

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 26 February 2018

Notice of meeting:

## Planning Committee

Tuesday, 6th March, 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 - 12
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise.	
4.1.	APPLICATION DC/2016/01146 - AMENDMENT TO PHYSICAL BOUNDARY LOCATION AND CHANGE OF USE FROM AGRICULTURAL USE TO RESIDENTIAL CURTILAGE - PLOTS D6 - D10. 7-11 JAMES JONES CLOSE, LLANFOIST.	13 - 16
4.2.	APPLICATION DC/2017/01296 - DEVELOPMENT OF 5 NO. DWELLINGS, PROVISION OF A NEW ACCESS, 14 no. PARKING SPACES AND ASSOCIATED WORKS. LAND AT CHAUCER CLOSE, CALDICOT, NP26 4FL.	17 - 24
4.3.	APPLICATION DC/2017/01449 - VARIATION OF CONDITION 6 (ALL EXISTING HEDGEROWS SHALL BE MAINTAINED AT A MINIMUM HEIGHT OF 3 METRES) - INSTALLATION OF SOLAR PANELS (APPEAL REF: APP/E6840/A/14/2212987). MANOR FARM SOLAR PARK, FIRS ROAD, LLANVAPLEY, ABERGAVENNY.	25 - 30
5.	FOR INFORMATION - The Planning Inspectorate - New Appeals 26/1/18 to 22/2/18.	31 - 32

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](http://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](mailto:registertospeak@monmouthshire.gov.uk). Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

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

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

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

### Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

### Procedure at the Planning Committee Meeting

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

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

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

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# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th  
February, 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,  
R. Harris, J. Higginson, G. Howard, P. Murphy, M. Powell and  
A. Webb

County Councillor R. John attended the meeting by invitation of the  
Chair.

### **OFFICERS IN ATTENDANCE:**

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

### **APOLOGIES:**

County Councillors D. Evans and M. Feakins

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

County Councillor J. Becker declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DC/2017/01116, as he is a member of Chepstow Town Council which currently leases the Drill Hall from Monmouthshire County Council.

County Councillor D. Dovey declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DC/2017/01116, as he is a member of Chepstow Town Council which currently leases the Drill Hall from Monmouthshire County Council.

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

The minutes of the Planning Committee meeting held on 9<sup>th</sup> January 2018 were confirmed and signed by the Chairman.

#### **3. APPLICATION DC/2008/00723 - CONVERSION OF PRE-1700 BUILDING INTO 19 APARTMENTS, DEMOLITION OF POST 1900 STRUCTURES AND BUILDING OF 31 NEW APARTMENTS AND GATEHOUSE. TROY HOUSE, MITCHELL TROY, MONMOUTH, NP25 4HX**

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

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th February, 2018 at 2.00 pm

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

- Troy House has great historical importance to the surrounding area and has sympathy with the desire to save the house.
- However, a number of concerns have been raised by local residents and town and community councillors expressing concern regarding a range of issues.
- This application, if approved, will affect an organic dairy farm and the agricultural industry in Monmouthshire could suffer.
- There are environmental concerns, flood risk issues and also concerns about the integrity and heritage of the building.
- Access to the property - There is a history of traffic using the junction. However, over the past 30 years, traffic volumes have increased considerably in the Monmouth area.
- Concern was expressed regarding the volume of traffic using the road with traffic exiting the Troy Farm junction, as it is located on a blind bend.
- Whilst there have not been many reported road traffic accidents, the chevron signs indicate that there have been road traffic accidents at this location.
- This junction is currently not being heavily used. However, approval of the application will generate a considerable increase in traffic using this junction and the lane, mixing with cattle movements which occur twice a day along the lane. There is a risk of damage to vehicles.
- If luxury apartments are being created, the access route, in its current location, is inadequate. A better, more appropriate access route should be considered.
- The local Member would like the Committee to consider refusing the application to allow an amended planning application to be put forward with a new access route that is safe for all road users.
- The local Member expressed disappointment that there is no Section 106 Agreement with the application.
- There is a strength of local feeling that whilst there is sympathy and recognition that there is a need to save Troy House and its character be protected, there are a considerable number of objections to the application that have been received. Local knowledge is important.

Mr. B. Thomas, representing objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:



## MONMOUTHSHIRE COUNTY COUNCIL

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- The application was made in December 2008 and has been subject to significant delay.
- The application is akin to a mini village in the open countryside within an area of outstanding natural beauty. The development cannot be considered in keeping with that setting.
- The application is a departure from the Local Development Plan (LDP), as it proposes a new build development in the open countryside and is contrary to local and national planning policies.
- The overriding concern is the preservation of the historic asset, namely, the building itself. Preservation at all cost and contrary to many other material considerations is not fundamental to heritage preservation.
- Detailed discussions have failed to acknowledge or remedy fundamental flaws in the application in relation to highways. The Highways audit compares the likely traffic of the development to a school, whereas the school run from these premises produced less traffic as it had been a boarding school. Nearly 30 years have passed since the building was last used as a school.
- The property is in a poor state of repair and notice had recently been issued for urgent works to be undertaken. Where there is an abandoned use there is nothing in law or policy which determines abandoned use must, or should be revived.
- The viability study was presented in December 2008. The study is 10 years out of date. Therefore, to argue that the proposal is viable is irrational. Costs have increased during this period.
- The conditions proposed in the report of the application should be addressed prior to determination of the application.
- A key concern is that little consideration has been given to the issue of traffic safety linked to Troy Farm, as it is a commercial dairy. Milking of cows is undertaken twice daily. The cows use the lane to access and leave the milking parlour for a period of between four to six hours per day for a period of eight months per annum. Heavy goods vehicles and milk tankers also visit the farm on a daily basis.
- The area is located in Flood Zone C in an undefended flood plain. It is regarded as being a highly vulnerable development within TAN 15. Such residential development should not be permitted.
- The application should therefore be refused.

