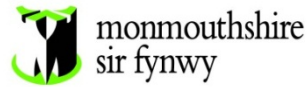


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 25 June 2018

Notice of meeting:

Planning Committee

Tuesday, 3rd July, 2018 at 2.00 pm,
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 8
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise:	
4.1.	APPLICATION DC/2015/00554 - CONSTRUCTION OF DETACHED DWELLING WITH PARKING AND TURNING PROVISION FOR 3 CARS ON EXISTING DOMESTIC CURTILAGE. SITE ADJACENT TO CEFN-Y-BRYN, GROSMONT, NP7 8ES.	9 - 12
4.2.	APPLICATION DC/2016/01203 - BUILD A DETACHED DWELLING ON AN EXISTING GARAGE PLOT (REVISION OF PREVIOUSLY WITHDRAWN APPLICATION DC/2015/00386). LAND AT SUNNYBANK, ABERGAVENNY.	13 - 18
4.3.	APPLICATION DC/2017/00444 - PROPOSED CONVERSION OF REDUNDANT AGRICULTURAL BARN TO 2 NO. DWELLINGS. NEW HOUSE FARM, LITTLE MILL, USK.	19 - 24
4.4.	APPLICATION DC/2018/00096 - ERECTION OF NEW DETACHED DWELLING HOUSE. 6 CAESTORY AVENUE RAGLAN, MONMOUTHSHIRE NP15 2EH.	25 - 34
4.5.	APPLICATION DM/2018/00308 - PROPOSED NEW DWELLING. 3 THE Paddock, CHEPSTOW, NP16 5BW.	35 - 42
4.6.	APPLICATION DM/2018/00733 - AGRICULTURAL FARM BUILDING TO HOUSE FARM ANIMALS. KEMEYS HOUSE FARM CHURCH LANE KEMEYS COMMANDER USK.	43 - 46

4.7.	APPLICATION DM/2018/00817 - AGRICULTURAL FARM BUILDING HOUSING FARM ANIMALS. KEMEYS HOUSE FARM CHURCH LANE KEMEYS COMMANDER USK.	47 - 50
4.8.	APPLICATION DM/2018/00818 - AGRICULTURAL FARM BUILDING HOUSING FARM ANIMALS. KEMEYS HOUSE FARM CHURCH LANE KEMEYS COMMANDER GWEHELOG USK.	51 - 54
4.9.	APPLICATION DM/2018/00858 - FOUR BEDROOM DETACHED PROPERTY WITH INTEGRAL GARAGE. 100 HEREFORD ROAD MONMOUTH MONMOUTHSHIRE NP25 3HH.	55 - 60
5.	Design Tour - June 2018.	61 - 64
6.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
6.1.	Appeal Decision - Leechpool Holdings, Portskewett.	65 - 66
6.2.	Appeal Decision - Oak Tree Farm, Devauden.	67 - 74
6.3.	Cost Decision - Oak Tree Farm, Devauden.	75 - 78

**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 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th
June, 2018 at 2.00 pm**

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

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

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Paula Clarke	Development Management Area Team Manager
Craig O'Connor	Development Management Area Team Manager
Andrew Jones	Development Management Area Team Manager
Jim Keech	Tree Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors: D. Blakebrough, J. Higginson and G. Howard

County Councillor J. Becker left the meeting following determination of Tree Preservation Order MCC273.

1. Election of Chair

We elected County Councillor R. Edwards as Chair.

2. Appointment of Vice-Chair

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

3. Declarations of Interest

There were no declarations of interest made by Members.

4. Confirmation of Minutes

The minutes of the Planning Committee meeting held on 1st May 2018 were confirmed and signed by the Chair.

The Development Services Manager introduced a new member of staff, Joanne White, to the Planning Committee. Joanne will be a senior officer within the Planning Department covering another officer's post who is on secondment.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th June, 2018 at 2.00 pm

The Chair informed the Planning Committee that today would be Paula Clarke's last Planning Committee meeting before retiring from Monmouthshire County Council. On behalf of the Planning Committee, the Chair thanked Paula for her support and work undertaken during her local government service. The Head of Planning, Housing and Place Shaping, on behalf of officers, expressed his gratitude to Paula for her hard work and dedication to duty.

5. 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

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

A third reason for refusal, not highlighted within the report, was identified by the Development Management Area Manager which related to the track which would be unjustified development in the open countryside and would create visual harm, as the track would only serve the proposed building.

The Development Management Area Manager informed the Committee that since the Planning Committee agenda had been despatched, Magor with Undy Community Council had responded to the Planning Department recommending that the application be refused, as the application does not comply with Planning Policy.

The Chair exercised her discretion and allowed the applicant to address the Planning Committee. In doing so, the applicant outlined the following points:

- David James has recently merged with Newland Rennie and the intention is to create an office for 10 members of staff at this site.
- This is a triangular parcel of land which lies on the northern fringe of the Site of Special Scientific Interest (SSSI). The site is close to the railway line. To the east there is the M4 safeguarded route and to the north the brewery houses. The protected employment sites lie to the north and to the south. This site is isolated from the open countryside.
- The landscape officer had confirmed that there was little significant impact upon the landscape.
- The design of the building is contemporary, it retains its original shape and will incorporate environmental friendly aspects.
- With regard to the issue of conversion, there was very little material used in the construction of the original building. There is a steel frame, a curved roof and some bracing. These original features will be maintained where possible. However, materials will need to be added to create the office environment.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th June, 2018 at 2.00 pm

- The applicant considers that Monmouthshire County Council has previously allowed the conversion of Dutch barns.
- Porosity tests have been undertaken and the applicant is content to work with officers to address any concerns regarding drainage issues at this location.
- The applicant therefore asked the Committee to consider approval of the application.

Having considered the report of the application and the views expressed by the applicant, the Committee considered that the application is contrary to Planning Policy, as it would be regarded as a new build in the countryside. Also, there are employment sites either side of the site that the applicant could consider using as office space.

It was therefore proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2017/01359 be refused for the two reasons, as outlined in the report and for a third reason, not highlighted within the report, which related to the track which would be unjustified development in the open countryside and would create visual harm, as the track would only serve the proposed building.

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

For refusal	-	11
Against refusal	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2017/01359 be refused for the two reasons, as outlined in the report and for a third reason, not highlighted within the report, which related to the track which would be unjustified development in the open countryside and would create visual harm, as the track would only serve the proposed building.

6. 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

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

In doing so, the following points were noted:

- Toilet facilities, as well as eating facilities, will be available for drivers to use within Innovation House when the site is in operation. Concern was expressed that if the ownership of Innovation House changed in the future, the toilet facilities there may no longer be available for staff to use. However, it was noted that the

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th June, 2018 at 2.00 pm

majority of the coaches will be used locally for school runs so there is likely to be less need for toilet facilities for drivers. The Head of Planning, Housing and Place shaping informed the Committee that this is an operational matter and not a planning consideration. If facilities are no longer adequate or available in the future, the matter would need to be reviewed at that point. The Committee noted the concerns raised in respect of the toilet facilities.

- The Hotel nearby had been consulted with regard to the application but had not commented.
- As there are fewer staff located in the Wales 1 Business Park, the need to use the overflow car park has significantly diminished. Parking provision at Innovation House is now sufficient to house staff vehicles.

It was proposed by County Councillor A. Davies and seconded by County Councillor A. Webb that application DC/2018/00137 be approved subject to the three conditions, as outlined in the report and subject to an additional condition requiring the proposed storage container to be painted a dark green colour, which had been agreed by the applicant.

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

For approval	-	10
Against approval	-	0
Abstentions	-	2

The proposition was carried.

We resolved that application DC/2018/00137 be approved subject to the three conditions, as outlined in the report and subject to an additional condition requiring the proposed storage container to be painted a dark green colour, which had been agreed by the applicant.

7. 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

We considered the report of the application, and late correspondence, which was recommended for approval subject to the 13 conditions, as outlined in the report.

Planning permission had been granted in July 2016 for 10 glamping pods in addition to a utilities and services block. The application had been 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).

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th June, 2018 at 2.00 pm

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.

The local Member for Llanbadoc was unable to attend the meeting. However, the Chair informed the Committee that the local Member's main concern was that the site might remain open all year round. However, it was noted that the site would remain closed during the winter months.

The Committee expressed its support for the application in that, from a practical point of view, it would be better if the glamping pods remained in situ.

It was therefore proposed by County Councillor P. Murphy and seconded by County Councillor A. Davies that application DM/2018/00565 be approved subject to the 13 conditions, as outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00565 be approved subject to the 13 conditions, as outlined in the report.

8. Confirmation Report for Tree Preservation Order) MCC273 - Woolpitch Wood, Bayfield, Chepstow 2017

We received a report to consider the confirmation of provisional Tree Preservation Order number MCC273 (2017) without modification.

Members were informed that the woodland to which this tree preservation order (TPO) relates is growing on land in the ownership of Persimmon Homes, Cardiff. Persimmon were one of the original developers of Bayfields, Chepstow.

The intention was for this land and its trees to be transferred to Monmouthshire County Council and maintained thereafter at the Council's expense. Persimmon Homes was 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 has refused to comply with this requirement and therefore the land remains in its ownership.

Over the years, a number of trees on this land have, for various reasons, been pruned or removed. There have been numerous complaints from concerned residents that the visual appeal of the woodland was being eroded.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th June, 2018 at 2.00 pm

During November 2017, officers from the Council's Landscape Unit held a site meeting with residents and the local Member to discuss the future of this plot of land. In view of the fact that Persimmon Homes 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 at a later date. Consequently, officers considered that the making of a TPO would be expedient.

In 2014, Natural Resources Wales (NRW) produced the world's first study into urban tree canopy cover. The report assessed the square meterage of canopy spread within each town's total area in order to arrive at a percentage. Monmouthshire, despite being perceived as a "green" county fell below the national average for urban tree coverage.

Taking into account the factors identified 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 shared a common boundary with the woodland.

Three letters of objection to the TPO had been received.

Having considered the report, the following points were noted:

- In response to a question raised by the local Member, the Head of Legal Services informed the Committee that Persimmon Homes would have entered into a Section 106 Agreement with Monmouthshire County Council regarding this site. One of the intentions within the agreement was that Persimmon Homes would transfer that piece of land to the Authority and, in doing so, would grant the Authority a commuted sum. However, Persimmon Homes has not done this. The Authority could write to Persimmon Homes to ascertain its intentions regarding this piece of land, if this matter has not already been undertaken. The final solution would be that the Authority could commence litigation against Persimmon Homes.
- A Section 215 unsightly land notice could be served on Persimmon Homes with a view to the landowners having to maintain and keep the site in a tidy condition. Members supported the implementation of this notice.
- As a group of trees on the site, they make a very pleasing visual aspect and benefit the area ecologically.
- The TPO will allow for maintenance of the trees to be undertaken in a professional manner.
- Concern was expressed that Persimmon Homes had not paid the Authority the commuted sum.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th June, 2018 at 2.00 pm

- It was noted that Persimmon Homes was not in breach of a legal requirement yet. However, it would be beneficial if the land came into the ownership of the Authority, as it would have control over the land in the future. The Head of Planning, Housing and Place Shaping could liaise with the landowner again regarding ownership of the land.

It was proposed by County Councillor M. Feakins and seconded by County Councillor A. Webb that Tree Preservation Order number MCC273 (2017) be confirmed without modification and that a Section 215 unsightly land notice be served on Persimmon Homes with a view to the landowners having to maintain and keep the site in a tidy condition.

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

In favour of the proposal	-	12
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that Tree Preservation Order number MCC273 (2017) be confirmed without modification and that a Section 215 unsightly land notice be served on Persimmon Homes with a view to the landowners having to maintain and keep the site in a tidy condition.

8.1. Appeal decision - 40A Main Road, Portskewett

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 26th April 2018. Site: 40A Main Road, Portskewett.

The appeal had been allowed and planning permission 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 no 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.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th
June, 2018 at 2.00 pm**

- 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.

8.2. Appeal decision - 2, Woodland View, Rogiet, Caldicot

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 26th March 2018. Site: 2 Woodland View, Rogiet, Caldicot.

The appeal had been dismissed.

9. Appeals received - 28th March to 23rd May 2018

We noted the new appeals received between 28th March and 23rd May 2018.

The meeting ended at 3.15 pm.

DC/2015/00554

CONSTRUCTION OF DETACHED DWELLING WITH PARKING AND TURNING PROVISION FOR 3 CARS ON EXISTING DOMESTIC CURTILAGE

SITE ADJACENT TO CEFN-Y-BRYN, GROSMONT, NP7 8ES

Case Officer: Kate Bingham
Registered: 21/12/2015

1.0 APPLICATION DETAILS

- 1.1 The application site relates to the side garden of an existing property within the village of Grosmont. It is proposed to erect a detached two storey dwelling with an associated parking area.
- 1.2 The site is within the Grosmont Conservation Area and within the Development Boundary.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

S1 – Spatial Distribution of New Housing Provision
S4 – Affordable Housing Provision
S12 – Efficient Resource Use and Flood Risk
S13 – Landscape, Green Infrastructure and the Natural Environment
S16 - Transport
S17 – Place Making and Design

H2 – Residential Development in Main Villages
NE1 – Nature Conservation and Development
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
MV1 – Proposed Developments and Highway Considerations
SD4 – Sustainable Drainage
LC5 – Protection and Enhancement of Landscape Character
HE1 – Development within Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultation Responses

Grosmont Community Council – recommends refusal. Members are concerned about the proposals for car parking / turning and possible drainage / sewer issues. It is felt that the proposed construction is potentially hazardous and that this is not suitable in a conservation area. It is noted that a number of objections have already been posted.

