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County Hall
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NP15 1GA

Wednesday 28th March 2018

Notice of meeting:

Planning Committee

Tuesday, 10th April, 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/2017/00829 - PROPOSED NEW DWELLING. 20 CROSSWAY, ROGIET.	17 - 26
4.3.	APPLICATION DC/2017/01405 - DEMOLITION OF HOUSE AND CONSTRUCTION OF A REPLACEMENT FAMILY HOME. RED HOUSE FARM, TAL Y COED, NP25 5HR.	27 - 36
4.4.	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.	37 - 42
5.	FOR INFORMATION - The Planning Inspectorate.	
5.1.	Appeal decision 5 Welsh Street, Chepstow.	43 - 46

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

Public Information

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

Access to paper copies of agendas and reports

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Watch this meeting online

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Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

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

Our Values

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

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

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

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

Purpose

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

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

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

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

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

Decision-making

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

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

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

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

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

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

Main policy context

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

Policy EP1 - Amenity and Environmental Protection

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

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

Policy DES1 – General Design Considerations

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

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

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

Supplementary Planning Guidance (SPG):

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

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (adopted March 2016)
- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017

National Planning Policy

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

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

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

Other matters

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

Planning (Wales) Act 2015

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

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

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

Environmental Impact Assessment Regulations 2016

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

Conservation of Species & Habitat Regulations 2010

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

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

Well-being of Future Generations (Wales) Act 2015

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

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

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

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

Equality Act 2010

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

Children and Families (Wales) Measure

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

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

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

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

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

Applicants

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

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

Procedure at the Planning Committee Meeting

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

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

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

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 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 9th 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.

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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:

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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 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 xx 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/2017/00829

PROPOSED NEW DWELLING

20 CROSSWAY, ROGIET

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 18/07/2017

1.0 APPLICATION DETAILS

1.1 This application, for a two story dwelling, was approved by Members of Planning Committee in December 2017 subject to the applicant entering into a section 106 legal agreement to provide a financial contribution of £9,982 for affordable housing in the local area. The previous report is attached below. Following Committee, the Council's Legal Services team were instructed to draft up the Section 106 Agreement and the applicant's legal representatives notified.

2.0 Representations from the applicant's agent.

"I am concerned at the effect of your Social Housing (SH) Contribution policy on the deliverance of your Housing policies. In effect the tax of a SH contribution is precluding the bringing forward to the market of small infill sites throughout the County. We are aware of one site where the client decided not to construct a dwelling, but to retain the land as garden directly as a result of the SH contribution requirements.

Any SH contribution policy should be fair to all applicants, and where a Viability calculation shows a loss, the Authority should not be seeking a SH contribution in spite of the figures. The lack of economies of scale on small, individual plots, where house prices are not high, will in almost every case result in a nil SH contribution. This is the case here, where the amended new house calculation below shows a loss of £4,438. It is probable that the property would be bought by a small local builder, treating his "profit" as his wage for the project, only thus making it viable. The client has already had one offer where the purchaser backed out after accurately costing the work. Alternatively, it may be bought by a self-builder who would live in the house.

I have obtained up to date Valuations from the Agent. Where there is a range of values, I have in all cases taken the lowest figures to be consistent, given that the higher figures would be on asking figures, not necessarily actual purchase figures.

I also requested values for the existing building, which is an integral part of the project and therefore these costs must be included. No 20 would require repair etc., expenditure of about £40k including VAT, to achieve a value as a mid terrace of £190k. Its present value would be £165k, giving an effective reduction in value of £15k, which must be added to the dwelling shortfall of £4,438, giving a total Project shortfall of £19,438. This shortfall is even worse if the ACG figures are included, the shortfall would be £37,456

I would be grateful if your Authority would reconsider this application in the light of the above financial information."

3.0 Response from MCC's Senior Housing Strategy & Policy Officer

'I have had a look at the viability appraisal for the above site. Running the figures through the Development Appraisal Toolkit (DAT) gives a Residual Value (RV) of £5,000, therefore, the site is unviable.

I have disallowed the £50,000 purchase price for the land as this is garden land that the applicant didn't have to buy. I have also reduced the profit to the 22% that is in the DAT.'

4.0 Planning Officer Comments

4.1 The viability report submitted by the applicant is attached as Appendix B. These figures indicate that it is not viable for this development of a small single dwelling to make any financial contribution towards affordable housing. MCC's Senior Strategy & Policy Officer (Housing) agrees with this assessment.

4.2 The planning application is now presented to Members with a recommendation for approval as per the previous report but without a contribution for affordable housing.

RECOMMENDATION: APPROVE SUBJECT TO THE CONDITIONS OUTLINED IN THE PREVIOUS REPORT.

Previous Report (December 2017)

1.0 APPLICATION DETAILS

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

1.2 The site lies within the Rogiet Village Development Boundary.

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

2.0 RELEVANT PLANNING HISTORY

None Found

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Special Distribution of New Housing Provision

S4 – Affordable Housing Provision

S13 - Landscaping, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

S16 - Transport

Development Management Policies

H2: Residential Development in Main Villages

EP1: Amenity and Environmental Protection

NE1: Nature Conservation and Development

DES1: General Design Considerations

MV1: Proposed Development and highway considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Rogiet Community Council – no reply to date.