Mr. G. Frecknall, applicant's agent, attended the meeting by invitation of the Chair and outlined the following points:

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- The applications have been scrutinised over a period of ten years and have been subject to requests for further information, supporting statements and reports from specialist consultants throughout that period.
- All of the information requested has been provided in agreement with the local Authority. All submitted information was subject to consultation, as required.
- In January 2009, the same scheme was presented to Mitchel Troy Community Council and the community council had supported the application, as presented.
- With regard to the access, the highways standards were subject to two independent reports by highway engineers. It had been concluded that there were no highway grounds on which the application should be refused.
- The report that has been presented to the Planning Committee is a fair and independent statement of fact and that the conclusions drawn and recommendations with conditions are reasonable and appropriate.
- A revised viability study was produced.

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

- It would be difficult to provide an alternative access to the site. A revised planning application with an alternative access route would make the whole scheme unviable. It was noted that an alternative access route was considered by the applicant. However, concerns had been identified in terms of land ownership and the cost of providing this access road. The applicant therefore decided not to proceed with an alternative access route.
- Buildings of this type, over the years, tended to be extended. Therefore, further development of this property would be in keeping with buildings of a similar nature.
- Approval of the application would restore an historic building.
- The cows will be milked at scheduled times of the day so residents will be aware of the times in which the cows are likely to be walking the lane.
- Concern was expressed that the ground floor units would be most vulnerable to flooding. The ground floor could be used as a utility area / gym where there would be less of an impact if flooding occurred.
- In terms of the viability of the scheme, viability is a material consideration when looking at restoring Troy House. An updated viability study had been undertaken. The Planning Department considers this acceptable to undertake the work that is required to restore and preserve the building.

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- Section 106 funding could not be requested in terms of this scheme.
- There are 63 parking spaces proposed and there will be at least one parking space per dwelling. The Highways Department, overall, considers that the proposed parking provision is acceptable. The site will be managed by a private management company ensuring that vehicles will be parking in the designated parking spaces.
- In terms of potential flooding of the ground floor properties, the new build development will be above the flood levels. Therefore, these ground floor units in the 1 in 100 year climate change will be flood free. The only building that would be affected by flooding would be Troy House. To change the proposal of the ground floor to accommodate a utility area / gym where there would be less of an impact if flooding occurred, this would have an impact on the inherent character of the building and some of the ground floor rooms would have to be retained as they currently are.
- Maintenance of the access track would be a civil matter for the applicant and the land owner to agree upon. In planning terms, the principle of the access is acceptable.
- Authorisation had been granted to serve an urgent works notice to the owner of Troy House. However, the Planning Department was keen to move the application forward which would address the works issues relating to Troy House. The option to serve an urgent works notice is still valid.
- Conditions should be amended to ensure vehicles delivering to the site should be accommodated from the highway during the construction period.
- The future of the building is the primary concern. This application might be the best opportunity to save Troy House.

It was proposed by County Councillor R.J. Higginson and seconded by County Councillor J. Becker that application DC/2008/00723 be approved subject to the conditions, as outlined in the report and subject to an amendment to the conditions that vehicles delivering to the site be accommodated from the highway during the construction period.

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/2008/00723 be approved subject to the conditions, as outlined in the report and subject to an amendment to the conditions that vehicles

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delivering to the site be accommodated from the highway during the construction period.

The Head of Planning, Housing and Place Shaping will notify the Welsh Government of the Planning Committee's decision.

#### **4. APPLICATION DC/2017/01336 - PROPOSED DEVELOPMENT OF 2 no. FOUR BEDROOM DETACHED HOUSES WITH ONE GARDEN STUDIO. PEN-Y-BRYN, OAKFIELD ROAD, MONMOUTH NP25 3JJ**

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

Mr. N. Tait, representing objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

- All of the surrounding properties and the Town Council object to the application on the grounds of loss of privacy and the development being overbearing.
- Local residents have been frustrated with regard to how the process has been undertaken without consideration of the existing substantial screening in the form of hedges and trees being cut down without consultation, as well as not being allowed to view the plans of the development before submission.
- Privacy and amenity – The outline planning permission did not have windows facing existing properties. Whilst the Planning Department has conditioned opaque glass on the eastern side bathrooms on the first floor, the bathroom windows on the west elevation overlooking Mr. Tait's property look directly into children's bedrooms and have not been recommended to receive opaque glass.
- The hedgerow on the western boundary with the Falstaff property is very sparse, which will affect the privacy for this property. There is an established hedge on the eastern boundary with the White Gable property that has been removed.
- Fencing should be erected, or extended to provide the White Gables and Falstaff properties with some reasonable privacy.
- Flood risk – The area is prone to flash flooding, as the geology of the area is unsuitable to provide soakaways. Any soakaways should be subject to independent testing and be connected to mains drains.
- The Summer House – At 3.3 metres in height, it will be 1.5 metres above the fence line and with the fall of the land it will be overbearing on Mr. Tait's property.
- The Welsh Government's planning guidelines for home owners indicates that any flat roof building on land around a main house must be a maximum of 2.5 metres in height. Mr. Tait asked that a condition be added to the application that the

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Summer House is two metres from the boundary and no more than 2.5 metres in height.

The applicant, Mrs. R. Sully, attended the meeting by invitation of the Chair and outlined the following points:

- Having liaised with Monmouthshire County Council's Tree Officer, work has only been carried out on vegetation that was overgrown with the approval of the Tree Officer.
- The applicant has worked to retain the trees that were valued by the Tree Officer and has agreed to supplement the area with more trees.
- The applicant has tried to address all of the objections raised at the outline planning permission stage, positioning the properties as far away as possible to the southern and western boundaries lining them up with blank elevations of neighbouring properties and garages where possible.
- The properties are significantly further away than the houses shown on the approved site plan approved under the outline planning application.
- The applicant did consult with neighbours and invited them to view the drawings. Fences were erected at the request of the neighbours with a view to allaying some of the concerns.
- The houses have been broken down into smaller elements in order to keep the impact of them to a minimum. The overall height being lower if they have smaller spans.
- The applicant has avoided putting first floor windows on the west elevation of property number 2, with the exception of one which overlooks a garage roof.
- Detailed design of drainage will be undertaken within Building Regulation guidelines.
- The Summer House is included to help with privacy screening. It is approximately 1.5 metres from the boundary and due to the angle, Mr. Tait is unlikely to see it from behind the fence.
- The applicant has done everything she can to reduce the impact on neighbouring properties.