Glamorgan Gwent Archaeological Trust – requests a condition requiring a Programme of Archaeological Work to be submitted and approved in writing by the LPA prior to development.

MCC Tree Officer – No objections subject to condition requiring tree planting to replace those removed prior to the determination of this application.

MCC Heritage – No objection following amendments to parking area and orientation of dwelling.

MCC Highways – Object for the following reasons:

- Linear parking adjacent to the B4347 is not acceptable as it will compromise highway safety and create vehicle conflicts as encourages inappropriate vehicle manoeuvres while accessing and egressing the parking area.
- Visibility for vehicle egressing in a forward gear is reduced due to the angle of departure.
- Conflict is promoted as the access drive to Cefn y Bryn is via the layby.
- Number of spaces not in accordance with MCC Parking Guidelines (3 spaces required)

4.2 Neighbour Consultation Responses

Representations from one neighbouring occupier. Objects on the following grounds:

- Visibility splays not adequate.
- Car doors will open onto the highway.
- Insufficient parking spaces provided.
- Vehicles won't be able to get out of Cefn y Bryn.
- Only possible to access the parking area when travelling in the direction of Grosmont to Kentchurch.
- Drainage from parking area will be onto the highway.
- There is no additional information on the proposed route or position of the proposed pumping/ejector station. The difficulty with single dwelling pumping systems with a low volume of sewage can cause septicity within the system.
- Proposal does not meet building regulations in relation to disabled access.
- The road past the site is the alternative route advised for over-height vehicles using the A4645 to/from Hereford making the parking more dangerous.

Six objections received from residents from outside the area who travel on the B4347;

- The proposed parking is a danger to road users.

5.0 EVALUATION

5.1 Principle of Development

5.1.2 Development boundaries have been drawn for the “Main Towns”, within which new build residential development/ redevelopment or conversion to residential, or subdivision of large dwellings or reuse of accommodation such as upper vacant floors in town centres will be permitted subject to detailed planning considerations, and other policies of the LDP that seek to protect existing retail, employment and community uses. As the site is within the development boundary of Grosmont and not allocated for any other use then new residential development is acceptable in principle.

5.2 Visual Amenity and Impact on the Conservation Area

5.1.2 The proposed dwelling is traditional in design and scale. The orientation was amended to better reflect the character of the village at the request of the Heritage Officer.

5.1.3 The main visual impact of the proposed development would be the proposed parking area. This was originally proposed to be a much larger area with a high retaining wall. However, it was considered that this was over-engineered and would harm the character and appearance of the Conservation Area. As such a more informal solution was sought resulting in the lay-by parking arrangement now proposed. Although this is not the ideal solution in terms of highway safety, it is considered that in this location it will be acceptable for the reasons stated above. The proposal therefore meets the requirements of LDP Policies DES1 and HE1.

5.3 Residential Amenity

5.3.1 The small dwelling that is proposed will have a minimal impact on the surrounding residential properties.

5.4 Access and Parking

5.4.1 Given the scale of the development it is considered that a reduction in parking spaces is acceptable in this case. Being within a conservation area, many of the surrounding properties were built prior to motor car ownership and have very informal parking arrangements. The introduction of a parking and turning area of the type that would be required on a modern development site would have a detrimental impact on the setting and character of the Grosmont Conservation Area. The original engineering required to achieve three parking spaces and a turning area was not therefore supported. The 5m retaining wall to accommodate parking and the tarmac area for parking was considered to be too large and would have set an unwelcome precedent within the Conservation Area.

5.4.2 The parking arrangement now proposed, although not ideal will accommodate two vehicles off the road and any future occupier would be aware of the restrictions of this arrangement in terms of direction of arrival and departure. On balance therefore, it is considered to be acceptable because of the special circumstances of this site.

5.5 Trees

5.5.1 The Grosmont Conservation Area Appraisal notes that the site is identified as having trees important to the Conservation Area. As noted by the Council's Tree Officer, these trees have now been removed. To compensate a landscape plan should be provided for the site to show new replacement tree planting which can be conditioned.

5.6 Response to Community Council and Neighbour Objections

5.6.1 The issue of the parking area has been addressed above.

5.6.1 Dwr Cymru Welsh Water have been consulted on the application and have offered no objection to the proposed drainage of foul water to the mains sewer and surface water to soakaways. The Building Regulations requirements will ensure that the details of this drainage will be acceptable.

5.6.2 Highways have offered no objection to the drainage proposed to the parking area.

5.7 Affordable Housing

5.7.1 As this application was registered prior to the adoption of Supplementary Planning Guidance in relation to affordable housing then a financial contribution will not be sought.

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

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

6.0 RECOMMENDATION: APPROVE

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	Landscaping plan to be submitted.
4	Implementation of landscaping plan.
5	Written scheme of Archaeological Investigation to be submitted.

DC/2016/01203

BUILD A DETACHED DWELLING ON AN EXISTING GARAGE PLOT (REVISION OF PREVIOUSLY WITHDRAWN APPLICATION DC/2015/00386)

LAND AT SUNNYBANK, ABERGAVENNY

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Registered: 16/05/2017

1.0 APPLICATION DETAILS

1.1 The application relates to an existing garage on a small plot on Sunnybank which is within the Abergavenny Conservation Area. It is proposed to demolish the existing building and replace it with a one bedroom dwelling.

2.0 RELEVANT PLANNING HISTORY

DC/2015/00386 - Demolition of existing garage and construction of detached 2 bedroom 2 storey house. Withdrawn June 2016.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

S1 – Spatial Distribution of New Residential Development
S4 – Affordable Housing
S12 - Transport
S13 - Landscape, Green Infrastructure and the Natural Environment
S17 – Place Making and Design

H1 - Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
EP1 – Amenity and Environmental Protection
DES1 – General Design Considerations
MV1 – Development and Highway Considerations
HE1 – Development within Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultation Responses

Abergavenny Town Council – recommend refusal. No parking facility. Recommends site visit as not in keeping with the local environment.

Dwr Cymru - Welsh Water – No objection. Note to applicant.

MCC Highways - Object to the application on the grounds there is insufficient off-street car parking being provided for the property in accordance with the Monmouthshire Parking Standards and the loss of car parking provision as a consequence of the development. Based on the lack of car parking provision it is assumed that the occupiers are expected to park on-street. Sunny Bank and the immediate area suffers from a very high level of on-street parking which has in fact become saturated due to the fact there is very little off-street parking available for the surrounding properties.

The application site in its existing form is an off-street car parking area which once served one of the neighbouring properties. As a consequence of the proposal available off-street parking provision has been lost resulting in the occupiers of that property having to park on-street contributing to the existing on-street parking problem. This will be further exacerbated by the on-street parking contributed by the proposed new dwelling.

MCC Housing Officer – Application received prior to Affordable Housing SPG being adopted. Therefore unreasonable to request financial contribution.

MCC Heritage – No objection following amendments.

4.2 Neighbour Consultation Responses

Two representations received. Object on the following grounds;

- The land in question is barely spacious enough for the garage that is there let alone a house.
- It would not be in keeping with the local environment.
- Note the required legal distance from the junction of Sunnybank and Merthyr Road.
- Parking in the street is already poor with residents from Park Street, Merthyr Road and Victoria Street all taking up the valuable spaces of residents living in Sunnybank when they can't park in their own streets.
- The space in front of the proposed building is already regularly utilised for parking in an already congested parking area. There is no dropped kerb indicating current access.
- Concerned for further vehicles being parked in an area which has many children residing in the vicinity of the proposed build and also of those accessing the community centre.
- The proposed building will sit in a conservation area and I feel that the plans do not represent building in-keeping with the traditional style of the Sunnybank /Park Street area.
- The proposed ridge line is above that of the already existing masonry shed which will reduce the existing outlook.
- Concerns about the proximity of the build to retaining walls which may require maintenance in the future.
- Concerned that this application has been resubmitted when there are issues in regard to tree and water which remain an issue of concern to those parties.

4.2 Other Representations

Abergavenny Civic Society - The applicant's response to criticisms of the proposals in DC/2015/00386 represent an appreciable improvement, though it is difficult to relate some of the schedule of materials to the elevation drawings, particularly the buff brick elements. The use of 'soft red' brickwork may be better than rendering, but the colouring will need to be carefully checked to be in character with the limited amount of red brick used in the area. Vertical oak boarding is not a vernacular material and is used in a way that looks rather '1960s' but if left to weather naturally may be acceptable. The 'arched' horizontal side window would be simpler without the arch.

5.0 **EVALUATION**

5.1 Principle of Development

5.1.1 Development boundaries have been drawn for the Main Towns, within which new build residential development/redevelopment or conversion to residential, or subdivision of large dwellings or re-use of accommodation such as upper vacant floors in town centres will be permitted subject to detailed planning considerations and other policies of the LDP that seek to protect existing retail, employment and community uses. As the site is within the development boundary of Abergavenny and not allocated for any other use then new residential development is acceptable in principle.

5.2 Visual Amenity and Impact on the Abergavenny Conservation Area

5.2.1 The existing garage has no architectural merit being single skin brickwork and render with a corrugated cement fibre roof. The existing garage is approximately 3.5m tall to the ridge and 2.7m to the eaves. The proposed new building will be approximately 6.5m tall to the ridge and 5m to the eaves. The building will be constructed from clay brickwork with natural oak vertical boarding to the front elevation. The roof will be natural slate and the windows and doors powder coated aluminium. Following discussions with the Heritage Officer and a previously withdrawn application, the building has been simplified with the use of a traditional pitch, removal of roof lights and a more modern approach to the fenestration on the front elevation.

5.2.2 As a stand-alone building the applicant did not wish to provide a building that replicated the terrace opposite in all of its form and materials. The prevalent materials of surrounding buildings are that of white painted render and natural coursed stone (where not painted), with brick detailing in smooth-faced yellow brickwork. It is considered that a simpler palette of materials is more appropriate on a detached small frontage such as this. As such a more contemporary approach has been taken on the front elevation to bring a distinctness to the structure.

5.2.3 In conclusion, it is considered that the proposed dwelling by virtue of its scale, design and materials, will preserve or enhance the character and appearance of the Abergavenny Conservation Area and the development is in accordance with Local Development Plan (LDP) Policies HE1 and DES1.

5.3 Residential Amenity

5.3.1 The difference in height between the existing and proposed buildings means that the upper part of the new building will now be visible to neighbouring properties to the east but this will be over a distance of approximately 21m from the end elevation of the nearest dwellings. Overall therefore it is considered that the proposed dwelling will have a minimal impact on the surrounding residential properties and therefore will be in accordance with Policy EP1 of the LDP.

5.4 Access and Parking

5.4.1 No vehicular off-street parking is proposed as part of the development. For new residential dwellings the Monmouthshire Parking Standards specify one car parking space to be provided per bedroom per dwelling with a maximum of three car parking spaces per dwelling. The development as proposed does not offer the minimum requirement of one off-street car parking space, and therefore does not satisfy the requirements set out in the Monmouthshire Parking Standards.

5.4.2 Notwithstanding an objection from Highways, it should be noted that the existing garage has been in constant use for the past 20 years rented as a business for storage of signage. The road space in front of the gated access to the garage is available as an access

clearway and for occasional parking (when access not in use) and this space would become a permanent on-street parking space should the dwelling be approved. Given the town centre location, the small scale of the property and the overall need for new housing (especially lower-cost housing) then on balance it is considered that the lack of parking is not sufficient to refuse the application in this case.

5.5 Response to Other Objections

5.5.1 With regard to existing retaining walls, this will be taken into account by the developer in the event the scheme is approved and should result in an improvement of the existing retaining wall situation. Structural integrity of the wall is dealt with outside the planning process.

5.5.2 Right to a view is not a material planning consideration.

5.6 Biodiversity Considerations

5.6.1 The Council's Biodiversity Officer considers that the detached garage provides negligible bat roosting potential. This decision has been informed by conducting a site visit and an assessment of the Bats in Buildings Part A: applicants building information record and local biodiversity records (SEWBRc, 2015). Therefore, further information with regards to bats is not required in this instance. However, as the scheme involves demolition of this building an informative in relation to the legal protection of bats should be included on any consent.

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

5.7.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the 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.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	Prior to commencement of development, samples of bricks to be provided and agreed.
4	Prior to commencement of development, details of the door to be provided at a scale of 1:50.