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

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

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

MCC Housing Officer - It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is set out in the table below (not supplied here).

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

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

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

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

4.2 Neighbour Notification

Letters from two addresses received.

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

Adverse impact on the visual appearance of the area
Overspill car parking would end up on the road to the detriment of highway safety
Unneighbourly form of development
Adverse impact on the amenity of surrounding properties
Overbearing Impact
The occupiers of the property opposite lease their drive to Western Power and therefore cannot park on their drive and have instead to park on the road; this is difficult as the occupier is disabled
Double parking reduces the carriageway width making negotiating the road difficult.
Many children use the road and the adjacent pavement. Cars may mount the pavement to get past and this may lead to an accident occurring.
Overlooking and loss of privacy for the property opposite.

5.0 EVALUATION

5.1 Principle of the proposed development

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

5.2 Design

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

5.3 Residential Amenity

5.3.1 The main property to be affected by this proposal is no 22 Crossways, which is on the eastern boundary of the proposed plot. No 22 has a driveway to the side, two ground floor windows on the side elevation and a rear extension. There is also a single garage set further back in the plot. The fact that there is a 4.8 metre driveway to the side of no 22 and that the two small windows of the side elevation do not serve a habitable room means that the proposed two story dwelling would not have a significant negative impact on the adjoining property in respect of being overbearing. In addition, the proposed new dwelling would be set 1.2 metres from the common boundary resulting in there being at least 5 metres between the two

properties. The proposal would not result in overdevelopment and would not have a significant adverse impact on the amenity or outlook of the occupiers of no. 22. There would be no windows on the side elevation of the proposed house and therefore there would be no issue with reduced privacy. At present the existing house at no. 20 has two windows on the side elevation, both serving the hall and landing, these windows would be lost leaving the landing and stairs with no natural daylight. Given that these are not habitable rooms the situation is acceptable. The property opposite is no 11. The proposed new dwelling would face onto the driveway of that property resulting in no direct overlooking or loss of outlook. There is a road between no 11 and the proposed new dwelling. The siting of the new dwelling would maintain reasonable levels of privacy and amenity for the occupiers of neighbouring properties. The development does have regard to the privacy, amenity and health of the occupiers of neighbouring properties and therefore accords with Policy EP1 and criterion d) of Policy DES1 of the LDP.

5.4 Parking Provision

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

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

5.5 Affordable Housing

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

5.6 Drainage

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

5.7 Biodiversity

5.7.1 The proposal involves demolition of a corrugated metal sheeted detached garage and a single storey, single skin flat-roofed extension, neither of which have a loft space. The existing dwelling is well maintained with tightly fitting uPVC fascia, soffits and verges. It does have cavity walls but there are no apparent openings or cracks in the wall or the mortar. There is no internal roof lining but there is electric light to the loft. The property is located within a high density residential area with street lights outside. There is a row of trees along the motorway verge approximately 160 metres north of the dwelling. It would appear that there is little potential for a bat roost in the main house, the garage or the flat roofed extension. An informative can be put on the decision notice if this application is approved, referring to the need to protect bats.

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

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

5.9 Conclusion

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

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

Conditions

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

Informatives

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

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

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

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New Dwelling, 20 Crossway Rogiet - Development Appraisal 21 Feb 2018

Costs					
Purchase Land				40,000	
Planning Fees				390	
Surveys			950	950	
Construction Cost					
Demolition of outbuildings,				3,000	
House		91.3sq m	£900/sq m	82,170	
Parking for 5 cars				4,000	
Dropped kerbs to County surveyors requirements				2,000	
Drains/Attenuation, including taking surface water drains to the rear of the property				1,000	
Services/Trenches				2,000	
External paths				1,000	
Garages				0	
Contingencies			2,500	2,500	
Building Regulations				1,098	
Professional Fees	Const Cost	82,170			
Architect @ 6%		0.06	4,930	4,930	
Engineer			750	750	
QS					
CDM				600	
Interest				500	
Non recoverable VAT on fees		7,230	1,446	1,446	
Overall New House Total				146,888	146,888
					ACG value £161,600
Income/Value (OMV)				185,000	161,600
profit				38,112	14,712
Allowance for developers profit and marketing costs @ 23%				(42,550)	(37,168)
PROFIT/LOSS				(4,438)	(22,456)
NEW DWELLING SHORTFALL = £4,438 ACG VALUE SHORTFALL = £22,456					
Existing Value of no 20	165,000				
Repair etc costs, incl VAT	40,000				
Total	205,000				
Value of No 20 as mid terrace in good condition	190,000				
Shortfall	15,000			(15,000)	(15,000)
			TOTAL	(19,438)	(37,456)
PROJECT SHORTFALL = £19,438 / ACG SHORTFALL £37,456					
(NO AFFORDABLE HOUSING CONTRIBUTION)					
R/L/2240/DevCosts/21Feb18					
Liddell+Associates Ltd Stuart House The Back Chepstow NP16 5HH Tel 01291 627417 mail@Liddellarchitects.com					