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

- With regard to the first floor windows on property number 2, it would not be essential to provide opaque glazing at this property and this has not been conditioned to provide opaque glazing.

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- In terms of the flash flooding, the site is not located in a flood zone. The drainage issues would be a matter for Building Control to address.
- With regard to the height of the Summer House and its location to the boundary, the owner of the neighbouring property has outlined issues that relate to permitted development rights. The Planning Department considers that the height of the Summer House is acceptable and would not be significantly overbearing given the intervening distance with the rear of the property.
- There will be some impact to the neighbouring properties but it is regarded as being acceptable.
- It was considered that the conditions be amended to include all first floor side elevation windows to have opaque glazing.
- With regard to the surface water drainage, the site is not located within a flood zone. However, it was acknowledged that there can be a high level of surface water run off at the site. There is a query regarding the strata of the area and whether the rock ground conditions would allow for a surface water soakaway to work. This matter would be addressed by Building Regulations.
- Members discussed whether an additional condition be added in which drainage details should be addressed before the development takes place.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2017/01336 be approved subject to the conditions, as outlined in the report and that a condition be added regarding landscaping and the side elevation first floor windows to have opaque glazing.

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

For approval	-	11
Against approval	-	1
Abstentions	-	0

The proposition was carried.

It was also proposed by County Councillor G. Howard and seconded by County Councillor A. Webb that an additional condition be added in which drainage details should be addressed before the development takes place.

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

In favour of the proposal	-	3
Against the proposal	-	6
Abstentions	-	3

The proposition was not carried.

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We resolved that application DC/2017/01336 be approved subject to the conditions, as outlined in the report and that a condition be added regarding landscaping and the side elevation first floor windows to have opaque glazing.

**5. APPLICATION DC/2015/00936 - WIDENING OF EXISTING TRACK FOR AGRICULTURAL USE. LAND AT CARROW HILL FARM, CARROW HILL, NP26 3AU**

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

This is a retrospective planning application for an agricultural track on land at Carrow Hill Farm, Caerwent. Carrow Hill Farm is an existing, well established farm. The track is for agricultural use only and will facilitate the movement of farm machinery to land at the southern end of the farm without the need to travel along a section of narrow, steep public road.

The local member for Caerwent, also a Planning Committee Member, informed the Committee that it was necessary to create this internal access. However, regrettably, some trees were felled and some flora displaced during the process.

Having considered the report of the application and the views expressed by the local Member, it was proposed by County Councillor R.J. Higginson and seconded by County Councillor A. Webb that application DC/2015/00936 be approved subject to the two 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 DC/2015/00936 be approved subject to the two conditions, as outlined in the report.

**6. APPLICATION DC/2017/01116 - EXTENSION AND ALTERATIONS TO HALL WITH ASSOCIATED WORKS. CHEPSTOW DRILL HALL, LOWER CHURCH STREET, CHEPSTOW, NP16 5HJ**

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

The local Member for St. Mary's, Chepstow, also a Planning Committee Member, informed the Committee that some issues regarding parking provision and access on the eastern edge of the plan have been raised by local residents. The front of the Drill Hall is currently inefficient and requires alteration. Lower Chepstow has considerable

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car parking issues. There is already considerable residents parking permit provision within the Drill Hall car park.

The Head of Planning, Housing and Place Shaping informed the Committee that car parking spaces would not be removed from the car park.

With regard to a question raised in respect of the bin store, it was noted that as long as this matter is managed correctly, there should be no adverse issues arising in the future.

Having considered the report of the application and the views expressed by the local Member, it was proposed by County Councillor J. Becker and seconded by County Councillor D. Dovey that application DC/2017/01116 be approved subject to the ten 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 DC/2017/01116 be approved subject to the ten conditions, as outlined in the report.

#### **7. Appeal Decision - Upper Llananant Farm Penallt**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 3rd January 2018. Site: Upper Llananant Farm, Pentwyn Lane, Penallt.

We noted that the appeal had been allowed and planning permission was granted for the construction of a new garden storage building at Upper Llananant Farm, Pentwyn Lane, Penallt, NP25 4AP, in accordance with the terms of the application, Ref DC/2016/01206, dated 18 October 2016, and the plan submitted with it (as subsequently amended), 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 plan: Drawing No. 16.761/100/01A.
- 3) Prior to the commencement of development, details of compensatory priority habitat shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with a timetable approved by the local planning authority, and confirmation of completion of planting shall be notified to the local planning authority.



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- 4) Prior to the commencement of development, detailed proposals for the protection of trees (comprising an arboricultural method statement and a tree protection plan) shall be submitted to and approved in writing by the local planning authority. The proposals shall be implemented as approved.
- 5) Notwithstanding the provisions of schedule 2, part 1, class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and shown on the plan.

**8. New appeals received - 20th December 2017 to 20th January 2018**

We noted the new appeals received between 20th December 2017 and 20th January 2018.

**The meeting ended at 4.20 pm.**

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DC/2016/01146

## AMENDMENT TO PHYSICAL BOUNDARY LOCATION AND CHANGE OF USE FROM AGRICULTURAL USE TO RESIDENTIAL CURTILAGE - PLOTS D6 - D10

7-11 JAMES JONES CLOSE, LLANFOIST

### RECOMMENDATION: APPROVE

Case Officer: Kate Bingham  
Registered: 06/06/2017

#### 1.0 APPLICATION DETAILS

- 1.1 The application seeks to regularise an amendment to the rear boundaries of five dwellings on James Jones Close. The application relates to plots D6 to D10 which are now known as nos. 7-11 James Jones Close. The boundary had to be changed after a landslide. The greatest distance that the new boundary extends is approximately 7.5m further to the south than the original line. Nos. 7-9 have retained their railings as the rear boundary as per the original consent for the larger residential development; no.11 has a post and wire fence and no.10 has a timber fence and post/ mesh fencing beyond.
- 1.2 The physical boundary line of no.10 is now sited beyond that of the neighbouring dwellings but in fact, this fence is on the legal boundary line of all of the properties that were affected by the landslide. Due to the steep, sloping nature of this part of the land however, none of the other occupiers have chosen to enclose their land beyond the line of the railings that are now visible.
- 1.2 The site is adjacent to the boundary of the Abergavenny Conservation Area.
- 1.3 The application is presented to Committee at the request of the Local Member.

