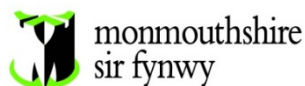


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Friday, 28 August 2015

Friday, 28 August 2015

Notice of meeting:

Planning Committee

**Tuesday, 8th September, 2015 at 2.00 pm,
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 - 14
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached)	
4.1.	DC/2014/00229 - DEMOLITION OF EXISTING GARAGE; CONSTRUCTION OF NEW DETACHED DWELLING; CONSTRUCTION OF NEW ATTACHED GARAGE ON TO EXISTING DWELLING. 41 DUCHESS ROAD, OSBASTON, MONMOUTH. RECOMMENDATION: APPROVE	15 - 20
4.2.	DC/2014/01489 - DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH NEW RESIDENTIAL DWELLING WITH ASSOCIATED ACCESS, CURTILAGE AND LANDSCAPING WORKS. PWLL Y CATH, NEWCHURCH, DEVAUDEN. RECOMMENDATION: APPROVE	21 - 32

4.3.	<p>DC/2015/00247 - CONSTRUCTION OF A GROUND-MOUNTED SOLAR PHOTOVOLTAIC (PV) GENERATION PROJECT AND ASSOCIATED WORKS. OAK GROVE FARM, A48 CRICK ROAD, CAERWENT.</p> <p>RECOMMENDATION: APPROVE</p>	33 - 58
4.4.	<p>DC/2015/00771 - CHANGE OF USE FROM USE CLASS A1 TO A3. WESLEY BUILDINGS, NEWPORT ROAD, CALDICOT.</p> <p>RECOMMENDATION: APPROVE</p>	59 - 62
4.5.	<p>DC/2015/00888 - RENEWAL OF PREVIOUS CONSENT DC/2009/01209 - EXISTING DOUBLE GARAGE TO BE CONVERTED TO AN OFFICE AND PLANT/STORE ROOM AND EXTENDED VERTICALLY TO CREATE AN ADDITIONAL STOREY CONTAINING A BEDROOM AND EN-SUITE BATHROOM; A NEW DOUBLE GARAGE IS TO BE CONSTRUCTED IN FRONT OF THE EXISTING. 12 DUCHESS ROAD, MONMOUTH.</p> <p>RECOMMENDATION: APPROVED</p>	63 - 68
4.6.	<p>DC/2015/00919 - ERECTION OF ONE STEEL PORTAL GRAIN STORE. LAND AT PONT KEMEYS FARM, KEMEYS ROAD, CHAINBRIDGE.</p> <p>RECOMMENDATION: APPROVE</p>	69 - 72

Paul Matthews

Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

D. Blakebrough
P. Clarke
D. Dovey
D. Edwards
R. Edwards
D. Evans
R. Harris
B. Hayward
J. Higginson
P. Murphy
M. Powell
B. Strong
F. Taylor
P. Watts
A. Webb
A. Wintle

Public Information

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

Access to paper copies of agendas and reports

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

Watch this meeting online

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

Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

The Monmouthshire Local Development Plan contains over-arching policies on development and design which may relate to applications being considered by Committee but will not be rehearsed in full in each application. The full text is set out 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 pollution;
- 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.

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.

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 can 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 letters of objection / support or signatures

on a petition have been submitted to the Council from 5 or more separate households / organisations (other than community/town councils). 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 address committee. Public speaking will normally only be permitted on one occasion when 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.

Registering Requests to Speak

To register a request to speak objectors / supporters must first have made written representations on the application. They must include in their representation your request to speak or subsequently register it with the Council.

Officers will endeavour to keep applicants or agents and objectors informed of progress on an application, however, it is the responsibility of those wishing to speak to check whether the application is to be considered by Planning Committee by contacting the Planning Office. They

will be able to provide details of the likely date on which the application will be heard and the procedure for registering the request to speak.

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request to speak by contacting Richard Williams on **01633 644232**, or by email: richardwilliams@monmouthshire.gov.uk

Speakers must do this as soon as possible, between 12 noon on the Wednesday and 12 noon on the Monday before the Committee. Please leave a daytime telephone number.

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

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 any 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.
- The Chair will then invite, in turn, the objector and / or supporter to speak for a maximum of 4 minutes each.
- The Chairman will 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.
- Speakers may speak only once.
- Planning Committee members will then debate the application, commencing with the local member if a 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.
- The community or town council representative or objector / supporter or applicant / agent may not take part in the Members' consideration of the application and may not ask questions unless invited to by the Chair.
- Where an objector or supporter or applicant / agent community or town council has spoken on application no further speaking by or on behalf of that group will be permitted in the event that the application 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.

- When proposing a motion either 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.

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.

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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the Planning Committee held in the Council Chamber, County Hall, Usk on Tuesday 4th August 2015 at 2.00 p.m.

PRESENT: County Councillor R. Edwards (Chairman)

County Councillors: P.R. Clarke, D.L.S. Dovey, D.L. Edwards, D.J. Evans, R.G. Harris, R.J. Higginson, R.J.C. Hayward, P. Murphy, M. Powell, P. Watts, A.E. Webb and A.M. Wintle.

County Councillors P.S. Farley and S. White attended the meeting by invitation of the Chairman.

OFFICERS IN ATTENDANCE:

Mr. M. Hand	-	Head of Planning
Mr. P. Thomas	-	Development Control Manager
Mrs. P. Clarke	-	Planning Control Manager
Ms. S. Wiggam	-	Senior Strategy & Policy Officer
Mr. M. Davies	-	Traffic and Development Manager
Ms. J. Draper	-	Development Control Officer
Mr. R. Tranter	-	Head of Legal Services
Mr. R. Williams	-	Democratic Services Officer

County Councillor D.L. Edwards left the meeting after consideration of Application DC/2013/00456 and did not return.

APOLOGIES FOR ABSENCE

1.- Apologies for absence were received from County Councillors D. Blakebrough, B. Strong and F. Taylor.

DECLARATIONS OF INTEREST

2.- Declarations of interest are identified under the relevant minute.

MINUTES

3.- The minutes of the Planning Committee meeting held on 2nd June 2015 were confirmed and signed by the Chairman subject to the following amendment:

Application DC/2015/00582 – County Councillor R. Edwards declared a personal and prejudicial interest under the Members' Code of Conduct, as she is the owner of the property. She left the meeting taking no part in the discussion or voting thereon.

PLANNING APPLICATIONS

**Minutes of the Planning Committee
dated 4th August 2015 continued**

4. - Planning applications considered at the meeting were dealt with in the following order:

DC/2010/00969, DC/2013/00871, DC/2015/00226, DC/2014/00412, DC/2015/00494, DC/2015/00617, DC/2011/00607, DC/2012/00613, DC/2013/00456, DC/2015/00600, DC/2015/00632.

We received the report presented by the Head of Planning, the Development Control Manager and the Planning Control Manager and resolved that the following application be approved subject to the conditions outlined in the report:

Application DC/2015/00632†* - Proposed New Dwelling on Land Adjoining 'Westgate' Relating to Previous Approval DC/2013/00836. Land Adjoining 'Westgate' St Maughan's NP25 5QF

We resolved that the following application be refused for the reasons outlined in the report:

Application DC/2015/00600* - Replacement Dwelling of Size Commensurate With Approved Reinstated Dwelling (Planning Approval DC/2012/00760). Old Shop Cottage, Star Hill, Llanishen, Chepstow NP16 6NT

Notes

† Denotes that objections were made to these applications.

* Denotes that late correspondence was received in respect of these applications.

The following applications were considered where debate ensued.

