe at 40A Main Road, Portskewett, NP26 5SA in accordance with the terms of the application, Ref: DC/2017/00651, dated 30 May 2017, subject to the following conditions:
 - 1) The development shall begin not later than five years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans and documents: *162403 Rev 5 Proposed Site Plan; 162402 Rev 5 Proposed Block Plan; 162401 Rev 3 Location Plan; and 162404 Rev 8 Proposed Plans, Elevations and Sections.*
 - 3) The annexe accommodation hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 40A Main Road, Portskewett, NP26 5SA.
 - 4) Before the development hereby permitted is brought into use, the first floor window located in the west elevation and the stairway first floor window in the east elevation shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority. The windows shall be permanently retained in that condition thereafter.

Application for Costs

2. An application for costs has been submitted by the appellant against the Local Planning Authority. This application is the subject of a separate Decision.

Main Issue

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

Reasons

4. The appeal relates to a detached residential property that forms part of a development of two dwellings located off the public highway, behind No.40 Hollyberry House which is located along Main Road in Portskewett. The appeal proposal seeks planning permission to erect a two storey annexe to the side of No.40A Main Road for occupation by the appellant's elderly relatives. The annexe would take the form of a pitch roofed structure with a link roof to the main dwelling. Proposed materials would match the host property.
5. The Council contends that, by virtue of its size and design, the proposed annexe would create an incongruous and jarring form of development in relation to the parent dwelling and that it would therefore fail to preserve the character of the setting of that property and the surrounding area. Nevertheless, whilst the pitch of the roof would be orientated at right angles to that of the corresponding feature on the main dwelling, I was able to confirm at the time of my site inspection that the annexe would sit comfortably to the side of the host dwelling and that it would be largely concealed from public vantage points. In addition to this, the annexe would, by reason of its scale, form and overall design, retain subservience to No.40a when viewed from private land surrounding the appeal site. In this respect, I do not consider that it would represent an incongruous or jarring form of development as submitted by the LPA.
6. I have considered the impact of the proposed annexe on the living conditions of the occupiers of neighbouring residential properties. However, by virtue of its siting at a lower ground level than the residential properties located to the south of the appeal site, the orientation of the pitched roof and the fact that the annexe would be located broadly to the north of the nearest residential properties, I am satisfied that it would not result in any significant overbearing or overshadowing impacts. I am also satisfied that, subject to the imposition of suitably worded planning conditions, the development would not lead to a material loss of privacy.
7. I therefore find that the proposed development would not cause material harm to the character and appearance of the host property or surrounding area. Neither would there be material harm to the living conditions of the occupiers of neighbouring residential properties. It follows that the development would not conflict with Policies S17 and DES1(c) of the adopted Monmouthshire Local Development Plan (LDP). For these reasons, and having considered all matters raised, I conclude that the appeal should be allowed subject to conditions.
8. 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 (WCFG Act). I have taken into account the ways of working set out at section 5 of the WCFG 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 WCFG Act.
9. I have considered the suggested conditions and, having had regard to the advice in Welsh Government Circular 16/2014: *The Use of Planning Conditions for Development*

Management (October 2014), have adjusted their wording in the interest of clarity and precision. In addition to the statutory time commencement condition, I have imposed a condition tying the development to the approved plans for the avoidance of any doubt. A condition tying the annexe to the parent dwelling is also necessary and in accordance with the advice contained within the aforementioned Circular. Finally, a condition requiring certain windows to be obscure glazed is necessary in the interest of providing adequate living conditions for the future occupiers of the annexe and to prevent a material loss of privacy to the occupiers of neighbouring residential properties.

Richard E. Jenkins

INSPECTOR

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/03/18

gan Nicola Gulley MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08/05/18

Appeal Decision

Site visit made on 26/03/18

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08/05/18

Appeal Ref: APP/E6840/D/18/3197934

Site address: 2, Woodland View, Rogiet, Caldicot, Monmouthshire NP26 3SY

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Lee Furmage against the decision of Monmouthshire County Council.
- The application Ref DC/2017/01311, dated 3 November 2017, was refused by notice dated 22 December 2017.
- The development proposed is a front extension and adjacent porch to front of building.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposed development on the character and appearance of the host dwelling and surrounding area.