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DC/2017/01405

DEMOLITION OF HOUSE AND CONSTRUCTION OF A REPLACEMENT FAMILY HOME

RED HOUSE FARM, TAL Y COED, NP25 5HR

RECOMMENDATION: APPROVE

Case Officer: Jo Draper

Date Registered: 12/01/2018

1.0 APPLICATION DETAILS

1.1 The application site is a farmhouse within close proximity of the Grade I listed building, Talycoed Court, although the distance and intervening characteristics prevent this from having any impact upon the setting of this Listed Building. The application site is, however, within the grounds of a Registered Historic Park and Garden and there is a public right of way that crosses in front of the site to the east.

1.2 Ty Coch (Red House) is a vacant farmhouse with assorted sheds and farm structures that have fallen into a state of disrepair. It is surrounded by planted woodland that was once acres of fields and orchards. The existing dwelling sits within 60 acres of park and farmland. The house is accessed from the south by a private road that cuts past the Court and several fields which continue to be used as agricultural land with a grazing agreement. The house is not open to any wider viewpoints from neighbouring properties and is only visible from the public footpath that runs to the front of the existing dwelling.

1.3 This application seeks to demolish the existing farmhouse and replace it with a new dwelling of a contemporary style, drawing on the form of the existing building. The frontage is pitched with proportions reflective of an agricultural barn; there is a central lit axis that connects to a flat roofed modern element to the rear and also connects to the rebuild of an existing stone out-building.

1.4 The proposed scheme has reduced the height of the existing building and sought to use materials that are both contemporary and natural. The materials proposed include charred timber cladding to the front pitch, brick (reclaimed / stock pale/ brown brick with detailing) to the back volume, and brick/stone on feature walls and predominantly internally, reclaimed from the demolition where feasible, with stone chimney stacks.

1.5 The proposed rebuild reduces the height of the existing farmhouse which is compensated by a slightly larger footprint. This increases the house volume in the order of 6% taking into account the adjoining outbuilding which is considered part of the total residential built form (the existing volume is 1395 cubic metres, the proposed volume is 1475 cubic metres representing a 6% increase).

1.7 A landscape strategy has been presented with this proposal that aims to return the residential element of the development to a natural and soft landscape. It is proposed to remove the farmyard hardstanding where necessary and grading and planting is proposed in its place. The immediate curtilage will undergo extensive greening and the soft landscaping will include ornamental shrubs and wildflower planting.

1.8 Access will remain as existing and utilise an existing agricultural outbuilding as the parking area for cars.

1.9 Supporting Information has been submitted with this application.

- A fully considered site analysis has been submitted in support of this application, this addresses the options available of either renovating or redeveloping the site, or the demolition and rebuild of the farmhouse.

- A structural feasibility report has been presented this advises upon the viability of repair and upgrading works; the objective is to achieve a building that is structurally sound and building regulations compliant. This provides a detailed assessment of all the work that is required, amongst which it reports of significant building distortion that raises concerns about the residual bearing of the main beams and joints. In summary the building has lacked basic maintenance for a considerable period of time and is in particularly poor order. It appears that little of the current building is part of the original construction and some major interventions display poor quality workmanship. The windows are relatively modern and many have been installed with poorly formed in situ concrete sub cills. In summary the report states that there are significant structural problems with all elements Significant expenditure would be required to simply remediate the current defects without giving any consideration to any upgrading of the fabric. Notwithstanding the tender exercise the structural engineer has concluded that they are of the opinion that repair and refurbishment will not be economically viable compared with reconstruction.

- There have been three estimates provided; this provides costings for the renovation of the existing building and for the demolition / new build. In the case of the renovation, out of the three quotes the cheapest price given for renovating the existing building to a modern standard was £450-500k while for the cost of demolition and new build, the lowest price for new build is £300k.

- The brief is to renovate and restore the site as a whole with a view to improving the impact of the manmade interventions on the surrounding landscape whilst retaining the character of the setting and creating a sustainable, low energy, modern family home with associated outbuildings.

- The supporting information has demonstrated in the design how they have sought to retain links between old and new for example, *“the existing rhythm of the stable façade has been refined and replicated within the proposed brickwork and fenestration”*. Also *“the design plays on the prominence of the setting, offset against the choice of materials that huddle the building into the landscape. The use of movable screens on the façade as flexible solar shading enables a constantly shifting elevation referencing the forest backdrop whilst maintaining the simplicity of the built form. Set against the charred timber, the reclaimed bricks reference the existing agricultural out-buildings and provide a link between old and new, and the solid brick form is a base that acts to offset the lighter timber structure. The combination of Welsh stone, reclaimed bricks, black aluminium framed windows and doors charred timber vertical cladding with sliding screens to serve as solar shading. Where possible both brick and stone will be reclaimed from the demolition for feature walls and chimney stacks, robust materials with weather textures which will serve to settle the development into its setting.*

- Reference is made to some exemplary award winning designs that have inspired aspects of the design that is ‘grounded by a raw material palette.’