- (a) **Application DC/2010/00969†* - 15 Specialist Care Apartments For the Over 55 Age Group with Car Parking; Access off the Existing Public Car Park. Land at Rear St. Maur, Beaufort Square Chepstow**

We resolved to defer consideration of application DC/2010/00969 to a future Planning Committee meeting to enable a decision on the developer's rights of access over the public car park to be clarified.

**Minutes of the Planning Committee
dated 4th August 2015 continued**

(b) Application DC/2013/00871†* - Costa Coffee Unit, Westgate. Land off Merthyr Road, Llanfoist

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

The Development Control Manager informed the Planning Committee that consideration of the application had been deferred at the Planning Committee meeting on 7th July 2015 in order for the Brecon Beacons National Park Authority and Torfaen County Borough Council (in relation to the Blaenavon World Heritage Site) to be formally consulted on the amended design for the proposed Costa Coffee unit.

Mr. P. Hannay, objecting to the application, attended the meeting by invitation of the Chairman and outlined the following points:

- The application was considered to be flawed with disconnected fragments, disconnected from each other and from the site in its wider natural setting.
- Not a single application on this site has presented accurate three dimensional visualisations of buildings in relation to each other and in their wider landscape setting with the proposed landscape additions.
- The character debate should be widened to include the larger landscape and vista qualities of the valley in which the site sits. The Brecon Beacons National Park has requested a full landscaping proposal for the site.
- There were substantial landscaping additions to the site proposed.
- Two years ago in section 5.5 of an officer report, new woodland was proposed but has not been provided.
- Reducing the site levels without the woodland is a useless gesture.
- The applicant considers that screening would make the business commercially unviable.
- This site needs woodland on its northern and eastern edges.
- Brecon Beacons National Park advice should be heeded.
- Refusal of the application should be considered.

Mr. P. Downes, the applicant's agent, attended the meeting by invitation of the Chairman and outlined the following points:

- This is a reserved matters planning application.

**Minutes of the Planning Committee
dated 4th August 2015 continued**

- Outlined the economic importance of the site to the town.
- The site is located in an area of beauty but is bounded by a refuse depot and Watkins Yard and located in an area where there are overhead pylons.
- The application will enhance the surrounding area.
- Issues relating to seating and lighting may be addressed via conditions.
- This site is an important area for visitors and will provide local employment.

Members considered that the development was much needed for the Abergavenny area, and would be a good facility for visitors and passing trade. It was noted that the design was much improved. However, some concern was expressed regarding external materials, landscaping and lighting and the location of the entrance to the building.

Having considered the report and the views expressed, it was proposed by County Councillor D.L. Edwards and seconded by County Councillor M. Powell that application DC/2013/00871 be approved subject to the conditions, as outlined in the report with additional conditions covering external materials, landscaping and lighting and the relocation of the entrance to the building to face towards the Hotel.

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

In favour of the proposal	-	12
Against the proposal	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2013/00871 be approved subject to the conditions, as outlined in the report with additional conditions covering external materials, landscaping and lighting and the relocation of the entrance to the building to face towards the Hotel.

(c) **Application DC/2015/00226†* - Construct A New Access Road and Footpath Improvements. Land at Wonastow Road, Monmouth**

County Councillor R.M. Edwards declared a personal and prejudicial interest in this application under the Members' Code of Conduct as she is the tenant of the adjoining application site farming the land. She left the meeting taking no part in the discussion or voting thereon.

County Councillor S. White declared a personal interest in this application under the Members' Code of Conduct as she farms the next site.

**Minutes of the Planning Committee
dated 4th August 2015 continued**

We considered the report of the application which was recommended for approval subject to the 10 conditions, as outlined in the report.

The local Member for Overmonnow, attending the meeting by invitation, outlined the following points on behalf of local residents:

- Concern was expressed that the enclosed boxed culvert will require regular maintenance in order to prevent flooding.
- Concern was also expressed regarding the effect on the local wildlife.
- The footpath would be better located on the other side of Wonastow Road.

Mr. S. Wilson, representing Monmouth Town Council, attended the meeting by invitation of the Chairman and outlined the following points which supported refusal of the application:

- There was a potential increase in flooding. Most of Monmouth was located on the flood plain.
- The area has a high water table.
- If the drain on Wonastow Road was enclosed it could easily become blocked which would lead to flooding.
- It would be more appropriate to locate the footpath on the other side of Wonastow Road.
- The site should be viewed as a whole rather than as piecemeal planning applications.
- The Town Council requested deferral of the application to ascertain whether it might be feasible to relocate the footpath and to consider all planning applications for this site as a whole rather than individually.

The applicant's agent, Mr. D. Parker, attended the meeting by invitation of the Chairman and outlined the following points:

- The position of the access road is per the outline planning permission.
- Significantly more landscaping is now available along the access road.
- The design of the Wonastow Road ditch is such that when the water capacity exceeds the ditch, the water runs over onto the road. The design of the culvert enables that to happen. Railings at the end of the culvert prevents debris from blocking the culvert. In terms of maintenance, an agreement has been reached for a commuted sum as part of this application for ongoing maintenance.

**Minutes of the Planning Committee
dated 4th August 2015 continued**

- The netting that was put onto the hedgerows to prevent birds going into the hedgerow during the breeding season had been successful.
- The footpath is located along the northern side of Wonastow Road as this was agreed as the most appropriate deliverable location. The south side of Wonastow Road cannot be delivered to provide the footpath on safety grounds.
- It has to be a piecemeal approach as this is a large strategic site.
- The overall drainage strategy approach has been approved twice by Natural Resources Wales. Therefore, an overall strategy for the site has been achieved.
- The access will serve the residential and commercial aspect of the site.
- Two local businesses want to get on to the site to safeguard existing jobs and expand new employment. The applicant's agent is working with these businesses.

Some Members expressed concern regarding the additional water run-off and the potential to exacerbate flooding in the area. There was a need to slow down the water coming into the system. It was considered that before considering this application, the drainage issues relating to the Drewen Farm Site needed to be identified. However, this information was not currently available. Therefore, a piecemeal approach was not appropriate for this site. If the ditch on Wonastow Road was culverted there was potential for water to back up and flood the road. The road was elevated and forms a bund on the eastern section which will direct water onto Wonastow Road. As the site already has existing flooding issues, it was considered by some Members that the application should be deferred to consider all potential issues and to obtain details of the flood risk consequences.

The Traffic and Development Manager informed the Committee that trash screens will collect debris. A Section 278 Agreement will be agreed in which a long term maintenance programme will be established. Swales would be provided in which excess water will be held before connecting into the existing highway network, promoting sustainable measures to manage the drainage issues.

Having considered the application and the views expressed, it was proposed by County Councillor Hayward and seconded by County Councillor A.M. Wintle that consideration of application DC/2015/00226 be deferred to a future Planning Committee meeting to consider all potential issues and to obtain details of the flood risk consequences.

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

For deferral - 3

**Minutes of the Planning Committee
dated 4th August 2015 continued**

Against deferral - 9
Abstentions - 0

The proposition was not carried.

It was therefore proposed by County Councillor P. Murphy and seconded by County Councillor R.G. Harris that application DC/2015/00226 be approved subject to the 10 conditions, as outlined in the report.

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

For approval - 9
Against approval - 2
Abstentions - 1

The proposition was carried.

We resolved that application DC/2015/00226 be approved subject to the 10 conditions, as outlined in the report.

(d) **Application DC/2014/00412+* - Construction of A Car Park with 91 Standard Bays and 4 Disabled Bays on an Existing Field Site. Field Adjacent to Rockfield Road, Opposite Fire Station, Monmouth**

County Councillor A.M. Wintle declared a personal interest in this application under the Members' Code of Conduct as he is a member of the Skateboard Park Committee.