Reasons

3. Policy DES1 of the Monmouthshire Local Development Plan (LDP) (2014) seeks, amongst other things, to ensure that development is of a high standard of design and respects the local character and distinctiveness of the built and natural landscape of the area.
4. The appeal site is located in a predominantly residential area in the Rogiet district of Caldicot. The site comprises a traditional semi-detached dwelling set in a substantial wedge shaped garden which is located at the junction of Woodland View and Grenville Terrace. The appeal property is one of 26 semi-detached dwellings located in a large enclosed cul-de-sac to the rear of Ifton Road. The properties adjacent to, and within this cul-de-sac are of a simple symmetrical design and set out to a uniform development pattern. Whilst there are exceptions to this design and layout, most notably along Grenville Terrace, this does not undermine the characteristic uniformity of these buildings.
5. The development proposes the construction a single storey extension and porch in the front elevation of the appeal dwelling. The proposed single storey extension would

have a mono-pitched roof line, measure 2.8 metres wide by some 6.6 metres long and be sited in the front elevation of the appeal dwelling, whilst the porch, which would also have a mono-pitched roofline, would measure 2.3 metres wide by 3.5 metres long and be positioned to follow the line of the existing side extension.

6. Although not of a significant scale individually, I am mindful that the combination of the proposed extension and porch would occupy approximately three quarters of the ground floor front elevation of the host dwelling and would, because of their width, project forward of the established building line along Woodlands View. The proposal would in my view fail to respect the simple symmetrical form and layout of the adjoining dwelling and other properties in the cul-de-sac and would result in the creation of a visually discordant form of development. As such I consider that the proposed development would have a harmful impact on the character and appearance of the host dwelling and the surrounding area and would be contrary to the objectives of policy DES1 of the adopted LDP.
7. In support of the proposal the appellant has drawn my attention to a number of dwellings in the locality which it is suggested have front extensions similar to the proposed development. Whilst I note that there are some similarities, I am mindful that in a number of cases the structures are an integral part of design of the dwellings or they are not located within areas which have the same uniformity of design as that of the appeal site. As such I do not consider that these developments directly parallel the circumstances of this case. I have in any case, determined the appeal before me on its own merits.

Conclusions

8. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
9. I have also had regard to all the matters raised in support of the scheme. However, none of these factors are sufficient to alter my overall conclusions that the proposed development would have a harmful impact on the character and appearance of the area.
10. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley

INSPECTOR

New Appeals 28.03.2018 to 23.05.2018				
Local Ref	Appeal Site Address	Reason for Appeal	Type of Appeal	Date Lodged
DC/2017/01393	Green Meadow Farm, Llandevenny Road, Llandevenny, NP26 3DB	REF - Appeal against Refusal	Fast Track Appeal	27.03.2018
DC/2017/00651	40A Main Road, Portskewett, Monmouthshire, NP26 5SA	REF - Appeal against Refusal	Fast Track Appeal	12.04.2018
18/00036/ENFORC	Plot Of Land Adjacent To Glen View And Sierra House, Newport Road, Magor	FORC - Appeal against Enforcement Notice	Written Representations	24.04.2018
18/00037/ENFORC	Plot Of Land Adjacent To Glen View And Sierra House, Newport Road, Magor	FORC - Appeal against Enforcement Notice	Written Representations	24.04.2018
DC/2017/01188	Plot Of Land Adjacent To Glen View And Lapings, Newport Road, Magor.	REF - Appeal against Refusal	Fast Track Appeal	24.04.2018
DC/2017/01147	Great Llanolway, Llandenny, Usk, Monmouthshire, NP15 1DA	REF - Appeal against Refusal	Written Representations	15.05.2018

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