- The proposals comprise an opportunity to enhance the surrounding landscape, while protecting the inherent relationships of form across the site and linking the main residence into the landscape context and farmhouse character. By returning to the ideal of reinstating the main residence at its historical and prominent location and enabling the out-buildings to

continue to be available for agricultural activities and stores, the land will continue to prosper under competent stewardship.

-
- The farmhouse has been added to and altered over the years.
- The proposed dwelling is highly sustainable in design. "The proposal aims to provide a modern standard of comfortable living while achieving and maintaining a low level of energy consumption and exemplary carbon emissions an aspiration is to exceed Part L of the Building Regulations.
- The sustainability strategies that underpin this proposal works on cyclical operational systems that conserves energy and reduces waste, properties of water harnessed to heat and cool the home through solar energy. The mass of the building will be used to promote cooling, maximising solar gain in winter and minimising it during the summer. (Use of brise soleils integrated into the elevations and recessed glazing will help to prevent over-heating in summer months and solar gain in winter).
- Mechanical ventilation and heat recovery system.
- High levels of insulation.
- Passive cooling system with rooflights doubling as vents through the spine of the building with adequate ventilation through the stack.
- Rainwater harvesting system (which will provide a top up for small scale irrigation on the land to help generate locally grown food and promote self-sustainable living.)
- Inclusion of a green roof system promoting flora and fauna and help store levels of rainwater
- There are other environmental credentials proposed to use "warmcell", a cellulose insulation manufactured from recycled newspaper.

This proposal has been subject to an extensive pre-application consultation and is being presented to Planning Committee at the request of the Local Member.

2.0 RELEVANT PLANNING HISTORY

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic planning Policies

S10 Rural Enterprise
S13 Landscape, Green Infrastructure and the Natural Environment
S16 - Transport
S17 – Place Making and Design

Development management Policies

DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection

H5 & H6 Replacement Dwellings in the Open Countryside and Extension of Rural Dwellings
RE2 - Conversion or Rehabilitation of Buildings in the Open Countryside for Employment Use
RE6 - Provision of Recreation, Tourism and Leisure Facilities in the Open Countryside
NE1 - Nature Conservation and Development
LC1 - New Built Development in the Open Countryside
LC5 - Protection and Enhancement of Landscape Character
GI1 – Green Infrastructure

Supplementary Planning Guidance

- LDP Policies H5 & H6 Replacement Dwellings in the Open Countryside and Extension of Rural Dwellings SPG April 2015:
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/H5-H6-SPG-April-2015.pdf>

4.0 REPRESENTATIONS

4.1 Consultations Replies

Llantilio Crossenny Community Council:

Members requested that the Clerk forward their concerns regarding this application. It is noted that this is an ultra-modern “Grand Design” that is not in keeping with anything in the area.

Members have concern that this will set a precedent for other unsympathetic dwellings in more visible locations and are uncomfortable with the extreme nature of the design.

Cadw: No response to date, to be reported as Late Correspondence, once received.

MCC Planning Policy:

I refer to the above application for the demolition of a farmhouse and erection of a new contemporary family home at Red House Farm, Tal y Coed. The site is located in the open countryside where Policy H5 relating to the replacement of dwellings in the open countryside applies. Policy H5 contains a number of detailed criteria that must be considered.

Policy H5 states at criterion a) i) that the replacement of existing dwellings in the countryside will be permitted provided that the original dwelling is not a traditional farmhouse, cottage or other building that is important to the visual and intrinsic character of the landscape. The dwelling proposed for demolition is a traditional farmhouse but has fallen into a considerable state of disrepair, a structural report has been submitted with the application. The cost of rehabilitating the dwelling and its importance within the landscape will need to be a consideration.

In addition criteria b) and d) state that the design of the new dwelling is of a form, bulk, size and scale that respects its setting and that it shall be of similar size to that replaced. The Replacement Dwellings and Extensions to Rural Dwellings in the Countryside Supplementary Planning Guidance (SPG) should also be referred to as a key consideration. Section 4 of the SPG is of particular importance. Paragraph 4.2 of the SPG (September 2014) states that ‘...any increase in the volume of the replacement dwelling over the existing will normally be no more than 30% unless it can be clearly demonstrated either that there will be no harmful intrusive impact in the landscape through the increased size of the dwelling or that there is an enhancement in the appearance of the existing dwelling, subject, in any event to the increase in volume being no more than 50%’. The Design and Access Statement submitted with the application whilst not giving any size measurements states that

the proposed new dwelling will be on the footprint of the original house and will result in an under 30% increase in the original volume of the building whilst the proposed roofline will be at a lower level. The proposed measurements of the existing and replacement dwelling will need to be established to ensure that there is compliance with Policy H5 and Section 4 of the SPG.