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

Mr. D. Cummings, Chairman of the Monmouth and District Chamber of Trade and Commerce, speaking as a supporter of the application, attended the meeting by invitation of the Chairman and outlined the following points:

- The Monmouth and District Chamber of Trade and Commerce had lobbied the County Council for some time for the creation of a free car park close to the town centre.
- A new car park will free up space in the Cattle Market Car Park.
- Pleased to see that the Council has provided lighting.
- Pleased that the revised plans do not feature a pay and display machine.
- The Chamber of Trade and Commerce will encourage businesses to park in the proposed car park.

**Minutes of the Planning Committee
dated 4th August 2015 continued**

- It would not be conducive to remove the barrier which would encourage lorries to park in the car park.

The local Member for Drybridge, also a Planning Committee Member, expressed his support for the application. However, he expressed concern that access to the skatepark needed to be wide enough to allow emergency service vehicles access to the site.

Members expressed their support for low level lighting.

Having considered the report and the views expressed, it was proposed by County Councillor A.M. Wintle and seconded by County Councillor R.J.C. Hayward that application DC/2014/00412 be approved subject to the conditions, as outlined in the report.

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

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2014/00412 be approved subject to the conditions, as outlined in the report.

(e) **Application DC/2015/00494†* - Agricultural Building with Photovoltaic Solar Panels to South Facing Roof. Land at Onen, Adjacent to B4233, NP25 5EN**

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

Mr. C. Ellaway, objecting to the application and speaking on behalf of local residents, attended the meeting by invitation of the Chairman and outlined the following points:

- Expressed concern that the building was too large and would create a detrimental impact on the surrounding area.
- The development would dominate the Trothy Valley and would provide uninterrupted views to a number of existing properties.
- The application, if approved, would create a negative environmental impact to the area.
- The footprint of the building was likely to double in size.

**Minutes of the Planning Committee
dated 4th August 2015 continued**

- The land sits at the extremity of the site raising questions as to whether the agricultural building would be secondary to the photovoltaic panels.
- In recent years, solar generation companies have regarded this site as a potential solar array site
- A privately owned property near to the proposed development had expressed concerns regarding the size of the development and its location within the countryside.
- Natural Resources Wales had classed this area as a visual and sensory aspect area and an historic landscape area as being outstanding.
- Requested that the Planning Committee consider refusing the application based on its current design.

The applicant's agent, Mr. Jones. Attending the meeting by invitation of the Chairman, outlined the following points:

- The one key issue in respect of the application is the visual impact.
- The design and location of the development has been chosen to minimise the visual impact.
- It is located near to existing high hedges. As a back drop there is a mature woodland.
- The ridge height of the building is intended to not go substantially above the height of the existing road hedge.
- Therefore, the application is designed to minimise the visual impact.
- The development will not create a detrimental impact to surrounding properties as there are much larger buildings near to the site that are similar in design and outlook.
- The applicant empathises with the local views expressed and would be willing to meet with the Community Council and local groups.

Having received the report and the views expressed, it was considered that the application would be a substantial addition to the area. It was therefore proposed by County Councillor D.J. Evans and seconded by County Councillor R.J. Higginson that application DC/2015/00494 be approved subject to the conditions, as outlined in the report.

**Minutes of the Planning Committee
dated 4th August 2015 continued**

(f) Application DC/2015/00617†* - Conversion of Garage into Single Consulting Room Veterinary Surgery. 46 Chepstow Road, Caldicot. NP26 4HZ

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

Mr. P. Gilby, objecting to the application, attended the meeting by invitation of the Chairman and outlined the following points:

- Since the Asda store was completed the volume of traffic has increased significantly. The combination of the modified junction at Woodstock Way and Chepstow Road and the driveway at 46 Chepstow Road will add to the traffic problems if this application is approved.
- The position of the driveway is directly opposite the junction with Castle Lea Road where residents are experiencing long delays when attempting to access onto Chepstow Road by car or as pedestrians.
- Objections to the application are as follows:
 - The property should not be changed from residential to business use due to its proximity to the junction with Castle Lea Road as there would be increased traffic delays over time, creating a traffic hazard.
 - There is already a Veterinary Surgery in Caldicot.
 - Contradiction of travel plans / business hours – a report has indicated that one car will arrive and leave every 15 minutes resulting in 62 business movements in a day.
 - Traffic impact pre and post Asda – implies the report was produced before the Asda development. It was considered that this report was now out of date. Therefore an on-site survey (post Asda) was essential.
 - Only one planning notice relating to the application was erected on site, with no notices being erected in Castle Lea Road. Therefore, citizens had not received adequate notification of the application.
- A request was made for the application to be deferred in order for a traffic census survey to be undertaken during business hours.

The applicant, Mr. G. Marlow, attended the meeting by invitation of the Chairman and outlined the following points:

- The Veterinary firm was established in 1985 and was a local family firm employing 15 people.

**Minutes of the Planning Committee
dated 4th August 2015 continued**

- The firm has invested in a new purpose built surgery along similar lines to their Magor branch.
- There have been no neighbour complaints received in 30 years of veterinary practice.
- Due to demand, there was a need for this new veterinary surgery in Caldicot.
- A low key throughput of clients was anticipated.

The local Member for Severn, also a Planning Committee Member, stated that additional traffic problems would not be generated if the application was approved. The majority of people attending the surgery would be local people and would most likely walk to the surgery.

The majority of the Planning Committee were in agreement with the local Member and expressed their support for the application.

One Member expressed concern that due to the existing traffic issues, it might be appropriate for the surgery to adhere to an appointment only policy. However, it was noted that it would be difficult for the surgery to operate in this way due to the nature of the business.

It was therefore proposed by County Councillor R.J. Higginson and seconded by County Councillor P. Watts that application DC/2015/00617 be approved subject to the seven conditions, as outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2015/00617 be approved subject to the seven conditions, as outlined in the report.

- (g) **Application DC/2011/00607†* - Demolition of Existing Buildings and Re-Development of Site with 46 Dwellings (Including 9 Affordable Units), Associated Highway Works, Landscaping And Car Park (Outline Application With Access Considered At This Outline Stage).
Old Shipyard, Sudbrook**

We considered the report of the application which recommended that the terms of the Section 106 agreement be altered, as set out in the report.

**Minutes of the Planning Committee
dated 4th August 2015 continued**

In response to a Member's question, the Head of Planning stated that the application was for 46 homes in total, five of which would be affordable homes. With regard to the highways matters in respect of the proposed site, the relatively small number of proposed houses would not generate any significant changes to the site in terms of highways issues.

Some Members expressed concern regarding the Section 106 funding and that a negotiated reduction in the number of houses would result in a reduction in Section 106 funding being received. The developer was therefore receiving a subsidy and it was felt that we as an authority were interfering with a commercial decision.

Other Members stated that there was existing traffic movements along this route and did not consider that this development would exacerbate traffic movements at this site. It was noted that outline planning permission had already been approved by the Planning Committee for this development.

The Senior Strategy & Policy Officer confirmed that it was necessary to reduce the number of affordable homes at this site in order to bring forward the development of this site.

Having considered the application and the views expressed, it was proposed by County Councillor D.L. Edwards and seconded by County Councillor P. Murphy that the terms of the Section 106 agreement in respect of application DC/2011/00607 be altered, as set out in the report.

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

In favour of the proposal	-	10
Against the proposal	-	3
Abstentions	-	0

The proposition was carried.

We resolved that the terms of the Section 106 agreement in respect of application DC/2011/00607 be altered, as set out in the report.