Informatives;

1. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

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DC/2017/00444

PROPOSED CONVERSION OF REDUNDANT AGRICULTURAL BARN TO 2 NO. DWELLINGS

NEW HOUSE FARM, LITTLE MILL, USK

RECOMMENDATION: APPROVE

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

1.0 APPLICATION DETAILS

- 1.1 This application was presented to Planning Committee on 4th July 2017 with a recommendation for approval subject to a Section 106 Agreement requiring a financial contribution towards affordable housing in the local area as required under LDP Policy S4. Since this time a viability assessment has been produced to demonstrate that the development will not make a profit and therefore the contribution will not be sought.
- 1.2 The Council's Housing Officer has checked the figures and concludes that the development would be making a loss with a residual value of -£39,000.
- 1.3 Although making a financial loss, the applicant's agent has advised that the development will allow investment in the barns and access track removing the maintenance liability for the applicant. It is currently difficult to release the equity of the barns given their present condition and imposing the requirement for the affordable housing contribution (AHC) on the development would seriously jeopardise the project moving forward as the added liability of an AHC would make it impractical for the applicant to secure finance for the development. In this case therefore it is considered that the requirement of the AHC should be waived.
- 1.4 The application is presented to Committee because the applicant is an officer in the MCC Development Management Team. The previous report and recommendation are below.

PREVIOUS REPORT 4th July 2017

1.0 APPLICATION DETAILS

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

2.0 RELEVANT PLANNING HISTORY

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

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

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

4.0 REPRESENTATIONS

4.1 Consultations Replies

4.1.1 Llanbadoc Community Council – Recommends approval.

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

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

Foul Drainage Advice

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

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

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

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

To confirm, we will require:

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

4.1.4 MCC Highways – No objection;

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

4.2 Neighbour Notification

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

4.3 Other Representations

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

5.0 EVALUATION

5.1 Principle of Development

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

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

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

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

5.2. Visual Impact

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

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

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

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

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

5.3 Biodiversity Considerations

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

5.3.2 Swallows and sparrows were also observed using both buildings and should be taken into consideration. Timing of works will be essential if bird's' nests are to be protected and mitigation will be required to ensure nesting areas are not lost as a result of the proposed development.

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

5.4 Residential Amenity

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

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

5.5 Access and Parking

5.5.1 The site is well off the public highway and is accessed by an existing track which currently serves the farmhouse and the recent barn conversion on adjacent land. There is no objection on highway safety grounds for this access to serve two additional dwellings.

5.5.2 The application site can provide sufficient parking and turning without detriment to the other occupied buildings on the site.

5.6 Affordable Housing

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

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

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

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

Conditions:

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

7	All windows and door frames shall be of softwood painted and remain as such in perpetuity.
8	Wildlife mitigation condition(s) to be added following additional survey work.

Informatives:

Need for a Bat licence informative.

Application Number: DC/2018/00096

Proposal: Erection of new detached dwelling house.

Address: 6 Caestory Avenue, Raglan, Monmouthshire, NP15 2EH

Applicant: Mrs Clare O'Keeffe

Plans: P586 L_212 - B, P586 A_100 - , P586 A_101 - , P586 L_001 - , P586 L_002 - , P586 L_003 - A, P586 L_211 - B, P586 L_210 - B

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham

Date Valid: 24.01.2018

1.0 APPLICATION DETAILS

1.1 This is a full application for a single dwelling in the rear garden of an existing semi-detached property in the village of Raglan which is designated within the Local Development Plan (LDP) as a Rural Secondary Settlement under Policy H1. Within such settlements the principle of new residential development is acceptable.

1.2 The proposed new dwelling will be two storey with additional accommodation within the roof area. The ridge height of the proposed dwelling has been reduced by approximately 1.2m following advice from officers, the garage element has also been reduced to single storey and the external chimney removed. The access and parking/turning area has also been amended so as to require the removal of fewer trees.

1.3 The site is not within a flood zone, conservation area or other designated area and is considered to be of sufficient size to accommodate a new dwelling and associated garden, parking and turning area.

2.0 RELEVANT PLANNING HISTORY (if any)

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP the Spatial Distribution of New Housing Provision

S16 LDP Transport

S17 LDP Place Making and Design

S4 LDP Affordable Housing Provision

S13 LDP Landscape, Green Infrastructure and the Natural Environment

Development Management Policies

DES1 LDP General Design Considerations

EP1 LDP Amenity and Environmental Protection

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

MV1 LDP Proposed Developments and Highway Considerations

NE1 LDP Nature Conservation and Development

4.0 REPRESENTATIONS

4.1 Consultation Replies

Raglan Community Council - recommends refusal:

1. The development will have a detrimental impact on neighbouring dwellings due to its design, bulk, size, layout and scale.
2. Loss of privacy via a Juliette balcony serving a sitting room.
3. Vehicle tracking information requested by Highways has not been provided.
4. Contrary to the Well Being of Future Generations (Wales) Act 2015.

The above is to be read in conjunction with previous objections:

1. The Arboricultural Impact Assessment, has identified that the removal of the mature Birch trees will be a loss of a visual amenity as well as habitat. Therefore this proposed development is in conflict with policy NE1.

2. Consideration should be given to the ground water and surface water from this proposed development. Welsh Water in their consultation has identified that surface water and ground water from this development should not be discharged into the existing drainage systems. It would appear the plans have not shown any secondary drainage indicating how the water will be discharged from the proposed soakaway catchment pit. This could have an adverse effect on neighbouring properties due to the existing ground conditions (Drawing P586). The same drawing doesn't show how the surface water is going to be managed from the other elevation of the proposed dwelling. Therefore this proposed development does not follow policy and is in conflict with policy SD4 to reduce surface water run-off and minimise its contribution to flood risk elsewhere. This location is subject and prone to water logging and the current land becomes water logged. This water logging will only increase due to the amount of hard landscaping around this proposed development. There will be an increase in surface water and ground water from this development which will affect neighbouring properties which is in conflict with Policy EP5

3. Consideration should be given to this proposed development and policy EP5 - Foul Sewage Disposal. Welsh Water in their consultation have identified that a main sewerage line runs through the proposed site. The current Policy EP5 6.3.74 has identified some rural parts of the County and a number of rural villages in the county where the existing connections and sewage treatment plants are inadequate. There is a history of foul sewage with blockages and flooding in local gardens in both Caestory and Ethley Drive that adding additional drains to the system will put more strain on system. The Welsh Water (drawing 341109,207411) is indicating the existing line of the drainage system. It can only be assumed that any drainage connection will be into one of the inspection chambers on the south or south east side of the proposed development. Therefore any connection required is outside the red line development, therefore substantial disruption may be required to connect to the existing systems. The site layout drawing indicates that the foul sewage connection will be outside the development. Therefore there doesn't appear to have been any application to Welsh Water or Monmouthshire County Council to make this connection. Local knowledge has identified that there is a current issue with foul sewage disposal in this location. The proposed development does not follow policy EP5 and consideration must be given to the connection into the existing drainage system.

4. Consideration should be given to this proposed development policy MV1 the adopted highway design guide, where a vehicle should be able to drive into a parking space and leave the property in a forward motion. The existing site location plan indicates that the current garage will be demolished to provide access to the back land development. On visual inspection of 6 Caestory Avenue, there doesn't appear to be the amount of space as indicated on drawing P586 L_003. Whilst infill and back land developments may plug into existing infrastructure, they should be accessible in their own right. In this case the back land development would appear to be reducing the off road parking to 6 Caestory Avenue. Access for all is a consideration of scales of development. This should include consideration of all approach routes, parking areas and entrances to buildings both from an occupant's and visitor perspective. It would appear from drawing P586 L_003 there is insufficient room to park 6 vehicles and be able to drive in a forward direction, turn within the boundaries of the

proposed dwelling and drive out in a forward gear. Therefore this proposed development does not follow the Highway Authorities guidance for off street parking. Concern must also be expressed regarding parking to 6 Caestory Avenue, and vehicles able to drive in a forward direction and turn within the boundaries of the existing dwelling and drive out in a forward gear. If the Planning Authority are minded to permit development the traffic movement in this location will increase and the potential of accidents occurring will increase.

5. This proposed development can be classed as back land development. Any Planning Application of this nature should integrate into the existing landscape features, where trees or landscape features form part of a back land plot, the design should seek to retain these and integrate them into the new development. Any development proposals should be expected to follow the established building line where this is a strong characteristic of an area. In this case the proposed development is set back from the building line and will disrupt the quality of the street scene. This proposed development is in conflict with MCC LDP policy DES1 along with other policies. The development should be of a form and scale which respects the local area. It is important to ensure that new development respects the scale and density of existing properties. In general the scale and massing of new housing in back land areas should not exceed that of the existing dwellings fronting the surrounding streets.

6. Any back land development site should retain or replace trees and hedges. This proposed development has indicated that it is going to remove existing Silver Birch trees. The Arboricultural Impact Assessment indicates the trees and hedges could be replaced by replanting. Any replanting would not be comparable and the length of time it would take to replace the current privacy and amenity of occupiers of neighbouring properties would be decades. It would be expected in general the height, form and massing of the proposed development should be similar to that of those in the existing street frontage and surrounding dwellings. This proposal is more of a new type of a town house which can be found on new development sites. The existing properties in this location are of a typical two storey design. This proposed development does not help or ensure the proposed development meets the expectations of MCC LDP, and does not integrate into the existing environment nor does it take account of the character of the area.

7. The community council has concerns over the increase in traffic movement in this location and the proposed access to the development. The access to this development is situated on an existing bend, increasing the danger to existing road users. The applicant should contact the Highway Authority relating to Section 184 of the Highways Act 1980 which must be acknowledged and satisfied, and permission pursuant to Section 184 of the Highways Act 1980 granted by MCC Highways, prior to the Planning Authority granting any consent or before commencement of access works.

8. Raglan Community Council's primary objection relates to the overbearing impact on neighbouring properties, and that it would be out of character with the area. The development will create a loss of privacy for the adjoining properties.

It can be considered the proposed application is in conflict with the following policies in Monmouthshire County Councils LDP that was adopted in February 2014.

Policy H3,
Policy SD4
Policy NE1,
Policy EP5
Policy MV1
Policy DES1

The following issues of environmental concern have been identified with the above. If the Planning Authority are minded to grant consent for the proposed development, the community council would ask for the following conditions to be included in the decision notice:

- a) Before the development commences, a scheme shall be submitted and agreed in writing by the Local Planning Authority in respect of the control of noise/dust emanating from the construction phases of the development. Such a mitigation scheme shall be implemented and maintained and shall not be altered without the written approval of the Local Planning Authority.
- b) The applicant should contact the Highway Authority relating to Section 184 of the Highways Act 1980 which must be acknowledged and satisfied, and permission pursuant to Section 184 of the Highways Act 1980 granted by MCC Highways, prior to the Planning Authority granting any consent or before commencement of access works.

c) The applicant should be made aware that there should contact Dwr-Cymru / Welsh Water, in relation to any new connection to existing sewer, it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

d) It is recommended that the applicant obtains consent from Dwr-Cymru / Welsh Water for any connection to the public sewer under s106 of the Water industry Act 1991 before consent is granted by the Planning Authority.

e) All works and ancillary operations during the construction phases of the development shall be carried out only between the following hours:

0800 - 1800 hrs

Monday to Friday

0800 - 1300 hrs

Saturday

At no time on Sundays and Bank Holidays.

Deliveries to site and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.

Reason: to protect the amenity of the locality especially people living nearby

MCC Highways - No objection. No Highway objection to the principle of the proposed development, however we would request the application be deferred until the applicant has submitted vehicle tracking details.

MCC Tree Officer - Initial response: I note from the tree report that it will be necessary to remove 8 no. Birch trees from the rear garden, plus some hedgerow. According to BS5837:2012 Trees in relation to Design, Demolition and Construction Recommendations the Birch trees are listed as Category B2 i.e. trees of moderate quality that make a significant visual contribution, the retention of which is desirable. The trees are highly visible, particularly when viewed from Prince Charles Road to the southwest. In my opinion the loss of these trees will have a significant detrimental impact on the landscape.

In conclusion the proposed loss of these trees precludes me from supporting this application and my recommendation is that it be refused in its current form.

*Awaiting further comments following amendments to driveway leading to loss of 3 no. Birch trees.

MCC Housing Officer - Financial contribution of £27, 685 required towards the provision of affordable housing in the local area.

MCC Public Rights of Way - Further to previous comments, Monmouthshire County Council is in receipt of a path order application that would accommodate the proposed development. Countryside Access therefore withdraws its objection. Please be advised however that path orders are subject to consultation, legal tests and can fail.

Neighbour Notification

16 representations received. Object on the following grounds:

1. Concerned about the roots of all the Birch trees listed, some more than others e.g. Birch 885 and the proposal to build so close to Birch 886. The proposed wall of the house is about a metre away from the tree trunk. So if the house is built the majority of the branches would be taken off and the root system disturbed under the West side of the house.

2. The turning and parking area in front of the build has been reduced. Therefore, if any vehicle larger than a car (delivery vans, utility vans, tradesmen etc.) goes down the driveway the only way out is to reverse onto the blind bends.

3. Whilst some small effort has been made with regards to the existing mature trees, we still feel the development will have a major impact on the surrounding natural environment, specifically the habitats of many various types of wildlife.