With regard to the design of the dwelling, paragraph 6.4 of the SPG states 'Within the broad size principles set out above, proposals for replacement dwellings will be expected to be of a good standard of design. Proposals should take account of local and traditional elements of design and materials and, where relevant, be in keeping with surrounding buildings of merit. This does not rule out a modern or innovative approach to the design of replacement dwellings provided that the proposal respects its setting and does not introduce a discordant or intrusive feature in the landscape.' Whether or not the current proposal meets these requirements will be a matter for detailed consideration.

Policy LC5 relating to Landscape Character must also be referred to along with Policies EP1 and DES1 relating to general development considerations.

Natural Resources Wales:

Summary of Conditions:

- 1: European Protected Species – to ensure delivery of proposed mitigation measures
- 2: European Protected Species– to ensure licensing matters have been properly dealt with prior to commencement of development

We have reviewed the following documents submitted in support of the application:

- *'Bat Survey - Red House Farm, Taly Coed, Abergavenny, Monmouthshire'* by Dusk to Dawn Ecology Ltd., dated November 2017
- *'Mitigation Strategy – Red House Farm'* by Richard Watkins, dated 07/12/17

We note that the building proposed for development was assessed as being used by day-roosting common and soprano pipistrelle, brown long-eared and Natterer's bats, and that lesser horseshoe bats were active on site.

On the basis of the information provided, we are of the view that the proposed development is likely to give rise to the need for a European Protected Species licence application.

However, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, provided that suitable mitigation measures are implemented.

Therefore, we recommend that planning permission should only be granted if the following can be secured through planning conditions (or legal agreement, if necessary) to any permission your Authority is minded to grant:

The scheme shall be implemented in accordance with the recommendations in the documents titled *'Bat Survey - Red House Farm, Ta y Coed, Abergavenny, Monmouthshire'* by Dusk to Dawn Ecology Ltd., dated November 2017 and *'Mitigation Strategy – Red House Farm'* by Richard Watkins, dated 07/12/17; and

Inclusion of a planning condition on any planning permission that prevents the commencement of any development works which could affect structures that contain bat roosts until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/ development to go ahead.

MCC Ecology:

Ecological Considerations (Bats)

The application for the proposal is informed by bat surveys, mitigation strategy and an ecological assessment detailed in the following documents:

Bat Survey, Red House Farm. Produced by Dusk to Dawn Ecology Ltd., dated November 2017

Mitigation Strategy, Red House Farm. Produced by Dusk to Dawn Ecology Ltd. Dated 7th December 2017.

Ecological Appraisal, Red House Farm. Produced by Dusk to Dawn Ecology Ltd. Dated December 2017.

I am satisfied that if the report recommendations are implemented, then there should be no negative impacts on biodiversity as a result of the proposed development. Planning conditions are recommended.

MCC Landscape/Heritage Team

The site lies within the highly valued landscape of the Trothy Valley (and forms part of the essential setting for Taly Coed Court (GT52). The landscape retains fieldscape patterns and most boundaries are intact. Settlement is sparse in this area, limited to a few scattered (traditional) farmsteads and country estates; most in good condition. The topography, field boundaries and traditional buildings provide (attractive) sequential and glimpsed views, and vistas of the wider Trothy Valley. This landscape has seen relatively little loss to its pre-20th century agricultural character.

The concept of sensitive development (to cloak the new dwelling into the landscape) is to essentially remove a distinctive landmark found in Monmouthshire's rural environment. We're effectively removing a traditional (farmhouse) building and replacing it with something that does not read in this context; we should be able to read the building as it was. Perversely, this approach to the development meets the policy requirements set out in LC1 & LC5: Protecting Landscape Character ((not) causing significant visual intrusion/ (no) significant change). Its impact, whether perceived as beneficial or adverse, is not significant enough to recommend refusal.

The style is a little confused and the detailing (in part) incongruous, we need to retain an element of control through conditions (for details and materials).

4.2 Neighbour Notification

Three letters of support have been received stating the following:

- Applicant is genuinely interested in doing his best for the property; and if it has been found that the state of the existing building has deteriorated beyond economic recovery, the course proposed is probably the most realistic answer.
- In favour of the proposed rebuilding.
- As one of the nearest neighbours, I believe that the secluded location of the property will mean that the modern aesthetics of the proposal will have no impact on the vernacular of the nearest dwellings and crucially be far more sympathetic to its woodland and rolling hill environment. The new building will improve the view! I am also a firm believer that a new build building should be architecturally honest rather than a faux reconstruction of a not fit for purpose previous footprint.
- As someone who walks past the property daily, there is no doubt that it's currently in a level of disrepair and some of the original architectural merit has already gone from previous occupier's alterations and repairs. The proposed plans are sensitive, been carefully and intuitively considered, of architectural merit, will bring a family home to the village and improve the landscape for neighbouring residents.
- Nice to see some sensitive architecture coming to such a beautiful area.
- The plans show a proposed construction that appears both proportional, refreshing and is sympathetic to the location that it is intended to occupy. The current farmhouse is in a very poor state and a more conservative design mimicking the current building would serve no purpose.