- (h) **Application DC/2012/00613†* - Retention of Change of Use to allow for the Storage of Builders Materials, Construction Machinery and Equipment, Including Metal Storage Containers and Retention of Security Gates. Land Adjacent to New Barn Workshops, Tintern Road, St Arvans**

County Councillor A. Webb declared a personal and prejudicial interest under the Members' Code of Conduct as she had previously declared such an interest in respect of this site at a previous Planning Committee Meeting. She therefore left the meeting taking no part in the discussion or voting thereon.

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

In noting the detail of the application, the Development Control Manager informed the Committee that the application had been remitted back to Council to be re-determined following the decision of the High Court to quash the planning permission granted on 4th October 2013.

The Development Control Manager referred to the late correspondence in which the applicant had requested the Planning Committee to defer consideration of the application to a future Planning Committee meeting to allow the applicant to give further consideration in respect of the application. However, it was noted that there was no policy framework to maintain a builders' yard at this site under the Local Development Plan.

Having considered the application and the views expressed, it was proposed by County Councillor R.J.C. Hayward and seconded by County Councillor D.J. Evans that application DC/2012/00613 be refused for the reasons as outlined in the report.

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

For refusal	-	12
Against refusal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2012/00613 be refused for the reasons as outlined in the report.

- (i) **Application DC/2013/00456†* - Change of Use to the Storage and Repair of Light Motor Vehicles; Storage and Repair of up to two HGV Motor Vehicles and a Trailer; Retention of Vehicle Washing Area and Ancillary Parking. Land Including New Barn Workshops, Tintern Road, St. Arvans**

County Councillor A. Webb declared a personal and prejudicial interest under the Members' Code of Conduct as she had previously declared such an interest in respect of this site at a previous Planning Committee Meeting. She therefore left the meeting taking no part in the discussion or voting thereon.

We considered the report of the application which was presented for refusal for the reason outlined in the report.

In noting the detail of the application, the Development Control Manager informed the Committee that the application had been remitted back to Council to be re-determined following the decision of the High Court to quash the planning permission granted on 4th October 2013.

**Minutes of the Planning Committee
dated 4th August 2015 continued**

The Development Control Manager referred to the late correspondence in which the applicant had requested the Planning Committee to defer consideration of the application to a future Planning Committee meeting to allow the applicant to give further consideration in respect of the application.

Having considered the applicant's request, it was proposed by County Councillor R.G. Harris and seconded by County Councillor R.J.C. Hayward that consideration of application DC/2013/00456 be deferred to enable the applicant to consider additional green infrastructure mitigation including the removal of the adjacent builders yard area and that the amended application be re-submitted for consideration by the October 2015 Planning Committee.

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

For deferral	-	13
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that consideration of application DC/2013/00456 be deferred to enable the applicant to consider additional green infrastructure mitigation including the removal of the adjacent builders yard area and that the amended application be re-submitted for consideration by the October 2015 Planning Committee.

The meeting ended at 5.31p.m.

DC/2014/00229

DEMOLITION OF EXISTING GARAGE; CONSTRUCTION OF NEW DETACHED DWELLING; CONSTRUCTION OF NEW ATTACHED GARAGE ON TO EXISTING DWELLING

41 DUCHESS ROAD, OSBASTON, MONMOUTH

RECOMMENDATION: APPROVE

Case Officer: Jo Draper

Date Registered: 19.11.14

1.0 APPLICATION DETAILS

- 1.1 This application relates to 41 Duchess Close, where it is proposed to remove the garage that is situated on the northern side of the dwelling and to construct a new infill dwelling on this part of the site. It is proposed to construct a new attached garage to the existing dwelling on the south side of the dwelling. The application site slopes upwards from south to north and downwards from east to west. There is a footpath that runs adjacent to the northern boundary. The proposed dwelling measures 7.1m in height from the front highway and will be stepped up from the 'severed' (existing) dwelling in accordance with the highway pattern. The proposed house whilst appearing as a two storey dwelling from Duchess Close, will be viewed at the rear as a three storey property with a raised patio at the rear and basement accommodation proposed below ground level. The height of the proposed dwelling from the rear is 9.9m.
- 1.2 The footprint of the new dwelling would measure 9.1m in length and 7.8m in width with an open sided patio area. Revised plans have been submitted to change the treatment of the proposed dwelling so whilst matching the existing dwelling in form, the casements have been changed and the external materials have been altered to comprise stone and render with a tiled roof. The proposed access serving the proposed dwelling and severed property are immediately adjacent to each other. The proposed garage has been changed from a flat roof garage to a pitched roof garage.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial distribution of housing

S2- Housing provision

S17 – Place Making & Design

Development Management Policies

EP1 – Amenity & Environmental Protection
DES1 – General Design Considerations
H1 – Residential Development in Main Towns, etc.
MV1 – Proposed Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Monmouth Town Council – recommends refusal; no garage, inadequate parking, overbearing on street scene, different design to others in area.

MCC Highways – have no adverse comments to make.

MCC Tree Officer – the Tree Survey and Arboricultural Constraints report states that the majority of trees at the site are ornamental conifer species of low quality. Though mostly in acceptable condition these species do not lend themselves to crown reduction which would be necessary for any that are retained within the proposed development. The Beech tree listed as Tree 5 in the report is of a higher quality but will certainly become far too large for its space and is likely to cause foundational damage particularly to the garages of No 41 and No. 45 Duchess Road. This tree may eventually require removal with or without this proposal.

Tree No. 2 a Birch is perhaps the most prominent tree on the site with the highest landscape value and again is listed in the Tree Survey as being desirable for retention. The applicant should be required to retain this tree if possible; however, if this is not achievable it should be replaced with another Birch which could be accommodated at the front of this development.

The following condition should be used on any grant of planning permission.

Condition: Prior to the commencement of the development the applicant is required to submit a scheme of landscaping showing details of tree planting to mitigate tree loss.

Reason: For the replacement of trees to ensure the future provision of the green infrastructure assets of this site.

4.2 Neighbour Notification

One representation received.

My property is below 41 Duchess Road; both houses back on to each other and share a rear boundary; I am concerned with two issues – first the vertical dimensions of the new build appear to be much higher than the existing property; this would impact on my right of privacy since the new house will have too much of an overview into my rear garden and through the windows of the rear of my property; secondly, I understand there should be minimum of 100sq.m. of amenity area – looking at the submitted plans there does not appear to be sufficient space allowed for such provision.

5.0 EVALUATION

5.1 Principle of Development

The subdivision of this large plot to accommodate two separate dwellings is acceptable in principle in this sustainable location in Monmouth, and is supported by national and local planning policy including policies S1, S2 and H1 of the Monmouthshire LDP. The critical issues are whether the proposed development represents an over-development of the site, whether adequate parking can be provided for each property, what is the impact on local residential amenity and are the loss of trees on the site acceptable.

5.2 Effect on streetscene and local character (including an assessment of whether the proposal is an over-development of the site)

The proposed house would be broadly similar in scale to the existing dwelling, no. 41, as viewed from the front (Duchess Road). The proposed dwelling would sit comfortably on the plot with reasonable distances to its boundaries to ensure it does not look too cramped for the site (there would be 3m between the proposed dwelling and the severed dwelling, and the distance to the boundary of the adjoining curtilage to the north (no. 45) would be between 2m and 3.4m). These distances are reasonable given the relationship of other properties in the locality. To the rear there would be between 6m and 8.5m from the raised patio/ balcony to the rear boundary with no. 12 Charles Close and this would enable a reasonable rear amenity space to be formed. Although the frontage is largely taken up with parking and access this can be framed with planting to the front and side boundaries to screen and soften the hard surfaced areas, assimilating the development into the streetscene. The proposed dwelling would be 500mm higher than no. 41, but owing to the natural slope of the site this is to be expected as there is a general step up in relation to the properties in this part of Duchess Road, and moreover no. 45 would remain higher than the proposed ridge of the new dwelling.