4. The property is not at all in keeping with the neighbourhood and is far too large.

5. The proposed property will overlook several gardens due to the height of the build.

6. Against the loss of the trees which offer some privacy at the rear of the garden of no. 12 The Willows.
7. Even following amendments, the building is still large and overbearing and totally not in keeping with any other neighbouring properties and the close proximity of the proposed building will only exaggerate that.
8. The windows on the top floors will still have an uninterrupted view of neighbouring properties and gardens.
9. Access to the property is still gained via a blind bend which is already dangerous for both pedestrians and drivers alike, the potential for extra traffic/parked cars there will only seek to make this worse.
10. All 8 trees should be retained.
11. Bats noted living in the trees.
12. Environmental impact on drainage due to large increase in hard surface.
13. Loss of residential amenity for the occupiers of the host dwelling who will be overlooked and closed in by a fence.
14. Proposed house is still too imposing and will overshadow and block light to surrounding dwellings.
15. Drainage that connects to 6 Caestory Avenue will now run under the drive and may crack with vehicles running over the top as we understand the drains are not down very deep.
16. PPW states that: Development plans should include clear policy criteria against which applications for development of unallocated sites will be considered. Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas. 'Tandem' development, consisting of one house immediately behind another and sharing the same access, may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front, and should be avoided. Also that: Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.
17. The scale of the proposed development is of an executive 4 bedroom property, exceeding the scale of the semi-detached property in whose grounds it sits.
18. Lack of public frontage to the property makes this property vulnerable to the residents, and is out of keeping with the neighbourhood where all front doors are onto public spaces and/or roads. A dangerous precedent.
19. Dropping the ridge height has done little to me to suggest that this development is appropriate for the site, which essentially is utilising a back garden for development of a property out of scale and out of keeping with the general feel and scale of properties in the immediate area.
20. The building is over 2m higher than anything else in the area. The eaves height is only 22 cm lower than as submitted. When you link this to the proposal being 17m long and 11m wide the revision has no significant effect on how out of character, overshadowing and overbearing this proposal still is and the significant effects on the neighbouring homes. The developer again shows no consideration for the community.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site lies within the development boundary of Raglan as defined by Policy H1 of the Local Development Plan, within which new residential development is acceptable in principle. The size of the plot is considered to be large enough to comfortably accommodate a single detached dwelling with associated parking/turning area and private garden area. Although located to the rear of an existing dwelling, being a corner plot access is achievable without significant disturbance to the host or neighbouring dwelling. Only the application site and the neighbouring two plots that are also on the corner, are large enough to accommodate a detached dwelling within the garden with access within the vicinity of the site and therefore an unwelcome precedent is unlikely to be set should the application be approved.

5.2 Design

5.2.1 The proposed dwelling is traditional in design having a pitched roof with dormers and an attached one and a half storey element containing a double garage. The other existing dwellings in the area are mainly former Local Authority houses which are generally in pairs of semi-detached blocks although there are some more modern detached two storey dwellings to the side/rear at The Willows. The proposed new dwelling will be finished with a slate grey roof, rendered walls, timber doors and grey uPVC windows. These materials are typical of the area and are considered to be in keeping.

5.2.2 The ridge height of the proposed dwelling has been reduced from approx. 9.5m as originally submitted, to approx. 8.3m. This reduction has been achieved by dropping the ceiling heights and also the eaves. The proposed development is set back from the building line but will not be prominent when viewed from Caestory Avenue. It will relate to the existing dwellings on The Willows to the south-east of the site when viewed from the adjacent public open space and it is not therefore considered that the proposed dwelling will appear incongruous within the local street scene - especially as the ridge line is now more in line with the heights of the other dwellings in the vicinity. An external chimney that was originally proposed has also been omitted from the scheme and the secondary garage element with accommodation above is now lower meaning that this part of the building is now 0.5m lower than as originally submitted.

5.2.3 The retention of six of the eight existing birch trees on the site is welcomed and will further help to soften the overall impact of the development and also screen the property from views from the south-west.

5.2.4 Overall, it is considered that following amendments, the proposed new dwelling now is in keeping in terms of design and scale with the character and appearance of the surrounding area and the proposed development is not therefore considered to be in conflict with LDP Policy DES1 or the advice in PPW.

5.3 Highway Safety

5.3.1 The existing plot will be separated into two individual residential properties, with a shared vehicle/pedestrian access serving both dwellings off Caestory Avenue as in the current arrangement for No. 6 - i.e. no change is proposed to the access off the public highway to the properties. The shared use driveway is proposed to be 3.6m wide and will be approximately 30m in length. At this point it will become the private drive for the new dwelling and accessed via an automated gate. The existing property will be served by three dedicated parking spaces. The proposed dwelling will include a double garage and additional parking to cater for three vehicles. No vehicle tracking information has been submitted by the applicant as requested by Highways. However, the proposal includes a turning head, approximately 5m x 5.5m, adjacent to the shared use driveway, for use by the existing house. A turning area of similar dimensions is also included adjacent to the double garage at the proposed dwelling. For a dwelling of the size proposed in this application the parking and turning arrangements are considered to be acceptable and it is also considered that increased use of the access for one additional dwelling will not significantly affect highway safety.

5.4 Residential Amenity

5.4.1 The proposed dwelling has been designed so as to avoid overlooking of neighbouring gardens and dwellings from habitable rooms. Furthermore, there is a distance of at least 11m between all elevations of the new dwelling and the boundaries with neighbouring properties. There will be approximately 30m between any windows on the proposed new dwelling and the existing dwellings on Caestory Avenue. The Juliette balcony on the south west elevation referred to by a neighbour and the Community Council overlooks a public open space and will not therefore harm the residential amenity of the neighbouring dwellings at The Willows. The distances between the proposed new dwelling, habitable windows and neighbouring gardens and dwellings is considered to be sufficient so as not to lead to a significant loss of privacy for any occupiers.

5.4.2 In terms of the new dwelling having an overbearing impact on the neighbouring occupiers, the height has now been reduced to 8.3m which is similar to a standard two storey dwelling, rather than 9.5m as originally submitted and the secondary garage element also reduced in height. As

such, the massing and bulk of the proposed dwelling at the distances away from neighbouring dwellings mentioned above, is not considered likely to have an overbearing impact on these occupiers. It is therefore considered that the proposed new dwelling will not harm the residential amenity of the any neighbouring occupiers and therefore is in accordance with Policy EP1 which relates to local amenity.

5.5 Ecology and Trees

5.5.1 The application has been amended so that 6 of the 8 existing Birch trees which have been identified as of moderate value are now to be retained. This has been achieved by re-routing the access around the trees and also reducing the parking and turning area. The root areas of the retained trees will be in the line of the proposed access and therefore it is advised that the construction of the driveway and parking area affecting these trees uses a no dig technique as detailed in Arboricultural Method Statement 1 to minimise the impact on these trees. This can be conditioned. Two new trees should be planted to compensate for the loss of two existing trees.

5.5.2 A neighbour has reported seeing bats in the area and suggests that they could be living in the Birch trees. As such the trees that are to be removed should be checked for bats prior to any clearance works on site. Should bats be found then the developer will have a duty under European Legislation to not disturb or harm the bats or their resting or roosting places.

5.5.3 The section of hedgerow across the site that is to be removed is Beech and has been assessed as offering little in the way of habitat for wildlife. All of the boundary hedges are to be retained.

5.5.4 Provided that conditions to ensure the protection of the trees that are to be retained are included on any consent and an informative added reminding the developer of their responsibility in relation to bats then it is considered that the proposed development will not have an adverse impact on nature conservation and therefore complies with Policy NE1 of the LDP.

5.5 Affordable Housing

5.5.1 It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. In this case the amount required has been calculated as £27,385. The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken. It should be noted that the Council does not wish to hinder the supply of dwellings from self-builders who could be building to meet their own needs. Therefore, such self-builders will not be required to make a financial contribution.

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

5.6.1 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. The reduction in the scale of the dwelling and the retention of 6 existing trees is considered to have significantly reduced the potential impact of the proposed new dwelling on the well-being of neighbouring occupiers. The proposed development will also provide the benefit of an additional home in an established settlement which is considered to be a sustainable location.

5.7 Response to the Representations of the Community/Town Council and Other Issues Raised

5.7.1 The objections raised by the Community Council in relation to loss of trees, highways, residential amenity, design and the Well-Being of Future Generations Act 2015 have been

addressed above. It is considered that the revisions made to the proposal have overcome these objections.

5.7.2 In relation to drainage, DCWW in their consultation have identified that surface water and ground water from this development should not be discharged into the existing foul drainage system. This is a standard response from DCWW on all new residential development. Detailed drainage drawings would not be expected at the planning stage but will be covered under the Building Regulations for this scale of proposal. Foul sewage disposal would be to the mains sewers. DCWW have not indicated that there is a capacity issue with the sewers in the area and therefore it would not be reasonable to refuse the proposed development on these grounds. Connection outside the red line development boundary is commonplace and disruption will be minimal. An application to DCWW to connect to the sewer would not be made until planning consent has been secured as there is a cost involved. Again, this is normal and should not affect the determination of the planning application.

5.7.3 The Community Council have also requested various conditions be imposed should consent be granted. Conditions in relation to the construction phase of the development are not normally imposed on small developments such as this and noise and dust is in any case controlled under Environmental Health Legislation. The request for the applicant to contact the Highway Authority relating to Section 184 of the Highways Act 1980 and DCWW in relation to Section 104 Adoption Agreement (Water Industry Act 1991) are not included as conditions as they relate to separate legislation that does not require duplication.

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

Financial contribution towards affordable housing in the local area to be paid on the completion of the sale of the new dwelling. If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

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 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
REASON: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

4 The retained Birch trees shall be protected during construction in accordance with the recommendations in BS5837:2012 'TREES IN RELATION TO DESIGN, DEMOLITION AND CONSTRUCTION - RECOMMENDATIONS' by Cardiff Treescapes dated 19th March 2018 (Revised 8th May 2018).
REASON: In the interests of nature conservation and visual amenity.

INFORMATIVES

1 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

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

3 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk

This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

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Application Number: DM/2018/00308

Proposal: PROPOSED NEW DWELLING

Address: 3 THE PADDOCK, CHEPSTOW, NP16 5BW

Applicant: Mrs D Clarke

Plans: Site Plan 2256/6 - c, All Proposed Plans 2256/5 - c

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young

Date Valid: 27.03.2018

1.0 APPLICATION DETAILS

1.1 The Paddocks is a residential cul-de-sac serving 15 properties in the High Beech area of Chepstow. It is located within the Chepstow Development Boundary. There is a mix of modern two storey dwellings and bungalows.

1.2 This full application seeks the erection of a detached two storey dwelling in the side garden area of no. 3 The Paddocks. The dwelling would have a detached single garage and parking provision for three cars at the front with an access off The Paddocks. There is a public footpath running along the south west boundary of the site.

2.0 RELEVANT PLANNING HISTORY

Reference Number	Description	Decision	Decision Date
DM/2018/00308	Proposed new dwelling	Pending Determination	
DC/2017/00501	To erect a wooden panel boundary fence to garden.	Approved	29.06.2017
DC/1987/00564	Conservatory And Store.	Permitted Development	03.06.1987

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
EP1 LDP Amenity and Environmental Protection

4.0 REPRESENTATIONS

4.1 Consultation Replies

Chepstow Town Council – recommend refusal:

- Out of character with the surrounding buildings
- Over development of the plot
- Plans are not detailed enough
- Proximity to neighbouring properties
- Loss of privacy and light.

MCC Housing Officer - It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. The calculation of the financial contribution that will be required is set out in the table below.

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

The Council does not wish to hinder the supply of dwellings from self-builders who could be building to meet their own needs. Therefore, such self-builders will not be required to make a financial contribution. Should this application fall into that category details of how to claim an exemption under the self-build provision are set out in B.2. of the Council's Affordable Housing Supplementary Guidance document.

A financial contribution of £29,856 will be required

MCC Highways - observations dated 18/05/2018 - The applicant has submitted further details for consideration. Revised drawing '2256/6c' demonstrates that 3 cars can be accommodated on the driveway in accordance with the Monmouthshire Parking Standards. Furthermore, it has been confirmed that the proposed dwarf boundary has been omitted from the scheme therefore will have no impact on the existing street lighting column.

Based on the aforementioned there are now no highway grounds to sustain an objection to the application provided that any planning approval is in accordance with revised drawing '2256/6c'.

MCC Highways; observations dated 08/05/18 - The proposed dwelling will be situated within its own plot by the sub-division of the land through the construction of a 1.8m high close-boarded fence. A new vehicle and pedestrian access will be provided to the property, off the existing public highway by the construction of a private driveway/hardstanding. The Applicant has provided insufficient information to allow consideration of the proposal. The Applicant should review their submission in respect of the following: The Monmouthshire Parking Standards specifies 1 car parking space to be provided per bedroom per dwelling. The drawings show 2 driveway car parking spaces and a single garage; however the garage is integral to the proposed dwelling. It should be noted that the Monmouthshire SPG for domestic garages does not consider integral garages to count towards the overall car parking provision based on the permitted development rights to convert them into additional living space. In this case the applicant is required to demonstrate that an additional car parking space can be accommodated on the proposed driveway providing a total of 3 car parking spaces. There is an existing street lighting column situated behind the public footpath at its junction with the footpath from Warwick Close. As part of the development, it is proposed to construct a 600mm high brickwork boundary wall along the rear of this existing footpath. The Applicant is therefore required to include details on the proposed relocation of the lighting column with the consent and approval of the Councils Street Lighting Engineer. In light of the above comments, we would object to the application until additional details are submitted for further consideration.