4.3 Local Member Representations

Requests that the application be presented to Planning Committee

5.0 **EVALUATION**

The issues that arise in the consideration of this application are as follows:

1. Principle of a Replacement Dwelling
2. Visual and Landscape Impact
3. Biodiversity

5.1 Principle of replacement dwelling

5.1.1 A fully considered site analysis has been submitted in support of this application. This addresses the options available in either renovating or redeveloping the site. The option of leaving the building as is, and renovating and extending the existing farmhouse has been fully assessed. The supporting information provided with the engineer's report and the subsequent three quotes for undertaking the two options of development (namely renovation, or rebuild and new development), demonstrate clearly that the option of renovation was unviable due to the level and cost of work required to upgrade this dwelling to modern standards.

5.1.2 The only key receptor of this site is from the public right of way that runs across the open land to the front of the dwelling. There is no doubt that the dwelling has a presence in the landscape as it is elevated and has a physical connection with the other agricultural buildings that form part of the farmhouse setting. However closer inspection reveals that this dwelling has been altered significantly over the years, as the structural report identifies there is very little that remains which is original and what is there is of a poor quality and has fallen into a state of disrepair. Notwithstanding the financial viability of renovation, the applicants have looked at this option and concluded that a renovation can devalue the prominence of the existing form with a potentially adverse impact on the farmhouse setting with the introduction of extensions and only a low level of sustainable energy saving would be possible. Given the limited value of the existing dwelling which lacks architectural merit the principle of a replacement dwelling is acceptable in this context. The visual and landscape impact of the proposed development as a minimum should meet the standard of what is there now but ideally should be an improvement in terms of detailing and overall visual impact. If this requirement is met a replacement dwelling is acceptable in this situation. The merits of the design and its impact on the surrounding landscape are addressed below.

5.2 Visual and Landscape Impact

5.2.1 The replacement dwelling has been sited immediately on the footprint of the existing dwelling. It has a frontage with a pitched roof that faces east, and there is a traditional form retained on the frontage which replicates that of an agricultural building rather than that of a traditional dwelling (unlike the existing building, the proposed dwelling does not have a symmetrical frontage including its first floor windows). The proposed replacement does like the existing dwelling having a hierarchy in its built form, with the main part of the dwelling being prevalent while having a step down on either side to ancillary elements of the building. The proposed dwelling is lower in built form than that existing and the materials used on this development darken the overall appearance of the building as the existing white render is replaced with a charred timber. This, coupled with the extensive landscaping scheme that softens the contours, does serve to assimilate this more naturalistic building into the surrounding landscape as it blends into the woodland backdrop. Furthermore, closer inspection of the dwelling reveals high quality design features with the clever use of solar

screening, hit and miss brickwork and a high quality, simple fenestration. The re-contouring of the bank enables the dwelling to sit back softly into the sloping ground. This subtle modern frontage screens a build to the rear that uses harder, traditional materials of brick and reclaimed stone from the existing development but is also the more modern residential element. There are no wider viewpoints of this but within the site this will be visible, although it would not be obtrusive because of the combination of high quality design and natural materials with some occasional nods to its past seen in the form of the out-building and use of reclaimed materials from the existing dwelling. The overall composition presents a dwelling that sits comfortable against this woodland backdrop.

5.2.2 Finally this proposal represents a significantly improved building in terms of environmental credentials; some of these would be internal concerning the natural heat regulation and rainwater harvesting, but there are environmental credentials that are intrinsic to the external design, including the solar shading use of brise soleils, high quality fenestration and green roof and the landscape strategy of wildflower planting has created a development that has responded positively to its environment and would be appropriate to its context and landscape.

5.2.3 This proposed replacement dwelling would have a presence in the landscape, although it would be lower in height than that existing, with a darker palette which makes it less prominent. The proposed dwelling still has a presence that brings together features and materials associated with traditional rural and agricultural buildings. This is considered to be an exemplar design, and a closer look reveals design features that are both interesting and sensitive to its environs. This is an exciting, high quality, sustainably-designed proposal that retains the relationship and presence of the main dwelling while respecting the existing physical and contextual connection with the existing agricultural buildings on site. This development is an improvement in terms of landscape impact, overall design, and environmental credentials than the existing development and complies with relevant planning policy in this case.

5.3 Biodiversity

5.3.1 The Conservation of Habitats and Species Regulations 2010 (as amended)

European Protected Species – Three Tests

In consideration of this application, European Protected Species (bats) will be affected by the development and it has been established that a derogation licence from Natural Resources Wales will be required to implement the consent. Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) 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 have been considered in consultation with NRW / Council Biodiversity and Ecology Officers as follows:

(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.

The dwelling is no longer viable to retain and to leave it to become ruinous will eventually lead to its demolition and the loss of a residential unit which is not in the public interest.