#### 2.0 RELEVANT PLANNING HISTORY

DC/2013/00860 – 80 dwellings (Reserved Matters). Approved 2014.

DC/2012/00810 – Residential development (Outline). Approved 2013.

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

S13 - Landscape, Green Infrastructure and the Natural Environment  
S17 – Place Making and Design

EP1 – Amenity and Environmental Protection  
DES1 – General Design Considerations  
HE1 – Development in Conservation Areas

#### 4.0 REPRESENTATIONS

##### 4.1 Consultation Responses

- 4.1.1 Former Local Member Cllr Hickman - I believe that the property with the trellis fencing should be made to replace it with the railings that match all the other properties. This would give a more pleasant view from Castle Meadows.

4.1.2 Current Local Member Cllr Howard – requests the application is presented to Planning Committee.

4.1.3 Llanfoist Community Council – General observations.

- i. It is unclear from the documents supplied to the Llanfoist Fawr Community Council who owns the land for which this permission is being sought.
- ii. The council have concerns over the stability of the bank and responsibility for maintenance in a difficult location as change of use to residential may give rise to extra planting/digging into the bank.
- iii. The council would wish to see the natural appearance of the bank maintained as this is a very prominent site, highly visible from Castle Meadows, Abergavenny. This area currently has a very pleasant riverbank scene that the council would not wish to see developed.

4.2 Neighbour Consultation Responses

3 representations received. Object on the following grounds;

- Whilst accepting a homeowner's right to security, privacy and ownership demarcation, in considering this application the authority should take into account the visual impact of the boundary finishes on Castle Meadows and ensure that they are generally in keeping with the environs of the location next to the River Usk.
- The application could set a precedent for home owners in the future to determine boundary finishes without reference to them being in keeping with the development as a whole.
- This area is now extremely open, because of the removal of a large amount of trees and shrubs, and very visible from Lynda Vista gardens, the Castle Meadows and the River Usk. The wooden fencing and trellis work is completely out of character not only for the area, but does not match, in any way the other properties on this site.
- It is not clear from this application why additional land is required. Before considering this application I would ask that officers/members refer back to the original planning consent for this development and obligations relating to appearance from Castle Meadows and ensure they are enforced.

## **5.0 EVALUATION**

5.1 Visual Impact

5.1.1 The main consideration of this application is the visual impact of the development upon Castle Meadows which is part of the Abergavenny Conservation Area. The changes to the actual boundary line as a result of the landslip have little visual impact by themselves where railings or post and wire fence have been used. However no.10 has erected a fence and then a trellis along their part of the boundary.

5.1.2 The fence and trellis have an impact on the setting of Castle Meadows as they are clearly visible from below, most notably during the winter months. However, having regard to the special circumstances of this site and the earthworks that have already been completed, it is considered that a planting buffer will, over time, adequately screen the fence. The retention of this planting buffer must be conditioned to ensure that it is retained in perpetuity. It is therefore considered that the development is in line

with Local Development Plan (LDP) Policy DES1 relating to design and HE1 relating to development in or adjacent to conservation areas.

## 5.2 Residential Amenity

5.2.1 The change to the boundary line will have little impact on the amenity of neighbouring occupiers.

## 5.3 Response to Community Council Comments

5.3.1 The application form submitted identifies the residents of each dwelling as the land owners. The area of bank outside the red line boundary shown on the plans will be maintained by Monmouthshire County Council and is part of the Green Flag management area of Castle Meadows. The future stability of the bank is not a material planning consideration to be taken into account in the determination of this current application.

## 5.4 Response to Neighbour Comments

5.4.1 The issue of the fence to the rear of no.10 James Jones Close setting a precedent for other houses on the development has been raised. It is not considered that allowing a fence to the rear of this property would set an undesirable precedent. The circumstances surrounding the alteration to the boundary of this property are unlikely to be repeated elsewhere and in any event, each planning application should be determined on its own merits. As such it is not considered that allowing this development will set a precedent that would have to be followed in the future.

The visual impact of the change to the boundary is covered in paragraph 5.1.

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

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

## 6.0 RECOMMENDATION: **APPROVE**

### Conditions:

1	The development shall be carried out in accordance with the list of approved plans set out in the table below.
2	The planting buffer, as shown on drawing no. B300 dated 30.09.2016 shall be retained in perpetuity. Any plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species as set out in the planting schedule (email dated 21 Feb 2018).
3	Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly

	authorised by this permission) shall be erected or constructed within the extended curtilages of the dwellings, 7-11 James Jones Close.
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**DC/2017/01296**

**DEVELOPMENT OF 5 NO. DWELLINGS, PROVISION OF A NEW ACCESS, 14  
no. PARKING SPACES AND ASSOCIATED WORKS**

**LAND AT CHAUCER CLOSE, CALDICOT, NP26 4FL**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Young  
Date Registered: 21/12/2017

**1.0 APPLICATION DETAILS**

1.1 The application site, which lies in the Caldicot Development Boundary, seeks the erection of a 4 bedroomed dormer bungalow and a two storey block of 4no. one bedroomed flats. This would be affordable housing provided by Melin Homes. The existing vehicular access from Longfellow Road would be used. The land to be used currently forms the residential curtilage of no 26 Station Road. Fourteen off-street parking spaces would be provided. A new 1.8m high concrete and timber fence would be provided along the northern and eastern boundaries. The brick wall along the southern boundary would be retained and the site would be open to the west. The dwellings would be finished in a red multi clay facing brick with grey concrete roof tiles. A timber shed would be provided for Plot One and the flats would have a cycle cover/ shelter.

The site is located within a C1 Flood Risk Area.

**2.0 RELEVANT PLANNING HISTORY**

DC/2015/01193 Off road parking to the front of 26 Station Road

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic planning Policies

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

Development management Policies

DES1 – General Design Considerations  
EP1 – Amenity and Environmental Protection  
H1 – Residential Development in Main Towns  
SD3 – Flood Risk  
MV1 – Proposed Development and Highway Considerations

**4.0 REPRESENTATIONS**

4.1 Consultations Replies

Caldicot Town Council – Refuse

Over development of the plot  
Parking spaces not sufficient.