Dwr Cymru - Welsh Water - From reviewing the submission package we note the applicant is proposing to use a sustainable drainage system for the discharge of domestic surface water, we are satisfied with these proposals.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Condition relating to surface water is included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

4.2 Neighbour Notification

Letters of objection received from 18 addresses.

- Affects local ecology
- Close to adjoining properties
- Conflict with local plan
- Development too high
- Inadequate access
- Inadequate parking provision
- Increase danger of flooding
- Increase in traffic
- Increase of pollution
- Information missing from plans
- Loss of light
- Loss of parking
- Loss of privacy
- Noise nuisance
- Not enough info given on application
- Out of keeping with character of area
- Over-development
- Residential Amenity
- Strain on existing community facilities
- Traffic / Highways concerns
- Adverse effect on the character of the estate
- Insensitive infilling contrary to WG Policy
- Three parking spaces only if the garage is used
- Add to on street parking stress
- Overshadow the footpath making it dark and dangerous
- There is a covenant on the land stipulating that there is sufficient land at the front to cultivate a lawn
- Encroachment onto the pavement
- Loss of open aspect
- Direct overlooking
- Destroys the current harmonious appearance of the neighbourhood
- Garden grabbing
- Forward of the building line
- Existing covenant only allow for dwarf walls
- Adverse impact on the open and spacious character of the area
- Too close to rear boundary
- Loss of Privacy
- Visually intrusive
- Existing timber fence dominates the street scene and is intrusive
- 2 storey house is incongruous and dominates the street scene
- Contrary to Policies S1, EP1 and DES1 of the LDP
- Too close to the front boundary
- Loss of amenity space for existing dwelling
- The estate has open plan frontages
- Inadequate parking
- Overbearing impact
- Loss of view across the Severn Estuary

- Additional on street parking will result in cars driving on the wrong side of the road
- Not all the documents were displayed on the web site
- Not all residents on the street received letters of notification
- The foot path would become dark and unsafe so detrimental to community safety
- Increase in vehicular movements and the carbon footprint
- Diminution of open aspect
- Over development
- Would add pressure to mains drains and sewer system
- Many elderly and disables residents would lose access to dropped kerbs
- Impact on the skyline
- Deeds state these plots should not be subdivided
- Front boundary of the plot would be moved outwards
- There are other more suitable plots for development in Chepstow
- Contrary to PPW chapter 9
- Direct overlooking of the annexe to no 2 The Paddocks
- Loss of Sunlight
- A soak away in this location will not work because of the bedrock
- Building foundations will encroach on the footpath
- The building will obscure the lamppost
- Extra pressure on services
- Devalue property prices
- In 2007 permission was granted for an annexe to an adjoining property and a condition imposed that it not be used as a separate dwelling so approval of the current application would be discrimination
- An undesirable precedent will be set
- Contrary to the design principles of High Beech estate
- The amended plans makes the overdevelopment of the site more prevalent
- Further loss of green space
- The amended plans do not improve the situation
- Parking spaces are still too small and cars will park on the Pavement
- The road will get blocked by parked cars
- Emergency vehicles will not be able to get through
- MCC not giving due consideration to the objectors
- Inconsistent with the restrictions put on adjoining property
- Total disregard for the estates original design
- Contrary to development plan policy as it will not respect and enhance its surroundings.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site is located within the Chepstow Development Boundary within which both policies S1 and H1 presume in favour of new residential development, subject to detailed planning considerations. The plot is of sufficient size to accommodate a new residential dwelling with adequate amenity and parking provision. The principle of new residential development in this location is policy compliant.

5.2 Design and impact on the street scene

5.2.1 The Paddock is a cul-de-sac serving 16 dwellings, the land rises up slightly from Fair View and the first four dwellings along The Paddock are bungalows with all the other properties being two storey dwellings. The proposal seeks a two story dwelling between no's 2 and no 3 The Paddock on land which currently forms the residential curtilage of no. 3. The front elevation of the proposed dwelling would maintain the front building line of these two properties being set slightly forward of no 2 and slightly back behind no. 3. It is proposed that the land in front of the proposed dwelling will be kept open to allow for an open driveway at the front. The siting of the proposed dwelling will follow the established building line of the street.

5.2.2 The proposed two-storey dwelling would have an attached single garage to the side and a porch to the front. It would be finished in grey roof tiles with red brown brickwork walls. This is similar to other finishing materials in The Paddock. There would be cills throughout and headers on the principal windows. The ridge height would be approximately 7.8 metres, which is similar to the other two storey dwellings on the street. The massing of the proposed dwelling is slightly less than that of the existing two storey dwellings but the character will be very similar. The proposed dwelling will not have an adverse impact on the street scene and accords with the objectives of criterion c) of policy DES1 of the LDP, as it will respect the existing form, scale, siting, massing and materials of the other dwellings in The Paddock. The character of the street scene will be preserved.

5.3 Affordable Housing

5.3.1 LDP Policy S4 sets out that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken. The Council does not wish to hinder the supply of dwellings from self-builders who could be building to meet their own needs. Therefore, such self-builders will not be required to make a financial contribution. Should this application fall into that category details of how to claim an exemption under the self-build provision are set out in B.2 of the Council's Affordable Housing Supplementary Guidance document. In this case, a financial contribution of £29,856 would be required.

5.3.2 The applicant has confirmed that she is happy to enter into the s. 106 legal agreement for this contribution but she intends to be the permanent occupier of this property so she will be exempt from the payment, provided the term of her occupation complies with the SPG.

5.4 Highway Safety

5.4.1 The proposed dwelling would have a driveway directly off the road as does all other properties in The Paddock. There would be three off road parking spaces at the front of the property as well as garage space. The parking provision complies with the adopted Monmouthshire parking standards and MCC Highways have no objection to the proposal. There is an existing street lighting column on the western corner of the plot adjacent to the public footpath; this street light will not be affected by the proposal.

5.5 Residential Amenity

5.5.1 This plot is surrounded by residential properties. To the north of the site is the applicant's own property, no. 3 The Paddock. It has a lean-to structure and windows on the side elevation facing into the site. The first floor window serves a bathroom with opaque glass. These windows will face onto the blank gable wall of the proposed dwelling and be about 4.5m from that gable wall. It is proposed to erect a 1.8 metre high close boarded fence between the two properties but the garage of the new dwelling would also form part of the boundary. As the applicant will own both properties they will be in a position to alter the position of the existing windows if they considered lack of privacy was an issue. However the proposed relationship between the two dwellings would not result in a significant loss of privacy or overlooking due to the position of the garage and the close boarded fence.

5.5.2 Adjacent to the rear boundary of the new property to the east is 14 Warwick Close. The proposed new dwelling would be situated 9.8 metres from the common boundary. It can be seen from the site plan that the rear elevation of the proposed new dwelling faces towards the side garden of no 14 Warwick Close. There is no additional overlooking; in fact, the existing dwelling at no. 3 is much closer to the rear elevation of no 14 than the proposed dwelling.

To the south of the site is a public footpath linking The Paddock with Warwick Close. At present, there is a coniferous hedge along this boundary, which encroaches slightly over the footpath. It is proposed to replace the coniferous hedge along the southern boundary of the site with a 1.8 metre close boarded fence. To the south of the footpath is a single storey dwelling, which has an annex attached. The bungalow is set at a slightly lower level than the proposed plot. There is a timber fence along the boundary of the footpath and no windows on the side elevation of no 2. No windows are

proposed on the side elevation of the new dwelling so there would be no loss of privacy or increased levels of overlooking. There is at least 4m separating the two dwellings.

5.5.3 The proposal accords with the objectives of criteria I) of Policy DES1 of the LDP as it protects the character of the existing residential area, and maintains the high levels of privacy and spaciousness. The infilling is appropriate and does not constitute over-development. The proposal also accords with the objectives of Policy EP1 of the LDP as it protects the privacy and amenity of the occupiers of neighbouring properties.

5.6 Other Issues raised

5.6.1 Chapter 9 of PPW does refer to applications for new housing development within existing settlements where they can be located in sustainable locations. It states that there is a commitment to provide more homes. The new housing should be well integrated and considerate to existing patterns of development. The advice given says that sensitive infilling may be acceptable provided that it does not damage the area's character. This would include the impact on neighbouring occupiers and it should not result in a serious loss of privacy and over-shadowing. As explained above, the development that is the subject of this application is sympathetic to the character of the area and does not have a serious detrimental impact on existing residents. There will be no unacceptable loss of privacy or overshadowing. This proposal accords with the advice given in chapter 9 of PPW with regards to new housing provision.

5.6.2 The proposed dwelling will be set adjacent to the public footpath, replacing a coniferous hedge. It will not impact on light conditions affecting the footpath. Replacing the coniferous hedge with a 1.8m close boarded fence may even improve visibility along the path.

5.6.3 There may be covenants on the land restricting the height of walls to the front of each property but this is a private legal matter for the applicant / developer to resolve and would not be a material planning consideration.

5.6.4 The open frontage of the plot will remain with a driveway to the front.

5.6.5 Devaluation of property prices and loss of a view are not material planning considerations.

5.6.5 The increase in traffic and on local services resulting from one new dwelling would be negligible

5.6.6 The neighbour applied for an annex and not a separate dwelling so the evaluation would have been different. The plot at no.2 is much smaller and all application are determined on their merits.

5.6.7 There is sufficient land available for a soakaway, porosity tests will be required and this will be a matter for the Building Regulations.

5.6.8 The adjoining land owners were all notified by hand delivered letter and a site notice was posted.

5.6.9 No documents have been removed from the website. Superseded plans and administrative letters are made sensitive, as with all applications. The correct procedures have been followed.

5.6.10 All other issues have been covered in the main part of the report.

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

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

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

A financial contribution of £29,856 for affordable housing

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

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 No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

REASON: To ensure no surface water drains onto the highway.

INFORMATIVES

1 It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

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Application Number: DM/2018/00733

Proposal: Agricultural farm building to house farm animals

Address: Kemeys House Farm, Church Lane, Kemeys Commander, Usk

Applicant: Mr Beverly Baker

Plans: All Proposed Plans 0204/8 -

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham

Date Valid: 02.05.2018

1.0 APPLICATION DETAILS

1.1 This is an application for a new agricultural building to house cattle at an established farm in Kemeys Commander. The farm has some 80 hectares of pasture land and several existing farm buildings. Two other similar free-standing buildings are also proposed. These have been submitted under separate concurrent planning applications.

1.2 The application is presented to Planning Committee because the applicant's agent is related to a member of the Development Management Team.

2.0 RELEVANT PLANNING HISTORY

Reference Number	Description	Decision	Decision Date
DM/2018/00817	Agricultural Farm building housing farm animals.	Pending Determination	
DM/2018/00818	Agricultural farm building housing farm animals.	Pending Determination	
DC/2013/00722	Agricultural Building housing farm animals.	Approved	27.09.2013
DC/2013/00025	Agricultural building	Approved	19.06.2013
DC/2013/00026	Agricultural building	Approved	19.06.2013

DC/2012/00255	To build a new nutrient store of circular pre-cast concrete construction - 35m x 5m high, gross capacity of 1,045,000 gallons. Installation to be 3m below ground level, 3m above ground set on a 150mm base.	Approved	15.06.2012
DC/2016/00289	Agricultural building housing farm animals	Approved	12.05.2016
DC/2016/00464	Agricultural building for housing farm animals.	Approved	08.06.2016
DC/2013/00161	Retention of Nutrient Store in different location to previously approved under DC/2012/00255	Approved	05.07.2013

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 – Place Making and Design

Development Management Policies

RE5 – Intensive Livestock/Free Range Poultry Units
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
LC5 LDP Protection and Enhancement of Landscape Character

4.0 REPRESENTATIONS

4.1 Consultation Replies

Gwehelog Fawr Community Council – the Council note the concern raised by local residents and share some sympathy with the points raised.

4.2 Neighbour Notification

One representation received from no. 1 Kemeys Cottages. Objects on the following grounds;

- We are very near neighbours to this farm, and already it is a huge operation creating a lot of noise and odour. We have lived here for almost twenty years and have seen this farm grow hugely. Almost every year a new barn is built and a subsequent increase in cattle numbers now at nearly 1000.
- There is a permanent very strong and foul ammonia odour all the time and early morning loud barn scraping, and effluent pumping which is almost a continuous operation from the tank (that has not been sited in accordance with approved plans) so now we suffer a loud pumping engine on many days which runs all day.
- In the application it states that it is due to TB movement restrictions that this is being built. This was said on the last application, but the owner was then prosecuted for illegally moving cows anyway. It is just an excuse to increase this mega dairy at the expense of the surrounding land and community.

- What is the maximum permitted size of a dairy in this location? There seems to be no limits for this farm.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 Policy S10 of the Local Development Plan supports the rural economy and the principle of a new building adjacent to the main farm yard is acceptable.

5.2 Design

5.2.1 The building will be a free standing dual pitched steel framed building with a floor area of approximately 416m². It will have steel walls and a fibre cement roof. It is considered that the building will be in keeping with those adjacent to it and the rest of the buildings on the farm and has been sited so as to minimise its impact on the wider landscape. The development therefore complies with Policies RE5 and DES1 of the Local Development Plan.