(ii) There is no satisfactory alternative

The evidence has been provided that demonstrates that it not viable to renovate and restore the existing dwelling. The new dwelling is significantly financially more viable and retains a dwelling in this location. The option of retaining the existing building as an empty ruin and redeveloping elsewhere is potentially more intrusive on the landscape and raises concern over an abuse of the planning system. The option of 'do nothing' will

result in the development becoming ruinous and eventually being removed totally. There is no satisfactory alternative.

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. *The mitigation that has been submitted and the conditions that are recommended relating to a method statement and lighting ensure that this test has been met.*

In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard for the advice of Natural Resources Wales and the Council's own Biodiversity Officers, it is recommended that planning conditions are used to secure the following:

1. *Compliance with the submitted mitigation*
2. *Condition for a detailed method statement*
3. *Lighting condition*

5.4 Response to the Representations of the Community Council

This is addressed above

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

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 to be undertaken in accordance with plans
3. Permitted Development rights removed for solar panels
4. Works shall be carried out in accordance with the mitigation described in the submitted reports "*Bat Survey, Red House Farm. Produced by Dusk to Dawn Ecology Ltd. dated November 2017*"; "*Mitigation Strategy, Red House Farm. Produced by Dusk to Dawn Ecology Ltd. Dated 7th December 2017*"; and "*Ecological Appraisal, Red House Farm. Produced by Dusk to Dawn Ecology Ltd. Dated December 2017.*" And as shown on the plans "*Ecology & Lighting Strategy Plan, Red House Farm. Produced by Westworks. Drawing Number W0282, dated 15th February 2018*" and "*Landscape Plan, Red House Farm. Produced by Westworks. Drawing Number 0101, dated 14th February 2018, Revision 1*"
5. The hereby permitted works shall not in any circumstances commence until the local planning authority has been provided with a copy of the Final Method Statement detailing bat mitigation. The Method Statement shall be implemented in full and any subsequent amendments provided to the Local Planning Authority for record and enforcement purposes.
6. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) external lighting fixtures will only installed in accordance with the

submitted plan *“Ecology & Lighting Strategy Plan, Red House Farm. Produced by Westworks. Drawing Number W0282, dated 15th February 2018”*.

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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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/02/18

gan Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 12/03/2018

Appeal Decision

Site visit made on 20/02/18

by Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI

an Inspector appointed by the Welsh Ministers
Date: 12/03/2018

Appeal A Ref: APP/E6840/E/17/3189971

Site address: 5 Welsh Street, Chepstow, NP16 5LR

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

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Sian Jones against the decision of Monmouthshire County Council.
- The application Ref DC/2017/01043, dated 31 August 2017, was refused by notice dated 3 November 2017.
- The works proposed are 'Retention of non-illuminated sign consisting of black plastic lettering attached to painted gable end wall by stand-off pegs'.

Appeal B Ref: APP/E6840/H/17/3190026

Site address: 5 Welsh Street, Chepstow, NP16 5LR

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

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by Sian Jones against the decision of Monmouthshire County Council.
- The application Ref DC/2017/00789, dated 28 June 2017, was refused by notice dated 3 November 2017.
- The advertisement proposed is 'Retention of non-illuminated sign consisting of black plastic lettering attached to painted gable end wall by stand-off pegs'.

Decisions

1. Appeal A and B are dismissed.

Procedural Matters

2. I note the description of the works to be retained varies slightly between that stated on both the listed building consent form and the advertisement consent form to that stated on the Council's respective refusal decision notices; I have used the latter descriptions, as copied into the banner headings above, as they are more accurate. I also note the submitted listed building/advertisement consent forms only refer to the Appellant as 'Jones' whereas the appeal forms referred to Sian Jones; in the interests of accuracy I have used the latter.

Main Issues

3. The main issues in both appeals are the effect the proposal would have on the character and special interest of the listed building, and on the character or appearance of the Chepstow Conservation Area (CA).

Reasons

4. The three storey with basement appeal property is a late Georgian terraced townhouse dating from the mid-19th century and is grade II listed; the property is currently in use as a dental surgery. The property has scored rendered walls and a hipped pantile roof behind a parapet with moulded cornice; the rendered side gable is relatively plain, and is topped with a narrow and long end stack. The front of the property has a three window range of sashes with marginal panes, with access to the front door gained via a flight of steps off Welsh Street, one of the main roads serving Chepstow; the side gable elevation faces onto St. Kingsmark Avenue.
5. The appeal property forms part of a terrace of attractive Georgian properties; in close proximity a number of older properties of varying design and appearance can be found. The listing description states that the reason for the property being listed is for its group value with other listed buildings in the range and also some other nearby properties. The architectural details identified above contribute to the special architectural and historic interest of the building and its significance as a heritage asset.
6. The CA along Welsh Street in the vicinity of the appeal site is characterised by other listed buildings and other attractive older style buildings. Collectively the appeal building and other nearby buildings make a positive contribution to the character and appearance of the CA.