MCC Housing and Communities are fully supportive of the application for 5 homes at Chaucer Close. This will be a social housing grant funded affordable housing scheme delivered by Melin Homes. The homes will be for vulnerable clients of our Social Services Department.

Welsh Water – Foul flows will communicate to public sewers and all surface water will discharge to on site soakaways. We are satisfied with this arrangement. The development is crossed by a private surface water sewer, we advise contacting the owner of the sewer prior to operational development. The site is also covered by a 90mm distribution water main. Outlines a condition relating to surface water.

Highways - The proposal in general is the development of 5 dwellings with the provision of a new access off Chaucer Close to the new domestic properties. 10 new parking spaces have been provided giving a total of 14 parking spaces to the east of Chaucer Close. The Highway Authority would like to offer “No Objection”.

GGAT - You will recall from our response to previous applications in the area that pottery kilns of Roman date have been encountered during development. The area is not in the Registered Landscape of the Gwent Levels, although it falls within the revised Archaeologically Sensitive Area and it is therefore possible that information concerning early settlement may be revealed during any development work.

However, we note that the area has been disturbed for the creation and landscaping of the current housing and other structures, and it is therefore our opinion that there will not be a need for archaeological mitigation in this case, however, there remains the possibility that previously unexpected archaeological remains may be encountered during the work. If this occurs, the developer will need to employ a project archaeologist to assess the material.

NRW – We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the scheme can meet the following requirement. We would object if the scheme does not meet this requirement.

Requirement: A revised FCA is required to demonstrate the risks and consequences of flooding can be managed to an acceptable level in accordance with Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our flood map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Severn, a designated main river.

The submitted Flood Consequences Assessment (FCA) prepared by C D Gray and Associates, dated May 2017, shows, based on a minimum site level of 7.55m AOD:

- The proposed development site is predicted to flood to a maximum depth of 2.22m, at a maximum velocity of 1.27m/s, during a 0.5% (1 in 200 year) plus climate change tidal flood event. This fails to meet the requirements of A1.14 of TAN15;
- The proposed development site is predicted to flood to a maximum depth of 2.86m, at a maximum velocity of 1.65m/s during a 0.1% (1 in 1000 year) plus climate change tidal flood event. This exceeds the tolerable limits set out in A1.15 of TAN15.

The proposed dwellings are predicted to flood to a maximum depth of between 1.67m to 2.17m, at a maximum velocity of 1.27m/s, during a 0.5% (1 in 200 year) plus climate change tidal flood event. This fails to meet the requirements of A1.14 of TAN15;



□ The proposed dwellings are predicted to flood to a maximum depth of between 2.31m to 2.81m, at a maximum velocity of 1.65m/s during a 0.1% (1 in 1000 year) plus climate change tidal flood event. This exceeds the tolerable limits set out in A1.15 of TAN15.

The FCA identifies there are extensive flood defences along the Severn Estuary which currently offer protection during the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) tidal flood events. However, when climate change over the lifetime of development is added, the defences are predicted to be overtopped during a 0.5% (1 in 200 year) plus climate change tidal flood event.

We highlight with the depths and velocities predicted in both a 0.5% (1 in 200 year) plus climate change tidal flood event and a 0.1% (1 in 1000 year) plus climate change flood event, the resulting hazard rating is classed as 'danger for all'.

Despite the mitigation measures proposed in the FCA, the proposed development is still predicted to flood during a 0.5% (1 in 200 year) plus climate change tidal flood event. This does not meet the requirements of TAN15, which states the development should be flood free in such a flood event. A revised FCA is therefore required which demonstrates the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15

#### European Protected Species

The submitted Ecological Assessment prepared by David Clements Ecology Ltd., dated May 2017, identifies 'it is thought highly unlikely that any bat roosts are present within the site boundary. It is however likely that bats occasionally forage or commute across the site.'

Therefore, we recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European protected species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required. The survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016. Please consult us again if any survey undertaken finds bats are present at the site and you require further advice from us.

#### MCC Biodiversity

##### Ecological Considerations

The application for the development proposal is informed by an ecological assessment:

Land at Chaucer Close, Caldicot, Monmouthshire. Ecological Assessment. Produced by David Clements Ecology Ltd. Dated March 2017, version 1.0

The report gives details of a desk study (including local records centre data search) and an extended phase 1 habitat survey. The survey was undertaken in March 2017; the site was found to comprise unmanaged amenity grassland (former private garden) with some scattered scrub and piles of brash and rubble. This habitat is recognised as being suitable to support reptiles and amphibians during their terrestrial phase. Due to the small scale of the development, and isolated site, I agree that a precautionary method of works to dismantle features suitable for reptiles is a suitable approach to mitigate against risk.

The report states that the site may be used by foraging and commuting bats. No structures/trees suitable for use by roosting bats are present on site. The site is in an urban location, with street lights present around the site. There are no features that are likely to be important commuting features for bats or dark corridors that should be maintained. We do not require any further information regarding bats or lighting.

I would welcome the inclusion of bird and bat boxes on the proposed development, as recommended in the report. Biodiversity enhancements should be provided to meet our

duties under planning policy, including MCC LDP Policy NE1 and supplementary planning guidance on Green Infrastructure. Suitable box locations should be agreed with the advice of an ecologist.

Based on the findings of the submitted report there should be no negative impacts on biodiversity as a result of the proposed development. If you are minded to grant planning permission for this development, then suitable conditions and information notes are advised below.

#### 4.2 Neighbour Notification

One letter received

In principle we do not object but be mindful we are looking to submit an application for a detached property at no. 28 Station Road. The closeness of Melin Homes may cause an issue with our proposal. No objection as long as it does not prejudice our future application.

### 5.0 EVALUATION

#### 5.1 Principle of the proposed development

5.1.1 The site is situated within the Caldicot Development Boundary, both Policy S1 and H1 of the LDP presume in favour of new residential development within development boundaries, subject to detailed planning considerations therefore the principal of new residential development is acceptable. The site is of sufficient size to accommodate this level of development and is surrounded by existing residential properties.