The scale and mass is broadly similar to the detached dwellings around the site. Although the rear elevation appears higher, this is a consequence of the change in levels and would not be evident to wider public views. Much of the lower (basement) elevation would be hidden by topography and planting. Materials would be a mix of render and stone (walls) and a tiled roof, much like no. 41, although samples would be conditioned to ensure they make a positive contribution to the area.

It is concluded that the proposed dwelling would fit reasonably within the site and the streetscene. The changes to the existing dwelling incorporating a new attached garage are also considered to be acceptable in visual amenity terms.

5.3 Parking and access

The proposed access and parking have been revised at the request of Highways. The access to no. 41 would be used as the driveway for the proposed new dwelling, while the existing dwelling would be altered, replacing the demolished garage with a new attached garage on its southern elevation. Three car parking spaces would be provided in the curtilage of no. 41 as well as the new garage, with a revised access point to no.

41 immediately south of the access to the new dwelling. There would be three off street parking spaces to serve the proposed dwelling. Highways consider the proposed access and parking arrangement to be acceptable.

5.4 Residential Amenity

The properties mainly affected by the proposal would be nos. 41 and 45 Duchess Road and 12 Charles Close – the last property mentioned is to the rear and is set at a lower level than the proposed dwelling or its existing neighbours in Duchess Road. No. 41, the severed dwelling, would be to the south and there would be no overlooking windows on the side elevation of the proposed dwelling facing no.41. There would be first floor windows on the rear of the proposed dwelling that would look towards the existing rear garden of no. 41 but the angle from the proposed windows would be acute and would look towards the top end of the garden, thus making the relationship acceptable. There is a similar relationship between the proposed dwelling and no. 45 to the north. Any reduction in sunlight in relation to the garden of no. 45 as a result of the proposed new house would be limited to a relatively short time during the middle of the day and would not affect all of the neighbouring garden, thus would not be so significant as to warrant refusal.

In respect of no.12 Charles Close, the rear windows of the proposed dwelling, although elevated well above the garden and rear elevation of no. 12 would be a reasonable distance from the rear elevation of no. 12 (well over 21m) and moreover, there would be substantial evergreen vegetation remaining in the garden of no.41 Duchess Road as well as the new plot that would help screen such views. The proposed dwelling is also offset so that it is not directly to the rear of no. 12, again reducing any harmful effects on loss of privacy. Any views from the proposed rear terraced patio would again be mitigated by distance and retention of boundary vegetation. Additional landscaping along the rear boundary would also help reduce any impact on amenity to an acceptable level, and this can be conditioned. As such, the proposal is considered to comply with LDP policies EP1 and DES1.

5.5 Loss of existing Trees

The Council's Tree Officer has assessed the loss of several trees on the site to accommodate the proposal and considers that largely they are ornamental types that can be reasonably felled but should be replaced where appropriate with new planting. A condition is proposed to cover this aspect. The birch tree that is in the front curtilage may be feasible to be retained close to the proposed front parking area, but if it is not feasible this could be replaced in a suitable location in the frontage.

5.6 Response to the Representations of the Town Council

The proposal is not considered to be an over-development of the plot for the reasons set out in par. 5.2 above. The fact there is no garage designed to serve the proposed dwelling would not in itself be reason to refuse permission. Adequate off street parking for both the existing and proposed dwelling that complies with the Council's adopted Parking Guidelines is proposed on the submitted layout plan. The proposed design of the dwelling would be similar to the existing dwelling, no.41, and thus would not be out of character with the surrounding area.

6.0 RECOMMENDATION: APPROVE

Conditions

1. Standard 5 year time condition.
2. Removal of permitted development rights – extensions/ outbuildings/ dormer roof alterations
3. Approve samples of external materials.
4. Approve details of foul and surface water drainage.
5. Landscaping details to be submitted to and agreed by the LPA before works commence on site.
6. Landscaping implementation.
7. Off street parking for both the existing and approved dwelling shall be provided in accordance with the approved layout drawing before the dwelling, hereby approved, is occupied.

DC/2014/01489

DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH NEW RESIDENTIAL DWELLING WITH ASSOCIATED ACCESS, CURTILAGE AND LANDSCAPING WORKS

PWLL Y CATH, NEWCHURCH, DEVAUDEN

RECOMMENDATION: APPROVE

Case Officer: Prospero

Registered: 15/01/2015

1.0 APPLICATION DETAILS

- 1.1 The application site is located within the scattered community of Newchuch, to the north west of the lane that leads to Valley View. The application site is a paddock approximately 0.2ha that is located adjacent to the dwelling Pwll-y-Cath. To the south of Pwll-y-Cath is a detached bungalow 'Glen View' and Pwll-y-Cath Barn to the rear (north-west).
- 1.2 The existing dwelling is a large detached, modern dwelling (built 2004) with rendered walls and slate roof that faces directly onto the lane. Whilst relatively new, the house is in a poor state of repair and is structurally defective, that needs upgrading in respect of drainage and heating.
- 1.3 The land rises north to south and the site is surrounded by open fields with mature hedgerows. There is no immediate pattern or style to dwellings in the area.
- 1.4 The application has been submitted with the following supporting information:
 - Planning, Design and Access Statement
 - Bat Survey Report. Pwll-y-Cath, Newchurch, Chepstow, NP16 6DJ' dated September 2013 by Merlin Bio-Surveys

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial distribution of new housing provision

S13 Landscape, Green Infrastructure and the Natural Environment

S17 Place Making and Design

Development Management Policies

EP1 Amenity and Environmental Protection

EP5 – Foul sewage disposal
DES1 General Design Considerations
H5 – Replacement dwellings in the open countryside
LC5 - Landscape Character
NE1 – Nature conservation and design

4.0 REPRESENTATIONS

Consultation Responses

Devauden Community Council – recommends refusal. No objective evidence of the need to demolish and replace a house built in 2004. Moreover, the proposed development would be more visually intrusive than the existing house because it would be significantly higher up the hill and re-orientated by some 45 degrees from the existing alignment thereby exposing the frontal elevation. SPG 2014 Replacement Dwellings, Section 6 requires that there should be no increase in the overall visual impact of the replacement building.

MCC Landscape Officer – 03.08.15 amended plans - I welcome the decision to move the dwelling to a lower point some 5m further south down the slope and reduce the floor level by 1m in recognition of the visual impact and sensitivity of the site.
17.06.15 original comments - my key landscape concerns relate to issues highlighted in H5 (supported by our adopted SPG) and LC5.

In considering Policy H5 and the supporting Replacement dwelling SPG I am of the view that the bulk form and size of the proposed dwelling does not respects its setting;

- situated on a steep elevated slope with long vistas across the valley with substantially increased height to ridge, over 3 floors
- the proposal is more prominent and the large scale 3/4 storey southern frontage with large sections of glass will be more visible within the surrounding landscape.
- orientated south, south west – the proposal will be very prominent in the wider landscape.

In contrast the existing proposal is lower on the hillside, smaller in scale (2 storey) and is tucked into the valley side behind a hedge at a lower level than the proposed replacement dwelling.

Policy H5 makes it quite clear that where a building of a larger scale is proposed this will need to demonstrate that the proposals do not cause unacceptable harm to their setting and the landscape, this is supported by SPG paras 4.4, 6.2 and 6.3. This has not been demonstrated by the applicant and the above issues remain.

My key landscape concerns relate to issues highlighted in H5 (supported by our adopted SPG) and LC5.