5.3 Residential Amenity

5.3.1 The building will be located on an established dairy farm and on its own would have little impact on residential amenity in the locality. A near neighbour has stated that the farm is now of such a size as to be creating noise and odour. However, the building proposed in this application is relatively small and on its own is unlikely to lead to a noticeable increase in noise or odour. The building will be over 100m away from the nearest neighbouring property and on this basis it is considered that it has been sited so as not to cause unacceptable nuisance to these properties which complies with Policy RE5 of the LDP.

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

5.4.1 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.

5.5 Other Issues

5.5.1 There is no prescribed limit to what size a dairy farm can be under planning legislation. Any future expansion of the farm would be considered under Policy RE5 of the LDP which relates specifically to intensive livestock.

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.

Application Number: DM/2018/00817

Proposal: Agricultural Farm building housing farm animals.

Address: Kemeys House Farm, Church Lane, Kemeys Commander, Usk

Applicant: Mr Beverly Baker

Plans: Design and Access Statement - , All Drawings/Plans 020421 - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham
Date Valid: 14.05.2018

1.0 APPLICATION DETAILS

1.1 This is an application for a new agricultural building to house cattle at an established farm in Kemeys Commander. The farm has some 80 hectares of pasture land and has several existing farm buildings. Two other similar free-standing buildings are also proposed. These have been submitted under separate concurrent planning applications.

1.2 The application is presented to Planning Committee because the applicant's agent is related to a member of the Development Management Team.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00733	Agricultural farm building to house farm animals.	Pending Determination	
DM/2018/00818	Agricultural farm building housing farm animals.	Pending Determination	
DC/2013/00722	Agricultural Building housing farm animals.	Approved	27.09.2013
DC/2013/00025	Agricultural building	Approved	19.06.2013
DC/2013/00026	Agricultural building	Approved	19.06.2013

DC/2012/00255	To build a new nutrient store of circular pre-cast concrete construction - 35m x 5m high, gross capacity of 1,045,000 gallons. Installation to be 3m below ground level, 3m above ground set on a 150mm base.	Approved	15.06.2012
DC/2016/00289	Agricultural building housing farm animals	Approved	12.05.2016
DC/2016/00464	Agricultural building for housing farm animals.	Approved	08.06.2016
DC/2013/00161	Retention of Nutrient Store in different location to previously approved under DC/2012/00255	Approved	05.07.2013

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

RE5 LDP Intensive Livestock/Free Range Poultry Units
LC5 LDP Protection and Enhancement of Landscape Character
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection

4.1 Consultation Replies

Gwehelog Fawr Community Council - no comments received to date.

4.2 Neighbour Notification

No comments received to date.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 Policy S10 of the Local Development Plan supports the rural economy and the principle of a new building adjacent to the main farm yard is acceptable.

5.2 Design

5.2.1 The building will be a free standing dual pitched steel framed building with a floor area of 297.18m². It will have steel walls and a fibre cement roof. It is considered that the building will be in keeping with those adjacent to it and the rest of the buildings on the farm and has been sited so as to minimise its impact on the wider landscape. The development therefore complies with Policies RET4 and DES1 of the Local Development Plan.

5.3 Residential Amenity

5.3.1 The building will be located on an established dairy farm and on its own would have little impact on residential amenity in the locality. A near neighbour has stated that the farm is now of such a size as to be creating noise and odour. However, the building proposed in this application is relatively small and on its own unlikely to lead to a noticeable increase in noise or odour. The building will be over 100m away from the nearest neighbouring property and on this basis it is considered that it has been sited so as not to cause unacceptable nuisance to these properties which complies with Policy RE5 of the LDP.

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

5.4.1 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.

5.5 Other Issues

5.5.1 There is no prescribed limit to what size a dairy farm can be under planning legislation. Any future expansion of the farm would be considered under Policy RE5 of the LDP which relates specifically to intensive livestock.

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.

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Application Number: DM/2018/00818

Proposal: Agricultural farm building housing farm animals.

Address: Kemeys House Farm Church Lane Kemeys Commander Gwehelog Usk

Applicant: Mr Beverly Baker

Plans: All Drawings/Plans 020420 - , Design and Access Statement

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham

Date Valid: 14.05.2018

1.0 APPLICATION DETAILS

1.1 This is an application for a new agricultural building to house cattle at an established farm in Kemys Commander. The farm has some 80 hectares of pasture land and a several existing farm buildings. Two other similar free standing buildings are also proposed. These have been submitted under separate concurrent planning applications.

1.2 The application is presented to Planning Committee because the applicant's agent is related to a member of the Development Management Team.

2.0 RELEVANT PLANNING HISTORY

DM/2018/00733 Agricultural farm building to house farm animals.
Pending Determination

DM/2018/00817 Agricultural Farm building housing farm animals.
Pending Determination

DC/2013/00722 Agricultural Building housing farm animals.
Approved 27.09.2013

DC/2013/00025 Agricultural building Approved 19.06.2013

DC/2013/00026 Agricultural building Approved 19.06.2013

DC/2012/00255 To build a new nutrient store of circular pre-cast concrete construction - 35m x 5m high, gross capacity of 1,045,000 gallons. Installation to be 3m below ground level, 3m above ground set on a 150mm base.
Approved 15.06.2012

DC/2016/00289 Agricultural building housing farm animals
Approved 12.05.2016

DC/2016/00464 Agricultural building for housing farm animals.
Approved 08.06.2016

DC/2013/00161 Retention of Nutrient Store in different location to previously approved under DC/2012/00255
Approved 05.07.2013

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S17 LDP Place Making and Design

Development Management Policies

RE5 LDP Intensive Livestock/Free Range Poultry Units

LC5 LDP Protection and Enhancement of Landscape Character

DES1 LDP General Design Considerations

EP1 LDP Amenity and Environmental Protection

4.1 Consultation Replies

Gwehelog Fawr Community Council - No comments received to date.

4.2 Neighbour Notification

No comments received to date.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 Policy S10 of the Local Development Plan supports the rural economy and the principle of a new building adjacent to the main farm yard is acceptable.

5.2 Design

5.2.1 The building will be a free standing dual pitched steel framed building with a floor area of 416m². It will have steel walls and a fibre cement roof. It is considered that the building will be in keeping with those adjacent to it and the rest of the buildings on the farm and has been sited so as to minimise its impact on the wider landscape. The development therefore complies with Policies RET4 and DES1 of the Local Development Plan.

5.3 Residential Amenity

5.3.1 The building will be located on an established dairy farm and on its own would have little impact on residential amenity in the locality. A near neighbour has stated that the farm is now of such a size as to be creating noise and odour. However, the building proposed in this application is relatively small and on its own unlikely to lead to a noticeable increase in noise or odour. The building will be over 100m away from the nearest neighbouring property and on this basis it is considered that it has been sited so as not to cause unacceptable nuisance to these properties which complies with Policy RE5 of the LDP.

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

5.4.1 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.

5.5 Other Issues

5.5.1 There is no prescribed limit to what size a dairy farm can be under planning legislation. Any future expansion of the farm would be considered under Policy RE5 of the LDP which relates specifically to intensive livestock.

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.

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Application Number: DM/2018/00858

Proposal: Four bedroom detached property, with integral garage.

Address: 100 Hereford Road Monmouth Monmouthshire NP25 3HH

Applicant: Mr Adrian Palmer

Plans: Elevations - Proposed P3/1606/39004 - , Site Plan 2127 LP01 - , Floor Plans - Existing FFT 1606 39004 - , Ground Plan GFT 1606 39004 - , Site Layout REV A P4 1606 39004 - B, Street Scene REV A P5 1606 39004

RECOMMENDATION: Approve

Case Officer: Mr David Wong

Date Valid: 22.05.2018

1.0 APPLICATION DETAILS

1.1 The application seeks full planning consent for the construction of a new dwelling within the residential curtilage of Eldorado, 100 Hereford Road, Monmouth. The principle of the proposal has already been assessed and approved under the outline planning permission DC/2016/00519. This is a full planning application as this proposal comprises a new access arrangement; it is useful to note that the height and depth of the proposal is different from the outline permission – hence the full application.

1.2 The proposed dwelling would still be sited to the north of Eldorado and it would have a footprint measuring around 130m², which is within the parameters of the outline permission. The proposed eaves height is 4m and the overall ridge height is 8.5m, which is 500mm higher than the outline approval. Also, the overall depth of this proposal is approximately 13.5m as compared to 10m under the outline approval.

1.3 The appearance of this proposed dwelling is contemporary. In addition, it is now proposed to widen the existing access so that each of the dwellings, i.e. the existing dwelling and the proposed dwelling, will have its own individual access. It is useful to note that the outline permission was to utilise the existing access to the site to be shared between the two dwellings.

2.0 RELEVANT PLANNING HISTORY

DM/2018/00858 Four bedroom detached property, with integral garage. Pending Determination

M05959 Outline Planning Application For Detached Two Storey Dwelling And Vehicle Access Improvements Etc.
Refused 31.07.2001

M05523 Outline Planning Application for Detached Two Storey Dwelling In Proposed Building Plot.
Refused 16.03.2001

DC/2016/00519 Building plot for single detached residential dwelling.
Approved 16.02.2017

DC/2018/00112 Single detached residential development. (DC/2016/00519).
DM/2018/00858 Four bedroom detached property, with integral garage.
Pending Determination

M05523 Outline Planning Application for Detached Two Storey Dwelling in Proposed Building Plot.
Refused 16.03.2001

DC/2016/00519 Building plot for single detached residential dwelling.
Approved 16.02.2017

DC/2007/00745 Extensions & refurbishment of existing single family house with new double garage & summer house.
Approved 09.08.2007

DC/1979/00324 Extension; Approved 02.07.1979

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

DES1 LDP General Design Considerations EP1 LDP Amenity and Environmental Protection
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
NE1 LDP Nature Conservation and Development

4.0 REPRESENTATIONS

4.1 Consultation Replies

Monmouth Town Council: No objection to a property being built at the location but requested a smaller footprint and the build is out of character for the area.

Glamorgan Gwent Archaeological Trust: There is an archaeological constraint; standard conditions requested.

4.2 Neighbour Notification

One comment received:

- 1 - On the application document the proposed address for the property is 100A Hereford Road this conflicts with our address which is also 100A.
- 2 - When the site is cleared of tree stumps and hedging this work must not de-stabilise the foundations of our retaining wall and fence posts which line the full length of the north side of the development site.
- 3 - There is also a stretch of land owned by us between the proposed north boundary wall and our retaining wall which acts as a pathway for the maintenance of the retaining wall and fencing, and also provides access to our back garden. This is currently identified by our boundary tape to signify the width of the pathway.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The principle of constructing a dwelling within the residential curtilage of 100 Hereford Road has already been considered and approved by Committee under the outline approval DC/2016/00519. It is useful to reiterate that the proposed site lies within Monmouth's development boundary as designated within LDP Policy S1. Policy H1 considers that residential development is permitted within settlement development boundaries subject to detailed planning considerations.

5.2 Design

5.2.1 The proposed site is a small gap between dwellings, the newly built dwelling within the ground of 102 Hereford Road and the host dwelling (known as Eldorado, 100 Hereford Road). The overall width of the proposal is similar to that approved under the outline approval, being approximately 10m. The overall height of the proposal is 500mm higher than the outline approval. However, these changes are marginal. Also, it is considered that the bulk of the proposal would sit comfortably between the neighbouring properties, maintaining the hierarchy along Hereford Road. This would be because of the topography as the site is on a slope.

5.2.2 In terms of design, the appearance of this dwelling is modern in style. There is a good mix of dwellings with various design along this part of Hereford Road. The dwellings immediately opposite the road are more traditional in design than those dwellings alongside the application site. Also, there are dwellings of more modern design off Hereford Road e.g. Highfield Close. Therefore, this element is considered to be acceptable and would not be out of place within this part of Monmouth.

5.3 Highway Safety

5.3.1 Under the previous outline approval, it was proposed to utilise and share the existing access for the proposal and the host dwelling. This application is now proposed to widen the existing access so that each dwelling has its own access. Having consulted the Council's Highways Department, they advised that the width of the current proposed access point is significantly wider than that considered in the outline proposal. Highways want to see the width of the access reduced to approximately 4.5m maximum and a demonstration that vehicles are able to park and manoeuvre within the site to enter and exit in a forward gear.

5.3.2 In addition, Highways would like to see that the car parking provision for each property is in accordance with the Monmouthshire Parking Standards - one space per bedroom per dwelling with a maximum of three spaces per dwelling. It should be noted that integral garage parking will not count towards the overall car parking provision based on permitted development rights to convert integral garages to additional living space. It is considered that there is ample space at the forecourt area of the proposal to provide for turning and the three on-site parking spaces.

5.3.3 The applicant agrees to reduce the width of the proposed access; a retaining wall will be erected to restrict the width of the access point to approximately 4.5m. In addition, there will be at least three parking spaces within the proposed parking bay as demonstrated on the latest site layout (Site Layout Version B). These changes were then presented to the Highways Department and have been accepted. A condition will be imposed to ensure that the retaining wall remains in place in perpetuity.

5.4 Residential Amenity

5.4.1 There will be a first floor bedroom window on the side elevation of bedroom 2, facing towards the host dwelling, 100 Hereford Road. It is considered that due to the angle of this window in relation to the host dwelling, it would largely be obscured by the remaining part of the proposed dwelling. Therefore, it is unlikely to cause a significant loss of privacy to the neighbouring property.