#### 5.2 Design

5.2.1 This area of Caldicot is characterised by a mixture of housing types including flats, semi-detached and detached properties which have a mix of finishing materials. The proposed flats would appear as a pair of semi-detached properties which are in keeping with the character of the area and finished in red multi clay brick with a buff coloured brick providing the detailing including headers and cills. The roof would be of dark grey concrete tiles. The dormer bungalow would be finished in similar materials and would reflect the details of the existing properties on Chaucer Close. The proposed properties would be built to DQR standards and would each benefit from a small amount of amenity space surrounding the unit. The proposed development does respect the existing form, scale, siting and materials of neighbouring properties and does comply with the objectives of Policy DES1 of the LDP

#### 5.3 Parking Provision and Highway safety

5.3.1 The proposed development would have a vehicular access off Chaucer Close. Chaucer Close which already serves 15 no. Housing Association properties and has sufficient capacity to serve 5 additional units. It is proposed to create 14 parking spaces and this includes upgrading the existing parking area. The parking provision accords with the requirements of the Monmouthshire Parking Standards and MCC Highways offer no objection.

#### 5.4 Flooding

5.4.1 The application site lies entirely within Zone C1 as defined by the Development Advice Map. The advice given in TAN 15 says that development should only be allowed in such areas if it can be demonstrated the risks and consequences of flooding can be

managed to an acceptable level. A flood consequences assessment was submitted as part of the application. Policy SD3 of the LDP states that proposals for highly vulnerable development, which includes residential development, will not be permitted in areas which may be liable to flooding. Developments within a flood plain will be required to demonstrate that:

- a) the development is or can be protected by approved engineering works and / or other flood protection measures;
  - b) such remedial measures would not cause flooding or significantly increase the risk of flooding elsewhere;
  - c) the development, including any remedial measures, can be sympathetically assimilated into the environment in terms of its siting, scale, design and landscaping;
  - d) the development does not interfere with the ability of the Environment Agency or other bodies to carry out flood control works or maintenance; and
  - e) the nature conservation interest of the water source corridor is protected and, where practicable, enhanced.
- Development resulting in additional surface water run-off and leading to an increased risk of flooding will only be permitted where adequate protection and mitigation measures are included as part of the proposal.

5.4.2 In this case the FCA failed to demonstrate, to the satisfaction of NRW, that the risks of flooding could be acceptably managed. The submitted FCA identifies there are extensive flood defences along the Severn Estuary which currently offer protection during the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) tidal flood events. However, when climate change over the lifetime of development is added, the defences are predicted to be overtopped during a 0.5% (1 in 200 year) plus climate change tidal flood event. NRW identified that with the depths and velocities predicted in both a 0.5% (1 in 200 year) plus climate change tidal flood event and a 0.1% (1 in 1000 year) plus climate change flood event, the resulting hazard rating is classed as 'danger for all'. The flood risk could be mitigated by raising the finished floor levels but they would have to be raised by over 2 metres. The raising of the ground levels to such an extent is not feasible in either financial or visual terms and would do little to prevent flooding elsewhere. In this location the risk of flooding is tidal and would result from a tidal surge in the Bristol Channel. The development site is located within the established town of Caldicot and is surrounded by existing residential properties. The development site is approximately 800 metres from the coast. The Gwent Levels are currently protected from flooding by major sea defences. Both the Severn Estuary Coastal Strategy (EA 2011) and Monmouthshire Council's Local Flood Risk Management Strategy identify this section of the coastline with a strategy to 'maintain (defences) over the next 100 years and after 2030 the defences will be improved in phases to keep pace with climate change. If the defences were to fail large areas of the Gwent Levels and a significant part of Caldicot would flood including many properties to the south of this site. At the present time the site is protected from flooding by the defences, the issue of flooding only arises if the defences are not improved in line with climate change predictions and in that case it would not only be this site that floods but also large areas of Caldicot and other settlements on the Gwent Levels. If there was over topping of the defences and the area was to flood there would be sufficient warning time to evacuate the premises especially give the distance this site is from the sea and the intervening features that would slow down the rate of flow such as the railway embankment, motorway and reens. This site is on the very edge of the flood zone. It is considered that the flood risk could be acceptably managed if a condition was imposed requiring a full evacuation plan including an appropriate alarm system. Given the small scale of this development in comparison with the whole flood area the proposal would not cause a significant level of flooding elsewhere.

5.4.3 It is recognised by officers that strictly speaking this development is contrary to the advice given in TAN15. However, given the fact that flooding even with the predicted climate

change levels is extremely unlikely during the lifetime of these dwellings and given the fact that it is likely that the sea defences will be improved overtime to protect the hundreds of homes already in this flood zone, it is not considered that the addition of five new dwellings would significantly exacerbate the flood concerns in this area. Officers seek to take a more pragmatic approach than that of NRW.

5.4.4 If Members are minded to approve this application it would need to be advertised as a departure to the Development Plan.

## 5.5 Drainage

5.5.1 It is proposed that foul sewage will be disposed of via the main sewers and that surface water will go to soakaway. Welsh Water are satisfied with this arrangement and rates of surface water flow will not be increased as a result of the development.

## 5.7 Ecology

5.7.1 An ecological assessment was submitted as part of the application. MCC Ecologists were satisfied with the findings of the report. The survey was undertaken in March 2017; the site was found to comprise unmanaged amenity grassland (former private garden) with some scattered scrub and piles of rubble. This habitat is recognised as being suitable to support reptiles and amphibians during their terrestrial phase. The report also states that the site may be used by foraging and commuting bats. No structures/trees suitable for use by roosting bats are present on site. The report recommends the inclusion of bird and bat boxes on the proposed development - this is to be welcomed and secured by condition. This is in line with the requirements of policy NE1 of the LDP. Based on the findings of the submitted report there should be no negative impacts on biodiversity as a result of the proposed development.