In considering Policy H5 and the supporting Replacement dwelling SPG I am of the view that the bulk form and size of the proposed dwelling does not respects its setting;

- situated on a steep elevated slope with long vistas across the valley with substantially increased height to ridge, over 3 floors

- the proposal is more prominent and the large scale 3/4 storey southern frontage with large sections of glass will be more visible within the surrounding landscape.
- orientated south, south west – the proposal will be very prominent in the wider landscape.

In contrast the existing proposal is lower on the hillside, smaller in scale (2 storey) and is tucked into the valley side behind a hedge at a lower level than the proposed replacement dwelling.

Policy H5 makes it quite clear that where a building of a larger scale is proposed this will need to demonstrate that the proposals do not cause unacceptable harm to their setting and the landscape, this is supported by SPG paras 4.4, 6.2 and 6.3. This has not been demonstrated by the applicant and the above issues remain.

MCC Highways –The existing vehicular access and parking area will be permanently closed as part of the proposal with the creation of a new and improved vehicular access 10m northeast of the existing. The new vehicular access, driveway and parking and turning area proposed is considered to be an improvement over the existing and exceeds the requirements set out in the supplementary planning guidance, Monmouthshire Parking Standards 2012.

In light of the proposed replacement dwelling and improved access, parking and turning area there are no highway grounds to sustain an objection to the application Natural Resources Wales – welcome the bat survey Subject to implementation of mitigation measures set out in the report we do not consider the proposal will result in detriment to the maintenance of the favourable conservation of bats. Suitably worded suggested. EPS licence required.

MCC Public Rights of Way Officer – The applicants attention is drawn to Public Footpath 39 in the community of Devauden, the alignment of which appears to be wrongly indicated on the application drawings. The legal alignment of footpath 39 very likely runs through and is obstructed by the building it is proposed to demolish. The legal alignment of Footpath 39 must remain open and free for use by the public at all times. It is possible that the proposal may resolve this issue but if not a public path order will need to be obtained. A public path order will also need to be obtained prior to any works further affecting the availability of the path. Additionally if the path is to be made temporarily unavailable by construction work then a temporary path closure will need to be obtained and any damage to the path as a result of the development will need to be made good by the applicant. The applicant should contact Countryside Access Department to discuss.

MCC Tree Officer - I have not carried out a site visit, however, I believe there to be sufficient information on aerial photography and Google Street View for me to make an informed comment. The site itself is fairly open with mature hedgerows on the north eastern and south western boundaries. There is also a mature Sycamore at the far north eastern corner of the site which is protected by one of our older tree preservation orders. I do not feel that a full tree survey in accordance with British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations is necessary in this case; however there is a possibility that the

hedgerows and any trees that sit within them may be damaged by ground compaction and/or root severance if they are not adequately protected. I would therefore like to see the following condition

MCC Development Plans - Strategic Policy S17 is of relevance relating to Place Making and Design. The site is located in the open countryside where Policy H5 relating to replacement dwellings in the open countryside applies, containing detailed criteria that must be considered. Policy H5 states 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 the 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. An update to this SPG providing details relating to the LDP policy context has currently been through consultation with the aim to adopting the SPG in March.

Section 4 of the SPG is of particular importance. The Planning, Design and Access Statement submitted with the application refers to the SPG stating 'the SPG confirms that replacement dwellings shall be of a similar size to that replaced and no larger than a 30% increase will be permitted within the AONB and Conservation Areas of the County or 50% elsewhere'. Paragraph 4.2 of the SPG (September 2014) actually states '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%'. In addition to this, the exceptions to limits for extensions to rural dwellings set out in paragraph 3.10 of the SPG also apply to replacement dwellings. The SPG stipulates that an increase of over 30% for dwellings over 750m³ in volume will not normally be allowed and that the larger the building the lesser the percentage increase that is likely to be acceptable. The existing building in this case is 2044.54m³ the proposed replacement dwelling is 2790.6m³ over 36% larger. The justification of such an increase will need to be looked at carefully to determine whether there is compliance with Policy H5 and Section 3/4 of the SPG.

Additionally, Criterion (c) of Policy H5 refers to the residential curtilage of existing and replacement dwellings noting that it would normally be expected that the residential curtilage is no larger than that of the existing dwelling. The proposed curtilage appears larger in size and is also positioned in a different location. Paragraphs 6.2 and 6.3 of the SPG relate to the siting of the dwelling and size of curtilage and as a consequence must be considered in detail. Replacement dwellings are normally expected to be located on the site of the existing dwelling.

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

Welsh Water – No sewers in area – no comment

Neighbour Consultation Responses

None received.

5.0 EVALUATION

5.1 Principle of Development

The site is located in the open countryside where Policy H5 of the Local Development Plan (LDP) relating to replacement dwellings in the open countryside applies, containing detailed criteria that must be considered. Policy H5 states 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 the replaced. The Replacement Dwellings and Extensions to Rural Dwellings in the Countryside Supplementary Planning Guidance (SPG) is also a key consideration.

The principle of replacing the existing modern non-traditional dwelling is considered to be acceptable and in accordance with Policy H5. Within this Policy it is deemed acceptable to replace modern dwellings. The reason given for demolition of the building, although relatively new, is that it has structural defects in terms of insulation, drainage and heating that make the property unsustainable.

Initial concerns were made regarding the impact of the proposal on its setting and the surrounding landscape given its position on a different footprint (17m away from existing), higher up a slope with a taller roof.

Following dialogue, it was accepted by the agent, in the absence of a landscape assessment that the original proposal needed to be revisited to reduce any impact upon its setting and the surrounding landscape. Revised drawings were subsequently submitted with a repositioned footprint of the proposed dwelling circa 5m further south (down the existing slope and closer to the existing property) with a reduced floor level approximately 1m lower than the originally proposed dwelling, built into the slope itself. The Council's Landscape Officer has welcomed these amendments.

Policy H5 exceptionally allows for larger replacement dwellings of high quality sustainable design provided the proposals do not cause harm to their setting or landscape. The existing house is large (over 750m³) where a 30% threshold is placed on the size of replacements however it is considered that the proposal, at 36% larger than existing, is not excessive and will result in a much more sustainable building that overall, will be set reasonably into the landscape.

Additionally, Criterion (c) of Policy H5 refers to the residential curtilage of existing and replacement dwellings noting that it would normally be expected that the residential curtilage is no larger than that of the existing dwelling. The proposed curtilage is the same and whilst positioned in a different location would not result in any increase or encroachment as the existing curtilage and dwelling would be restored to paddock. The existing highway arrangement does not necessarily allow for cars to exit in a forward gear whereas the new layout would allow for this.

The amended position of the proposed replacement dwelling with a lower floor level is considered to be generally in accordance with the objectives of Policy H5 that aim to ensure that replacement dwellings do not detract from the special qualities of the open countryside in Monmouthshire.

5.2 Visual Impact

Policies H5, LC5 and DES1 of the Adopted Local Development Plan (LDP) are relevant in this instance.

As established within the previous 'Principle of Development' section, it is considered that whilst the proposal is larger and on a different footprint, the revised location of the building - closer to the existing house, lower down the slope and a reduction in the floor level by 1m - reduces the visual impact of the proposal and is considered acceptable.

The building would be stone-faced, set against the hillside and the proposal would keep the same curtilage area as existing, albeit adjacent to that existing. The existing property is painted render. Therefore it is considered that the stone finish would better blend into the hillside and reduce long range views of the property.

All existing hedgerows are to be retained and potentially could be supplemented through additional planting.

The proposal includes all necessary outbuildings with the garage at lower ground floor level that reduces the proliferation of garages, etc., within the open countryside.