5.5 Response to the Representations of the Town Council

5.5.1 The Monmouth Town Council has no objection to a property being built at the location but requested a smaller footprint. They also considered that the proposal is out of character for the area. It is useful to note that under the outline approval, the footprint approved parameters were 140m² to 160m² and the footprint of this proposal is approximately 120m². Therefore, this footprint of the proposal is smaller than the outline approval. The proposal is not considered to be an over development of the site and sits comfortably on the plot.

5.5.2 In terms of design, the proposal is contemporary and as stated above there is a good mix of dwellings with various designs and sizes along this part of Hereford Road. Therefore, it is not considered that this modern design is, of itself, sufficient reason to justify refusal. In addition, the submitted street scene drawing shows that the bulk, height and width of this proposal would sit comfortably in between the existing neighbouring properties. Therefore, this element is considered to be acceptable.

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

5.6.1 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' wellbeing objectives set out in section 8 of the WBFG Act.

5.7 Affordable Housing Financial Contribution

5.7.1 It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is set out in the table below. Based on the previously approved outline permission, it is required to secure a sum of £26,068.00 and the applicant has confirmed in writing that this request is acceptable.

5.8 Archaeology

5.8.1 The proposed development is in an area of known Roman and medieval activity, and whilst no structures or features are known to exist in the development area, it remains a possibility that during requisite ground works, buried archaeological remains may be encountered. Therefore, relevant conditions are requested.

5.9 Other issues raised

5.9.1 A neighbour commented that on the application document the proposed address for the property is 100A Hereford Road; this conflicts with his address which is also 100A. They also would like to make known that when the site is cleared of tree stumps and hedging this work must not de-stabilise the foundations of his retaining wall and fence posts which line the full

length of the north side of the development site. Finally, they commented that there is also a stretch of land owned by them between the proposed north boundary wall and their retaining wall which acts as a pathway for the maintenance of the retaining wall and fencing, and also provides access to our back garden. This is currently identified by their boundary tape to signify the width of the pathway. Having reviewed these comments, it is considered that these are not material considerations.

6.0 RECOMMENDATION: APPROVE subject to a section 106 Legal Agreement requiring the following:

A commuted sum of £26,068.00 is required for the Affordable Housing Financial Contribution.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

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 Before the approved development is first occupied the access shall be constructed in accordance with the approved plan.

REASON: To ensure the access is constructed in the interests of highway safety.

4 The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

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

5 No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building is first occupied.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water.

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed retaining wall along the western elevation (front) of the site. The hereby approved retaining wall shall be built in accordance with the approved details and maintained thus thereafter in perpetuity.

REASON: To safeguard the visual amenities of the area.

INFORMATIVES 1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

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

3 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September

4 The developer is advised that the provisions of the Party Wall etc. Act 1996 may be applicable to the proposal and is advised to seek appropriate advice prior to any work commencing on site.

Design Tour – June 2018

On Friday 8th June 2018 Officers and Members visited a number of sites around Monmouthshire to consider the design and impact of recent developments. The developments were discussed and opinions given as to the success of the developments and whether the design could have been improved or not. Members are now invited to discuss the sites visits and provide feedback on the tour.

The sites visited are as follows:-

Bettws Lodge, Bettws Newydd

Alterations and extensions to a Listed Building including landscaping works. Erection of home office garden building.

The Hill, Pen y Pound

Conversion of original house to 6 apartments; conversion of coach house and stables into two separate residential units. Demolition of 1970's extension block, erection of 36 new build residential units (including 10 affordable retirement apartments and 2 affordable retirement bungalows).





Park Crescent

Construction of 6 affordable flats

Morrison's supermarket, Abergavenny

Construction of supermarket

Wonastow Road housing and employment site

Development site for 370 new dwellings and 6.5ha of employment land





Quarry Road, Star Hill

Replacement dwelling in the form of an eco-house

Crick Solar Farm, Oak Grove Farm, Crick

Construction of a ground-mounted solar photovoltaic (pv) generation project and associated works

Old Forge, Llanvair Discoed

Construction of side extension to dwelling.

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/03/18

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 01.06.2018

Appeal Decision

Site visit made on 22/03/18

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

an Inspector appointed by the Welsh Ministers

Date: 01.06.2018

Appeal Ref: APP/E6840/X/17/3191589

Site address: 36 Leechpool Holdings, Portskewett, NP26 5TZ

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

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Robin Waite of Raw Engineering against the decision of Monmouthshire County Council.
- The application Ref: DC/2017/01052, dated 25 August 2017, was refused by notice dated 22 September 2017.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is the use of a domestic garage within the property as working from home for the repair of agricultural machinery, not requiring separate planning consent, but ancillary within the overall dominant primary residential use.

Decision

1. The appeal is dismissed.

Main Issue

2. This is whether the Council's decision not to issue a certificate of lawful use was well-founded.

Reasons

3. The appeal relates to the Council's decision to refuse a lawful development certificate for the use of a detached residential garage at No.36 Leechpool Holdings in Portskewett for the repair of agricultural machinery. The Council refused to issue a certificate on the basis that the use would fail to be incidental to the enjoyment of the dwelling house and that it would therefore represent a material change of use that would require planning permission. In contrast, the appellant contends that the development does not require planning permission as it would remain ancillary to the overall residential use of the property, with the use merely constituting 'home working'.
4. Whilst the planning merits are not material to the determination of the appeal, it is useful to note that the dwelling represents a semi-detached property that forms part of a cluster of residential dwellings located within an otherwise rural area of

Monmouthshire. The business use would be located within a double garage which comprises a pitched roof structure with a lean-to addition. The garage shares its vehicular access with the residential dwelling, is sited within the associated garden area and, at the time of my site inspection, contained an extensive selection of tools and plant machinery, including lawn mowers, strimmers, chainsaws and motorbikes. No large scale machinery was found at the site and it was noticeable that the restricted height of the garage would prevent the repair of tractors and other large scale machinery. Nevertheless, the evidence indicates that the repair of small and medium sized equipment would form part of the typical running of the business.

5. The appellant points to the fact that the business operates on a collection only basis and that the work would generally only involve the use of lightweight tools. Nevertheless, despite the appellant's claims that the use is more akin to a B1 use than that of a B2 assumed by the Council, there is little doubt that, given the nature of the business, even a visitor restricted operation would have potential to impact upon the residential character of the property and surrounding area. Indeed, there is a significant difference between a dwelling and the use proposed in this case, not least in terms of its effect upon visual amenity and noise generation. It is on this basis that I consider the proposed 'working from home' to be materially different to the typical examples of 'home working' from home offices referred within the appellant's evidence.
6. In this case, the business use would operate for approximately 6 hours per day between 09:00 hours and 18:00 hours, with a working week comprising up to 30 hours. Based on the foregoing, I consider that such an intensity of use would inevitably alter the overall character of the property such that it could not be considered as incidental to the enjoyment of the dwelling house. Indeed, the resulting planning unit would represent a mixed use that would require the benefit of planning permission. I have fully considered the time percentages referred within the appellant's evidence. However, whilst reflective of the fact that the residential use of the premises would continue, I do not consider that such calculations should be determinative to the assessment of whether or not the business use would remain ancillary to the overall residential use.
7. Whilst the foregoing analysis does not have any bearing on the planning merits of the proposed business use, it follows that the Council's decision to refuse to grant a certificate of lawful use or development in respect of the proposed use was well-founded and that the appeal should fail. Accordingly, I shall exercise the powers transferred to me under section 195(3) of the 1990 Act, as amended, and dismiss the appeal.

Richard E. Jenkins

INSPECTOR

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 07/06/18

Ymweliad â safle a wnaed ar 07/06/18

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22/06/2018

Appeal Decision

Hearing Held on 07/06/18

Site visit made on 07/06/18

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22/06/2018

Appeal Ref: APP/E6840/A/18/3193689

Site address: Oak Tree Farm, Old Quarry Road, Devauden NP16 6NS

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 Ms Judi James against the decision of Monmouthshire County Council.
- The application Ref DC/2016/01219, dated 21 October 2016, was refused by notice dated 10 November 2017.
- The development proposed is the siting of a temporary rural workers dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the siting of a temporary rural workers dwelling at Oak Tree Farm, Old Quarry Road, Devauden NP16 6NS in accordance with the terms of the application, Ref DC/2016/01219, dated 21 October 2016, and the plans submitted with it, subject to the conditions set out in the annex to this decision.

Application for costs

2. At the Hearing an application for costs was made by Ms Judi James against Monmouthshire County Council. This application is the subject of a separate Decision.

Procedural

3. The description in the heading above is that given on the application form. The temporary dwelling was in place at the time of my visit and reflects the details submitted. I therefore intend to treat the appeal as one for planning permission for development as originally carried out. Given that the Council and nearby residents have referred to this issue in their submissions, I have considered the appeal on this basis and am satisfied that this has not prejudiced the interests of any other party.
4. 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.

Main Issue

5. The main issue in this case is whether a mobile home to serve as a temporary dwelling in association with a rural enterprise is justified.

Reasons

6. The appeal site lies in open countryside to the south of the village of Devauden and is situated within the Wye Valley Area of Outstanding Natural Beauty (AONB). It is part of approximately 5.66 hectares of agricultural land in the ownership of the Appellant. The agricultural building on the site has been constructed by the appellant, planning permission DC/2014/00858 refers. The site is accessed from the unclassified highway which runs adjacent to the south western boundary of the land. Permission is sought for the mobile home a short distance to the south west of the agricultural building. It would serve as temporary living accommodation for the Appellant and her son to enable them to develop a bull calf rearing business for young beef production which is operated from the site.
7. Although Planning Policy Wales (PPW) requires the strict control of new houses in the open countryside, Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities confirms in paragraph 4.3.1 that one of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. TAN 6 sets out a series of tests which are applicable in all circumstances.
8. Both the Council and the appellant brought a number of other appeal decisions to my attention. The majority of these cases were located in England¹, where both the national and local planning policy and guidance differs from that used in Wales, which limits the weight that I can attach to these cases.
9. Appeal reference APP/K6920/A/14/2229559, brought to my attention by the Council, relates to an agricultural dwelling to replace a temporary caravan in Caerphilly. The circumstances in that appeal are significantly different as it relates to a permanent dwelling and the Inspector had an absence of evidence that the business was financially sound and likely to remain so. In any case I have determined this appeal on its own merits.

Functional test

10. The raising of bull calves was confirmed to be a new enterprise. It was clear from the figures produced by the Appellant that the number of calves on the site would increase over time. Whilst the numbers had not reached the level anticipated in the documents submitted as part of the planning application, intakes of approximately 25 calves in batches across the year were now planned. It was estimated that there would be around 125 calves aged from birth (or from 1 week) and one year on site within 12 months following planning permission. This would result in groups of calves at different stages in the breeding cycle in order to ensure a continuous supply of young beef throughout the year.

¹ APP/U2235/A/92/208957; APP/Y1138/A/12/2172238; APP/C3105/A/14/2219525; APP/Y9507/A/14/2228641; APP/Y1138/W/16/3145647; APP/R3325/W/15/3005120; and APP/F4410/W/14/2214370

11. The calves would be housed initially in hutches until weaned at 16 weeks. The calves would then be put out to pasture until approximately 40 weeks of age. They would then be housed in the barn until 56 weeks, after which they would be slaughtered. However during harsh weather conditions all the animals would be kept in the barn.
12. The details given to the Hearing by the Appellant confirmed that the intensive livestock rearing system which is being practiced requires constant and regular monitoring of the animals during the day and night as their health can deteriorate rapidly. The regular intake of new calves and the potential this creates for the introduction of disease also increases the need for vigilance. The Appellant advised me that from the recent batch of calves bought at market, two were sick and needed continual care.
13. It was evident from the description given by the Appellant to the Hearing that the care of the calves was constant and a physical presence on the site allows her to react immediately when problems arise.
14. At the Hearing I was provided with police reports (Doc 3) of several incidents that had occurred on the enterprise. Furthermore a neighbouring farmer informed me that she had farm machinery stolen from her farm. Whilst electronic surveillance would be a way of remotely monitoring activity on the site for security purposes, I acknowledge that such measures would not be suitable to verify the health of the individual animals.
15. The Council referred to the potential grazing arrangements with neighbouring farms. The Council is concerned that such arrangements may not be forthcoming in practice and may put the appellant's enterprise in jeopardy. Nonetheless, from the evidence provided these arrangements are not uncommon and that sufficient grazing land is available within the enterprise should additional land become unavailable.
16. I am satisfied by the evidence that the young beef enterprise gives rise to situations where immediate, regular and unpredictable care throughout the year is required to safeguard the general welfare of the livestock housed permanently in buildings. On this basis I consider that the functional test has been met.