Listed Building

7. Sections 16(2) and 66(1) of the Act¹ require the decision-maker, in considering whether to grant listed building consent, for any works, or development, affecting a listed building, or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; Planning Policy Wales Edition 9 (PPW) and Technical Advice Note 24: The Historic Environment (TAN 24), reiterates this stance.
8. The non-illuminated signage that includes lettering and a 'logo' is fitted to the side gable wall of the appeal property and positioned some 4m above the ground level, extends to approximately 2.3m in height and is 4m at its widest. The lettering and logo comprise of black perspex which projects some 25mm off the wall.
9. The existing building utilises external materials of a traditional appearance that are respectful to their historic context. However, with its use of modern materials in the form of perspex, the signage appears at odds with the rest of the building. When the material used is combined with the size of the sign and its positioning high on the gable, it appears prominent in views along Welsh Street, a busy route serving the town, and also from views along St. Kingsmark Avenue; it's form and appearance results in a visually jarring feature on the side gable of the building and from within the street scene.

¹ The Planning (Listed Buildings and Conservation Areas) Act 1990

10. The Appellant states none of the features as referred to in the Cadw listing description are harmed by the signage; I disagree. As stated in TAN 24, the listing description for each building is principally to aid identification and whilst such a description may draw attention to features of a building and explain why a building is of special interest, it is not intended to provide a comprehensive record of all features of importance. However in this instance, bearing in mind the reference to the side gable in the listing description and how that side gable looked to me when I visited site, it is clear the gable in terms of materials used and how they have been applied is relatively plain and understated; the same can't be said of the signage which due to the material used and its substantial size, introduces a dominating visual feature that detracts from that existing character.
11. I therefore find that the sign would be unsympathetic to and detracts from the existing historic character of the listed building, and, fails to preserve the special architectural and historic interest of the listed property; this runs contrary to the Act. The works as carried out would also be contrary to national planning policy contained within PPW and advice as contained within TAN 24 which collectively seek to protect heritage assets.

Conservation Area

12. The Council's refusal notice does not specifically refer to detriment to the CA, nonetheless the Act requires that I have special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The Council's officer report refers to the signage as not being sympathetic to the CA and thereby causing it detriment. The Appellant argues the signage does not affect the historic setting or group value of the CA in which the appeal site is located, with any effect being neutral; I disagree.
13. PPW states, there will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level; it also states preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed.
14. The immediate area around the part of the CA in which the appeal site is located is characterised by a number of other listed buildings, other notable older style buildings of varying scale and architectural styles, and by open spaces, which between them gives the area a historic civic feel. Collectively the appeal building due to it being listed, and other nearby listed buildings make a positive contribution to the character and appearance of the CA. It is notable that the Cadw listing for the appeal property refers to its group value with other listed buildings; any detriment to the appeal building would also lessen the group value of the others and therefore the wider CA. Consequently, bearing in mind my findings on the first main issue, it must follow that the signage subject to these appeals would be detrimental to the historic character of the CA.
15. The signage subject to these appeals would neither preserve, nor enhance the character or appearance of the CA as required by the Act; it would also run contrary to national planning policy contained within PPW and TAN 24, and policy HE1 of the adopted Monmouthshire Local Development Plan, which collectively seek to protect heritage assets.

Other Matters

16. The appellant cites the presence of existing signage in the vicinity of the appeal site and the wider CA to support her case. Whilst I appreciate there may be similarities with signs in the area, nonetheless, the appeal signage appeared to be significantly larger than others nearby; furthermore I am not aware of the planning status of the examples referred to, and in any event, they do not allay my concerns about the effect of the signage which is the subject of this appeal. In addition the Council confirmed that signage related to a nearby property, Boscobel House, has deemed consent. In any event each case is considered on its own merits, and in this case I have had regard to the specific effects of the appeal works on the listed building and the CA.
17. In terms of their respective positions both parties have referred to the potential use of alternative materials for signage, however, the precise details of such works are not before me and therefore I give such matters little weight; in any event I have determined these appeals on the details as indicated on the submitted applications.
18. I appreciate the appeal property adds to the vibrancy and vitality of business within the area, and its commercial use is highly likely to assist in the building's maintenance, however any works carried out to the property in the form of signage cannot be at the expense of the building's and the wider area's heritage status. I also appreciate that the appeal property provides a service to the local population, however, there is no suggestion that without the signage in place the continued viability of the service is in serious doubt.

Conclusions

19. Having had regard to all matters that have been raised, and for the reasons given above, I conclude that appeal A and appeal B should not succeed.
20. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Declan Beggan

INSPECTOR

Agenda Item 5b

New Appeals 23rd February 2018 to 27th March 2018

Application Number	Description of development	Location	Appeal Reference and Type
DC/2017/01311	Front extension and adjacent porch to front of building. Front projection has been significantly reduced after previous refusal (DC/2017/00513).	2 Woodland View, Rogiet	APP/E6840/D/18/3197934 Fast Track Appeal
DC/2017/01265	New vehicular access to Parklands, to separate access from Holiday Let within grounds, to provide secure garden to Parklands.	Parklands, Llandogo	APP/E6840/D/18/3195534 Fast Track Appeal

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