## 5.8 Residential amenity

5.8.1 The bungalow will be situated on the northern part of the site. Its side elevation would be approximately 13m from the rear elevation of numbers 26 and 28 Station Road. This side elevation would contain one first floor window facing towards no 26; that window would serve a bathroom and be of frosted glass. There would therefore be no direct overlooking of the properties on Station Road. Given that the proposal is for a dormer bungalow with a maximum ridge height of 7.1m and that it is 13m from the dwellings on Station Road, the new dwelling will not have an overbearing impact on the occupiers of those neighbouring properties. Beyond the northern boundary of the site are some outbuildings belonging to no.24 Station Road. There are no first floor windows proposed on the rear elevation which would face towards no 24 so there is no unacceptable level of overlooking. The fence along this northern boundary of the site will be replaced by a 1.8m high timber fence which will prevent overlooking from the ground floor windows towards no 24. The front elevation of the proposed dormer bungalow contains three habitable room windows, one at first floor serving a bedroom, these all look out over the proposed parking area and are at least 12m from the proposed flats. The flats would occupy the southern part of the site. The rear elevation, containing four windows would face onto the extensive side garden of no.28 Station Road, the windows would be approximately 1.5m from the common boundary whilst the two first floor windows do look into the garden of the neighbouring property they do not look directly towards the house and therefore privacy levels are maintained.

Although this development does extend close to the common boundary with other residential properties, it does have regard to the privacy and amenity of the occupiers of neighbouring properties and therefore accords with the objectives of Policy EP1 of the LDP.

## 5.9 Response to the Representations of the Community/ Town Council and neighbours

5.9.1 The Town Council are concerned that there is insufficient parking provision. The Monmouthshire adopted parking standards require that there be one parking space per bedroom up to a maximum of three spaces per dwelling. On this basis seven spaces are required for this development and it is proposed to provide ten off street parking spaces. The proposal therefore exceeds what is required in terms of parking provision. The Town Council are also concerned about over-development. The density of these two units is similar to other developments in the area. While little external amenity space is being provided it does meet with DQR standards. The density is further reduced by the level of parking being provided. A neighbour has no objection to the proposal provided that it does not compromise any future development potential for his plot. While all applications are determined on their merits careful consideration will have to be given to the first floor windows of the proposed flats.

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

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

### **6.0 RECOMMENDATION: APPROVE**

#### Conditions/Reasons

1. Five years in which to commence development
2. Development in accordance with the list of approved plans
3. Foul and surface water shall be drained separately
4. The works shall be carried out strictly in accordance with the "Monmouthshire County Council. Reptile Information Note. January 2015. Precautionary Method of Working for Slow Worm, Common Lizard, Grass Snake and Adder for LOW RISK SITES ONLY. Reason: To safeguard species protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010.
5. Bird nesting and bat roosting provision in line with the recommendations of the submitted report "Land at Chaucer Close, Caldicot, Monmouthshire. Ecological Assessment. Produced by David Clements Ecology Ltd. Dated March 2017, version 1.0 shall be included to provide net benefit for biodiversity conservation and comply with LDP Policy NE1 and The Environment (Wales) Act 2017.
6. There shall be no occupation of the dwellings hereby approved until details of an escape plan in the event of flooding - which will including details of a an alarm system - has been submitted to and agreed in writing with the LPA.

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DC/2017/01449

**VARIATION OF CONDITION 6 (ALL EXISTING HEDGEROWS SHALL BE MAINTAINED AT A MINIMUM HEIGHT OF 3 METRES) - INSTALLATION OF SOLAR PANELS (APPEAL REF: APP/E6840/A/14/2212987)**

**MANOR FARM SOLAR PARK, FIRS ROAD, LLANVAPLEY, ABERGAVENNY**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham  
Date Registered: 12/01/2018

## **1.0 APPLICATION DETAILS**

- 1.1 This application relates to an existing solar park between Llanvapley and Llanvetherine. The park was allowed on appeal subject to 14 conditions. Condition 6 required that all hedgerows were maintained at a height of at least 3m so as to help screen the panels from wider views.
- 1.2 Since the solar park became operational and the hedges allowed to grow vehicles exiting have found that they are unable to gain adequate visibility to safely exit Manor Farm and the field exit opposite. It is therefore proposed to amend condition 6 to allow the hedges to be trimmed to a height of 2m either side of the Manor Farm entrance. All other areas of hedgerow will remain subject to the 3m height level.

## **2.0 RELEVANT PLANNING HISTORY**

DC/2013/00006 - Construction of a solar park to include the installation of solar panels to generate up to 10MW of electricity with transformer housings. Security fencing and cameras. Landscaping with other associated works. Refused. Allowed on appeal (APP/ E6840/A/14/2212987) - 24/10/2014.

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment  
S16 – Transport

### Development Management Policies

LC5 – Protection and Enhancement of Landscape Character and Appearance  
MV1 – Development and Highway Considerations

## **4.0 REPRESENTATIONS**

### 4.1 Consultations Replies

- 4.1.1 Llanarth Community Council – Recommend refusal. It is quite clear that an original condition of the consent was that the hedge be maintained at a height of 3 metres for reasons clearly explained by the Planning Inspector. The members cannot see any reason why that condition should be changed and local residents who are extremely familiar with the site have sound and consistent reasons for their objections.

This is an unnecessary request as there is plenty of visibility from the entrance. Also it does not affect the entrance opposite.

4.1.2 Llanover Community Council – Recommend refusal. The condition concerning the height of the hedges surrounding the site was particularly important to residents because they consider that their visual amenity will be adversely affected if Condition 6 is varied.