In visual terms, the existing property is of limited architectural merit and the replacement building in its amended location is considered to accord with Policies EP1 and DES1 of the Monmouthshire Local Development Plan.

5.3 Residential Amenity

Policies EP1 and DES1 should be taken into consideration in relation to Amenity and Environmental Protection and General Design Considerations respectively. The orientation and of the proposed dwelling is such that the front and rear elevations overlook garden or countryside. To the west elevation, there are first floor windows - however given the distances and intervening buildings there would be no direct overlooking of neighbours to the south and west.

There have been no neighbour objections to the proposals. The replacement dwelling is considered to be in accordance with Policy EP1 of Monmouthshire's LDP.

5.4 Highway safety

The existing vehicular access and parking area will be permanently closed as part of the proposal with the creation of a new and improved vehicular access 10m north-east of the existing. The new vehicular access, driveway and parking and turning area proposed is considered to be an improvement over the existing and exceeds the requirements set out in the supplementary planning guidance, Monmouthshire Parking Standards 2012. Overall, the Highways Department consider there are no highway grounds to sustain an objection to the application subject to standard conditions.

5.5 Biodiversity

The proposals include the submission of an ecological survey that outlined that there were bat species using the building. The Council's Biodiversity Officer and Natural Resources Wales (NRW) have reviewed the information and are satisfied that the development would not have an unacceptable impact on wildlife interests subject to mitigation being implemented on site via conditions. The proposed development would have an acceptable impact on wildlife interests and would be in accordance with Policy NE1 of the LDP.

The Local Planning Authority "must have regard to the requirements of the Habitats Directive....in the exercise of their functions" (Reg. 9(5) Conservation Regulations 2010). This was reinforced by the case law example (Wooley vs Cheshire East Borough Council, May 2009) that established that Local Planning Authority's must engage with the Habitats Directive and this means that they must: Consider whether a European Protected Species (EPS) offence under the Conservation of Habitats and Species Regulations 2010 (Cons Regulations 2010) is likely to be committed by the development proposal. A protected species report has been produced and submitted with this application which identifies the presence of a bat species using the site. However the applicants have proposed mitigation measures to ensure that the proposals do not harm wildlife interests. The application must be subject to the three tests of derogation as described by Article 16 of the Habitats Directive 92/43/EEC and implemented by the Conservation Regulations 2010. The Local Planning Authority must consider whether the three derogation tests will be met and so whether the Welsh Government is likely to grant a licence. With regard to the three tests these are as follows:

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.
2. There is no satisfactory alternative.
3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range. In relation to the above points, these are addressed in turn in relation to this application.

Test 1 - The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment. It is considered that the proposed replacement dwelling would not harm wildlife interests subject to the mitigation measures proposed and it would ensure that a far more sustainably-constructed dwelling which accommodates bat mitigation is sited at the site that is fit for purpose.

Test 2 - This test is concerned with whether the scheme as submitted is the only satisfactory option and that there are no alternatives available. Looking at all the options available, these fall into four main groups: (i) to develop an alternative part of the site, (ii) to do nothing, (iii) to demolish the existing building and construct a new building in situ, or (iv) to allow this proposal. Given the context of the site, the first option would have the same consequences as the current proposal. With regard to the

‘doing nothing’ option, whilst in the short term at least, doing nothing would preserve the present bat roosts in situ, ultimately if the dwelling is left to deteriorate. The third option would have the same consequences as the submitted proposal. The final option is to construct a replacement dwelling, as proposed. This is considered an acceptable option for the Local Planning Authority. The proposals aim to develop a modern sustainable eco-friendly residential property and provide mitigation measures to ensure the habitats of the European Protected Species (EPS) are ultimately protected at the site. It is considered that this proposed option would be the most appropriate for the site in terms of protection of the EPS and developing the potential of the site.

Test 3 - The final test of the Regulations is concerned with the mitigation and maintenance of the population of the species at a favourable status in their natural range. The scheme submitted provides an ecological survey which highlights the location of the identified roosts in the building. The applicant has offered clear details of how they intend to mitigate for the impact that the proposals will have on the bat population. The submitted report proposes mitigation options and an enforceable working method statement will be submitted to the Local Planning Authority for approval prior to the commencement of development. It is considered that the proposals would not harm bat species at the site.

The proposal does meet the tests and the view is taken that the Welsh Government would grant a licence. The Council’s Biodiversity Officer and NRW have reviewed the proposals and are satisfied that subject to appropriately worded conditions and informatives the proposed development would have an acceptable impact on wildlife interests. The Local Planning Authority therefore may legally give consent for the proposals subject to these conditions.

5.6 Conclusion

The proposed dwelling would be of a large size but would be of an acceptable standard of design. The revised location of the dwelling would have an acceptable visual impact and would not appear incongruous to the area. It would integrate well with the terrain of the landscape and not harm the character and appearance of the wider landscape. It would be of a high standard of design and constructed with traditional materials that are appropriate for the area, and would be less intrusive in colour than those of the existing dwelling. The proposed dwelling has been designed to be energy efficient and this is considered to be a positive form of development in terms of its sustainability and its impact on the environment. The proposed development is considered to be in accordance with the relevant policies of the LDP and therefore the development would be acceptable.

6.0 **RECOMMENDATION: APPROVE**

Conditions:

1. NC01 Standard 5 years
2. PLAN Plans compliance
3. The new access and driveway shall be constructed of a hard surface permeable material so as to allow surface water to be disposed of within the site and to prevent any loose material from being brought out onto the public highway.

4. No surface water shall drain onto the public highway or into the public highway drainage system.
5. A visibility splay of 2.4m x 40m measured from the centre line of the access shall be provided in each direction. Nothing which may cause an obstruction to visibility shall be placed, erected or grown in the splay.
6. The access shall be a minimum width of 3m. Gates if provided shall not open outwards and shall be set back a minimum of 5m from the highway boundary.
7. Prior to the commencement of the project, a construction exclusion zone in the form of protective fencing such as Heras or 1.4m high chestnut pale or similar shall be erected along the hedgerows within the development site at a minimum distance of three metres from the centre of the hedge. No storage of materials, plant, mixing of cement, bonfires, parking of vehicles or any other construction activity is allowed within the fenced off area. Reason - To protect the root systems of the hedgerows from damage.
8. The hereby permitted works shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations (Amendment) 2012 authorising the specified activity/development to go ahead; or
 - b) a statement in writing from a suitably experienced ecological consultant; to the effect that it does not consider that the specified activity/development will require a licence. REASON: to ensure that plant and animal species which come within the terms of The Conservation of Habitats and Species (Amendment) Regulations 2012 are effectively protected and that a copy of the NRW development licence is submitted to the LPA.
9. No development shall take place including any demolition, ground works, site clearance until a protected species (bats) method statement for works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include, as a minimum the:
 - a) purpose and objectives for the proposed works;
 - b) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - c) measures to avoid killing and injuring bats during works
 - d) use of materials (such as timber, roofing membranes),
 - e) persons responsible for implementing the works;
 - f) positioning, size, type & location of bat roosting provision
 - g) positioning and size of entrances of bat mitigation;
 - h) initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To safeguard the favourable conservation status of Protected Species in accordance with LDP policy NE1
10. Opportunities for the use of the proposed dwelling by roosting bats shall be incorporated in the scheme to be as a minimum as outlined in Section 9 'Recommendations' and Section 10 'Mitigation Plan' of the revised Bat Survey report undertaken by Merlin Bio Surveys dated February 2015. Reason: To safeguard roosting habitat of Species of Conservation Concern in accordance with Conservation of Habitats and Species (Amendment) Regulations 2012 and LDP policies NE1
11. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without

modification) no lighting or lighting fixtures shall be installed on the buildings until an appropriate lighting plan which includes low level lighting and allows dark corridors for bats has been produced and agreed in writing with the LPA.