Time test

17. As the functional test has been met it is necessary to establish if there is a need for a full-time worker. It is clear from '*Practice Guidance: Rural Enterprise Dwellings*' which supports TAN 6, that the need for new accommodation must not relate to a part-time requirement, or a requirement that does not relate to the enterprise.
18. The figures provided by the appellant and confirmed by the Council's Agricultural advisor indicate that the labour required to tend the beef calves as expressed in Standard Man Days (SMD) does warrant a full time worker. However this would be when production had reached the target of 125 head of cattle. At present stock levels the enterprise would not to my mind require a full time worker.
19. However, it is the Appellant's intention to increase the number of calves to 125 within 12 months. From the given figures, the SMD required to tend this number of livestock, together with the grass crop from the land and general management and maintenance is equivalent to a full time worker.
20. At present the young beef calf enterprise does not merit a full time worker. However, the existing shortfall is relatively modest and would be met by the growth in the

number of calves forecasted in the next financial year. The appellant clearly demonstrates knowledge and understanding of all aspects of the business and has the relevant background as outlined by the letter of support from her previous employer. I also acknowledge the various farming awards that the appellant has received. Accordingly, from the information before me the appellant has the intention and ability to continue to develop the enterprise. On this basis I consider that the proposal justifies a temporary permission.

Financial test

21. The proposed farm gross margins and budget profit and loss accounts and a Quarterly Cash flow 2016 – 19 were submitted in evidence. Whilst the farm gross margins were based on published farm management data, the enterprise predicts a profit of some £26,000.
22. It is clear from the submissions that the Appellant has assets in addition to the land at the appeal site. Whilst these assets, which include several residential properties, are not related to agriculture, funds would be available to meet the costs of the mobile home. The projected accounts show the business is able to generate a profit in respect of the young beef calves. Furthermore the appellant's publicity activities, negotiations with the NHS (Doc 6), and support from some local businesses should help in the marketing of and facilitate increased demand for the end product.
23. The Council's Planning Committee in its consideration of the planning application found discrepancies in the financial information. However, these were addressed in part during the discussion at the Hearing. The accounts supplied set out the financial picture of the business operating from the site. Although I agree with the Council that the business is unlikely to provide a level of profit in year one to provide a living for one farm worker, the figures demonstrate that the business is moving towards adequate profitability. The budget forecasts also show that the business has good prospects of becoming economically sustainable within the next few years.
24. I am satisfied that the financial affairs of the business are sound and show the increasing profitability of the enterprise. Whilst the forecasted budget figures are limited and there is some uncertainty, I nevertheless consider that the evidence is adequate to justify a temporary permission.

Other dwelling test

25. Whilst there are no buildings on the holding which are capable of conversion to residential use, there are existing dwellings within a short distance of the site, however I did not see any for sale at the time of the Hearing. The Appellant contends that only a dwelling within sight and sound of the animals would be suitable.
26. In this respect I am aware of the security issues surrounding young beef calf enterprises and the need for vigilance in respect of this. Further I also note the potential disturbance to the occupiers of neighbouring dwellings in travelling to and from the site during the night.
27. I acknowledge the advantage of being within sight and sound of the animals and therefore the proposed site of the mobile home adjacent to the calf rearing building and hutches would be the best possible location. Although there are existing dwellings relatively close to the site, there were none available which were within sight and sound of the livestock building. The other dwelling test has therefore been satisfied.

Other normal planning requirements test

28. Matters relating to the effect on the character and appearance of the area, highway safety and ecology were raised by third parties.

Character and appearance

29. The site is in a prominent and elevated location within the AONB and is visible in the local landscape, particularly during winter months. Local residents have raised concerns regarding the effect of the proposed mobile home on the character and appearance of its surroundings.
30. The existing agricultural building is a typical Yorkshire boarded clad agricultural shed which is prominent in its surroundings. The mobile home is seen in the context of this existing building and is significantly smaller in scale. Whilst the temporary building is in place, the appellant is willing to clad the building with more appropriate materials to integrate it more effectively in the landscape. I consider that more sympathetic external materials would make the temporary building appear subordinate to the existing agricultural building and would assist in blending it into its agricultural surroundings. Moreover, given the temporary nature of this proposal and with suitable landscaping, its overall impact on the landscape would be mitigated. Such matters can be secured by appropriate planning conditions.
31. I note concerns raised regarding the stockpiled material resulting from the construction of the barn and the impact this has on the local landscape. Nevertheless, the appellant intends to reuse this material within her holding to repair access tracks and construct traditional stone walls. Therefore the stockpile will reduce over time and will avoid the appellant having to import / export materials to / from the site.
32. On this basis I consider that the proposed mobile home would not appear out of character with its location and surroundings and would conserve the natural beauty of the AONB.

Highway safety

33. The access into the site is positioned along a single lane carriageway where it also acts as a passing place. During my site visit, I found visibility to be acceptable and the alignment of the road would tend to reduce the speed of most drivers. Furthermore, given the low traffic flows generated by the enterprise I agree with the Highway Authority that the increase in traffic could be accommodated on the local highway network.

Ecology

34. I was informed that the application site is located between two units of the Cobblers Plain Meadow SSSI and the countryside is used by a wide range of fauna and flora. Nonetheless, the Council's Ecologist has raised no objections in this regard and I note that the land can already be grazed by livestock.

Planning balance

35. I am satisfied by the evidence that there is a firm intention and ability to develop the young beef calf enterprise. Although I have found that the proposal would satisfy the functional, other dwelling and other planning requirement tests set out in TAN 6, the financial and time tests have not been fully proven. In these situations TAN 6 states that it would be appropriate to test the evidence by granting permission for temporary accommodation for a limited period. On this basis I conclude that a mobile home to

serve as a temporary dwelling in association with a rural enterprise is justified, in accordance with PPW and TAN 6.

Conditions

36. I have had regard to the conditions suggested by the parties in the light of Welsh Government Circular 016/2014 *The Use of Planning Conditions for Development Management*. In view of the particular circumstances of the case, the occupation of the mobile home is restricted to the appellant and the permission is limited to three years. This is in line with the guidance in TAN 6 in respect of temporary accommodation.
37. The materials to be used on external surfaces of the mobile home are required to be confirmed, in the interests of the visual amenity of the site and its surroundings. The Council also suggested a condition requiring landscape enhancement measures. Whilst I accept that the landscaping may take some time to mature, given the location of the site within the AONB I consider the condition is necessary to conserve the AONB landscape.

Conclusions

38. For the reasons given above, and having had regard to all other matters raised, the appeal is allowed subject to the conditions set out in the annex to this decision.

Joanne Burston
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms Hannah Gibbs	Landmark Chambers, Barrister
Mr Marc Willis	Willis & Co., Agent
Mr Tony Coke	APA Consultants, Agricultural Advisor
Ms Judi James	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Cllr Giles Howard	Monmouthshire County Council
Cllr Philip Murphy	Monmouthshire County Council
Cllr Mat Feakins	Monmouthshire County Council
Cllr Ruth Edwards	Monmouthshire County Council
Mr Craig O'Connor	Planning Officer, Monmouthshire County Council

THIRD PARTIES

Cllr Bob Greenland	Monmouthshire County Council Councillor, representing the Devauden Ward
J Bowen	Local resident
C Morgan	Local resident
J Jones	Local resident
D Lucas	Local resident
A Straw	Local resident
M Coulthard	Local resident
L Coulthard	Local resident
R Fox	Fox Rural, Agricultural advisor to local residents
Mr Anderson	Supporter
Ms Willis	Supporter
D Blackmore	Supporter

Documents

Doc 1	Appeal Hearing notification letter, submitted on behalf of the Council.
Doc 2	Letter of support, dated 30 May 2018, submitted on behalf of the Appellant.
Doc 3	Covering letter enclosing police reports, dated 23 May 2018, submitted on behalf of the Appellant.
Doc 4	Fight against eviction for Riverside Young Beef, petition, submitted on behalf of the Appellant.
Doc 5	Monmouthshire Livestock Auctioneers Report, dated 6 June 2018, submitted on behalf of the Council.
Doc 6	Email trail relating to potential NHS contract, submitted on behalf of the Appellant.

Annex to appeal decision APP/E6840/A/18/3193689

Schedule of Conditions 1 – 3 inclusive:

- 1) When the temporary mobile home, hereby approved, ceases to be occupied by the applicant, Ms Judi James, or after a period of 3 years from the date of this decision, whichever is the earlier, the use hereby permitted shall cease and the mobile home, structures, materials and equipment brought onto the land in connection with the temporary accommodation shall be removed and not brought back onto site.

Within 12 months of that time the land shall be restored in accordance with a scheme submitted to and approved in writing by the local planning authority.

- 2) Within three months of the date of this decision details of the materials to be used in the construction of the external surfaces of the mobile home shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 3) Within 3 months of the date of this decision details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - i) details of all existing trees and hedgerows on the land;
 - ii) details of any existing landscape features to be retained, together with measures for their protection in the course of development;
 - iii) a specification of hard surface materials;
 - iv) details of the means of enclosure;
 - v) other vehicle and pedestrian access and circulation areas;
 - vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
 - vii) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and
 - viii) a maintenance schedule for landscape planting, for a minimum period of three years.

The matters specified in i) – viii) shall be carried out in accordance with the approved details within the first planting season following the approval of the scheme by the local planning authority. The planting shall be maintained in accordance with the approved maintenance schedule for a minimum of three years from the time it is implemented.

END

Penderfyniad ar gostau

Gwrandawriad a gynhaliwyd ar 07/06/18

Ymweliad â safle a wnaed ar 07/06/18

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22/06/2018

Costs Decision

Hearing Held on 07/06/18

Site visit made on 07/06/18

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22/06/2018

Costs application in relation to Appeal Ref: APP/E6840/A/18/3193689

Site address: Oak Tree Farm, Old Quarry Road, Devauden NP16 6NS

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
- The application is made by Ms Judi James for a full award of costs against Monmouthshire County Council.
- The hearing was in connection with an appeal against the refusal of planning permission for the siting of a temporary rural workers dwelling.

Decision

1. The application for an award of costs is refused.

Procedural Matters

2. New and updated guidance has been published for awards of costs and is included as a new annex to the Development Management Manual at Section 12. The guidance revokes and replaces existing Welsh Office Circular 23/93: Awards of Costs incurred in Planning and Other (Including Compulsory Purchase Order) Proceedings ("the Circular") and takes immediate effect. Therefore I have taken into account the new guidance when making my decision.

The submissions for Ms Judi James

3. Submission were provided in writing and supplemented orally at the Hearing.
4. In summary the appellant considers that the Council acted unreasonably in refusing planning permission for the proposed development. The Council should have accepted the advice of the two agricultural consultants who stated that the development met all the relevant tests of Technical Advice Note 6: Planning for Sustainable Rural Communities (TAN 6). In giving weight to third party objections the Council failed to take into account the temporary nature of the application and failed to produce relevant and robust evidence to support their reasons for refusal. Finally the Council took some 55 weeks to determine the application, which is far too long.

The response by Monmouthshire County Council

5. Submissions were provided in writing and supplemented orally at the Hearing.

6. In summary the Council states that it acted reasonably in terms of the appeal procedure and made its decision on the application based on the planning merits of the application. Members of the Planning Committee have relevant professional experience in agricultural businesses and after reviewing the application and supporting documents considered that the proposal did not accord with TAN 6.
7. Whilst the application did take a significant time to determine, this was due to the need for the appellant to clarify certain aspects of their case. Council Officers were seeking to work in a positive and flexible manner with the appellant and no party has been subjected to unnecessary costs.

Reasons

8. The guidance advises that costs may be awarded where a party has behaved unreasonably and that the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process. The Guidance provides examples of circumstances which may lead to an award of costs against a Council. Awards may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
9. The Guidance makes clear that a local planning authority is at risk of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
10. Members of the Council's Planning Committee determined to refuse the application contrary to the officer's recommendation. Nevertheless, planning authorities are not bound to accept the recommendations of its officers. But what they are required to do, if professional advice is not followed, is to show reasonable planning grounds for taking a contrary decision.
11. In support of its case at appeal the Council produced a comprehensive statement providing a robust level of objective analysis of the scheme and its impact that the Cost Guidance requires. It is clear from the planning officer's Committee Report that members of the Planning Committee would have had regard to TAN 6, the tests of which are set out on the Council's six week statement, and also had regard to the representations made by third parties. However it is also evident that the Council reached its decision following consideration of planning policy, rather than solely in response to third party opposition.
12. Whilst the Council reached a different conclusion to the recommendation of its officers, the consideration of planning applications and appeals involve matters of judgement which at times are finely balanced. The key test is whether evidence is produced on appeal which provides a respectable basis for the Council's stance. I consider that the Council was able to substantiate its case to a reasonable extent on the reasons why it considered that a clear agricultural need was not proven and doubts over the viability on the evidence presented to them.
13. Turning to the time taken to consider the planning application. It is clear that constructive co-operation and dialogue between the parties at all stages of a planning application and appeal will minimise the risk of a costs award. The Council acknowledges that it did not determine the application within the appropriate timescale. Whilst not condoning the apparent inaction of the Council and its delay which is most unfortunate this would not seem to be a case where better communication with the appellant would have enabled the appeal to be avoided altogether. Particularly as the Council's planning officer and agricultural advisor

undertook a collaborative approach with the appellant. Furthermore, there has been no failure by the Council to produce timely, relevant and robust evidence to substantiate its stance against the development during the appeal process.

14. As such, the matter is one of disagreement between the parties which could have only been resolved at appeal. Thus the appeal could not have been avoided and no unnecessary or wasted expense was consequently incurred.

Conclusion

15. For this reason and having regard to all other matters raised, an award of costs is therefore refused.

Joanne Burston

INSPECTOR

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