#### 4.2 Neighbour Notification

17 comments received. Object for the following reasons;

- The Inspector's decision should continue to be adhered to with no variations.
- Believe that due consideration was given to screening and safety issues by the planning inspector when the planning application was originally considered. There have been no substantive changes since then.
- Highways did not object to the Landscape and Ecological Habitat Management Plan that showed the hedges at 3m high.
- The access was considered adequate for construction vehicles.
- The exit splay from Manor Farm is 12m wide and the height of the hedges does not affect visibility. Therefore no need to vary the condition.
- The panels are an eye sore and every effort should be made to screen the panels from view.
- Landscaping conditions are flouted and hedges routinely cut.
- MCC need to be more robust in enforcing conditions.
- The gap by the entrance to Manor Farm needs to be filled in as required by the landscape management plan.
- Hedges should be thickened on the field side and trimmed back on the road side.
- Suggest Manor Farm removes some solar panels from access roads if they are finding visibility is compromised rather than trying to change the planning consent. They could then set back the hedges and improve their visibility.
- Suggest that a road safety view mirror could be installed that wouldn't impact on the view of local residents of the solar farm.
- The hedges alongside the road do a very good job of hiding the site from anyone driving down Firs Road. However, the one place where there isn't a hedge to hide the solar panels is on the corner where the farm track meets Firs Road. Lowering the hedge height at this point will increase the already high visual impact of the site.
- Will MCC prosecute Luxcara because they have allowed Mr Foord to cut the hedges knowing that this breaches their Breach of Conditions Notice? Granting planning permission does not change the Breach of Conditions Notice order as that order was imposed on Luxcara.

#### 4.3 Other Representations

None.

#### 4.4 Local Member Representations

Cllr Sara Jones - During the original application for the solar farm a great deal of concern was raised by the visual and habitat impact from the site, and what this would mean to those that live in the vicinity as well as visitors to the local area. Whilst the application was rejected by Monmouthshire County Council, in part due to concerns



over the visual impact, the application was subsequently granted on appeal. Whilst approval was given there was very clear recognition by the Inspector that there was a visual and habitat impact from the site and, as such, imposed condition 6 on the applicant – that hedgerows be maintained at a height of 3m. As such, and given all highways issues were considered at the time of the original application, I would question the merit of amending the condition – as well as noting concern over the impact that this will have for local residents.

## **5.0 EVALUATION**

### **5.1 Principle of Development**

The fact that a condition has been imposed on a scheme does not mean that it would not be reasonable at a point in the future to vary or remove that condition subject to the relative merits of doing so having regard to normal planning considerations.

### **5.2 Visual Impact**

5.2.1 The reduction in the height of a total of 100m of hedge (50m each side of an existing access) from 3m to 2m will have a minimal visual impact of the solar park on the wider area. The panels will remain screened from views by the vast majority of the extensive amount of hedgerow surrounding the site. On a local level, a 2m high hedge will still largely screen the panels from views from passing vehicles, cyclists or walkers. As such it is not considered that the variation in condition will have a significant impact on the character and appearance of the area and the proposal therefore satisfies the requirements of Policy LC5 of the Local Development Plan.

### **5.3 Biodiversity Considerations**

5.3.1 There is no question of the hedges being removed and the maintenance of this section of hedgerow at 2m rather than 3m will have minimal impact on the continued use of the hedge by any protected species or other wildlife.

### **5.4 Residential Amenity**

5.4.1 There are no residential properties within the immediate vicinity of the area of hedgerow that is to be reduced in height that could be affected by the variation of the condition.

### **5.5 Highway Safety**

5.5.1 The reduction in hedge height from 3m to 2m will improve safety for vehicles exiting Manor Farm and the adjacent field as well as highway users driving along Firs Road. It is unlikely that an application would have been made by the landowner to vary the height of the hedge in this location if a problem with visibility was not an issue.

### **5.6 Response to Other Objections**

5.6.1 MCC Highways do not have any control over the height of hedgerows within private ownership and would not therefore comment on landscaping plans unless a new access is being proposed. When the solar park was being constructed the hedges had not yet grown up to their 3m height and therefore visibility was adequate for construction vehicles.

## 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.

## 5.8 Other Issues

5.8.1 It should be noted that the conditions and numbers on this consent will vary from those on the appeal decision notice. This is because those conditions that have already been discharged will not appear on this decision notice.

5.8.2 Enforcement action by the council is a separate issue and not a material planning consideration in the determination of this application.

## 6.0 **RECOMMENDATION: APPROVE**

### Conditions:

1	The development hereby permitted shall begin no later than 5 years from the date of this decision.
2	The development hereby permitted shall be carried out in accordance with the following approved plans: C.0444_01-B, C.0444_04-F, C.0444_06-B, C.0444_07- B, C.0444_10-B, GCS0012B, Transformer details (unnumbered) and Danfoss Inverter Technical Sheets (unnumbered).
3	Any trees or hedgerow plants which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or become otherwise defective, shall be replaced within the current planting season or the first 2 months of the next planting season, unless the local planning authority gives written approval to any variation.
4	The development shall be carried out in accordance with the approved Landscape and Ecological Habitat Management Plan. The Plan shall be monitored and a review shall be submitted in writing to the local planning authority before Year 11 of operation of the solar panel scheme; the Plan shall be reviewed thereafter in accordance with a timetable to be submitted to and approved in writing by the local planning authority.
5	Notwithstanding the requirements of Condition 5 above, all existing hedgerows shall be maintained at a minimum height of 3 metres, except the area shown on drawing no. Location Plan R J Ford 14/12/17 and Landscape Plan 1:5000 R J Ford 14/12/2017 which shall be maintained at a minimum height of 2 metres.
6	No means of external illumination or lighting shall be installed on the site without the prior written approval of the local planning authority.
7	Following the cessation of use of the site as a solar farm, or 25 years after the commissioning date, whichever is the sooner, the solar panels and all associated plant and equipment shall be removed from the land and the site shall be returned to a state suitable for agricultural use in accordance

	with the approved Decommissioning Plan, unless written approval has been granted by the local planning authority to some alternative use.
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**New Appeals 26/1/18 to 22/2/18**

<b>Local Ref</b>	<b>Appeal Site Address</b>	<b>Reason for Appeal</b>	<b>Type of Appeal</b>	<b>Date Lodged</b>
DC/2016/01219	Oak Tree Farm Old Quarry Road, Devauden , Chepstow	Refusal of planning for siting of temporary rural workers dwelling for a period of 3 years	Informal Hearing	26/01/2018
DC/2016/01233	The Firs, Clytha Road, Bettws Newydd,NP15 1JN	Refusal of alterations to house to include an additional storey, replacement rear extension, new steps and remodelling of house	Written Representation	09/02/2018
DC/2017/01265	Parklands, Llandogo, Monmouth	Refusal of new vehicular access to separate access from Holiday Let within grounds, to provide secure garden	Written Representation	15/02/2018

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