Reason: To safeguard roosting and foraging/commuting habitat of Species of Conservation Concern in accordance with Conservation of Habitats and Species (Amendment) Regulations 2012 and LDP policy NE1.

12. The development hereby approved shall be carried out in accordance with the wildlife protection measures made in the 'Measures to Protect Wildlife' section of the Phase 1 Habitat Survey report undertaken by Abbey Sanders Ecology dated November 2013; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the provisions of the Wildlife & Countryside Act 1981.

13. PD Rights removed

14. PD rights for enclosures removed

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

16. The existing dwelling shall be demolished or removed from site no later than two months after the first occupation of the replacement dwelling

17. Prior to the occupation of the building full details of landscape works for the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping of the site shall be implemented as agreed.

18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Informatives:

1. EPS licence
2. Bats
3. Please see Dwr Cymru Welsh Water letter dated 21/01/2015
4. In the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.
5. Research currently underway indicates that breathable membranes pose a significant and avoidable risk to bats and furthermore that using such membranes in bat roosts runs the risks of impairing the ability of the membrane to function properly. We wish to advise that the use of this membrane in bat roosts is therefore unlikely to be granted a licence, if required. A product that has a long and proven track record of suitability in bat roosts is bitumastic felt to BS747, and NRW recommends the use of this material in bat roosts. We therefore advise that if the roof is to have access for bats included, as outlined in the report, that an informative or advisory note is attached to this effect.

6. The applicant's attention is drawn to Public Footpath 39 in the community of Devauden, the alignment of which appears to be wrongly indicated on the application drawings. The legal alignment of footpath 39 very likely runs through and is obstructed by the building it is proposed to demolish. The legal alignment of Footpath 39 must remain open and free for use by the public at all times. It is possible that the proposal may resolve this issue but if not a public path order will need to be obtained. A public path order will also need to be obtained prior to any works further affecting the availability of the path. Additionally if the path is to be made temporarily unavailable by construction work then a temporary path closure will need to be obtained and any damage to the path as a result of the development will need to be made good by the applicant. The applicant should contact Countryside Access Department to discuss.
7. Please see Natural Resources Wales Planning Advice Note.

DC/2015/00247

CONSTRUCTION OF A GROUND-MOUNTED SOLAR PHOTOVOLTAIC (PV) GENERATION PROJECT AND ASSOCIATED WORKS

OAK GROVE FARM, A48 CRICK ROAD, CAERWENT

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham

Date Registered: 30/03/2015

1.0 APPLICATION DETAILS

- 1.1 Planning permission is sought by Monmouthshire County Council for the creation of a 5.67MW photovoltaic solar park consisting of 22,660 PV panels over five fields of agricultural land used for pasture situated to the south-east of the village of Crick and 2.5 km east of Caerwent. It is estimated that the amount of energy generated will be sufficient to power 4536 homes. The application site extends over an area of 15.73 hectares (39 acres) and is generally open and lies on an area of relatively flat land, albeit with a slightly sloping gradient to the west, with its highest point located towards the eastern part of the site at 47m AOD. The site also has a south facing aspect which is a necessity for this type of energy generation.
- 1.2 The land is currently used for sheep pasture with a belt of woodland immediately to the north and west known as Ballan Wood which serves to screen the site from much of the surrounding area in this direction. The remaining site boundaries are a combination of linear corridors of hedgerows and agricultural fencing. The PV panels will be far enough above ground level to allow the site to continue to be grazed by sheep, thus retaining agricultural productivity while keeping the grass down. The development will be temporary, lasting approximately 25 years before being decommissioned.
- 1.3 The proposal involves the erection of arrays of photovoltaic panels (max 1.0m in height when aligned at 34 degrees) in 44 rows aligned east-west to face south. The PV panels will be ground mounted using steel piles set into the ground and therefore no foundations are required. Deployment of the electricity generated by the PV panels would then require five inverter stations, a power transformer cabin and a small substation where the voltage will be changed from Direct Current (DC) to Alternating Current (AC). The final details of the substation will be dealt with at a later date via condition as the details will only be discussed by the network developer following the grant of planning consent. However, should any additional overhead cables or plant be required to enable connection to the grid then this would be the subject of a further planning application, as it would be a material change to the current application.
- 1.4 Site security is a legal requirement for the grid electricity equipment and the applicant is aware that the visual impact of security measures can sometimes be a concern. The detailed specification of any additional enclosures that may be required cannot be confirmed until a later date and therefore this would have to be conditioned. However,

the substation and the inverter housing will be located within the site and will therefore benefit from existing natural screening which can be reinforced if necessary.

- 1.5 Perimeter security fencing would comprise 2.0m high deer type stock proof fencing with wooden poles at 3m intervals. This is detailed on drawing no. PWS/GA/002 together with details of 22 CCTV cameras. The cameras are directed into the site so that recordings are made only within the ‘footprint’ of the scheme. There would be no external lighting. In order to facilitate existing hedgerow and fence maintenance, an internal clearance of 5m from the solar arrays to the boundary hedge will be established. This space will then act as a corridor for both humans and wildlife to move around the installation which will be an ecological gain given that all of the land is currently grazed.
- 1.6 A temporary construction compound will be sited on or adjacent to the proposed access road to the site from the B4245 to store some components required to construct the arrays which will be restored to its current agricultural use following completion of the construction stage which should last no longer than 8 weeks. The proposals require deliveries by 16.5m articulated vehicles, 10m ridged vehicles as well as a mobile crane. It is anticipated that approximately 69 two way trips will be generated by the proposals during the most intensive two weeks of construction. Longer term, access for maintenance will be via the existing access to Oak Grove Farm to the north as this would serve small vehicles only. One new permanent access track 4m wide is also proposed to allow the tenant farmer access through the site.
- 1.7 The application is accompanied by a detailed Landscape and Visual Impact Assessment, Access and Ecological Report which suggest appropriate mitigation including retention of all existing trees and hedgerows as well as the aforementioned buffer between the hedges and any plant. Where necessary, hedgerows would be reinforced with further planting of appropriate species, to be agreed with the Local Planning Authority. Following advice from Glamorgan Gwent Archaeological Trust an Archaeological Evaluation of the site has also been undertaken.
- 1.8 In line with best practice advice, a public consultation exercise has been held prior to the submission of this application. The event was advertised in the local press together with site notices and was attended by approximately 25 local residents. Furthermore, as part of the proposed development, Monmouthshire County Council are proposing to establish a community fund which will commit to contribute £1000 per MW on installed capacity per year (approximately £5000 in this case). The exact details are yet to be agreed, however, it is envisaged that the fund may be controlled by local people and used to support community initiatives. This fund is offered outside the planning process and is not a material planning consideration.
- 1.9 Having assessed the selection criteria in Schedule 3 of the Regulations and the criteria and /or thresholds set out in Annex A to Welsh Office Circular 10/99 “Environmental Impact Assessment”, the Local Planning Authority does not consider that the proposed development would be likely to have significant environmental effects by virtue of its size, nature or scale. Thus, an Environmental Impact Assessment has not been required for this proposed development.

1.0 RELEVANT PLANNING HISTORY

There are no applications directly relating to this site. There have been six other applications for solar farms determined elsewhere in the County:

DC/2011/0196 - Installation of up to 22,000 photovoltaic panels, erection of inverter and converter buildings, erection of site boundary fencing and CCTV cameras and the underground connection of 11kv cable to existing sub-station at Prioress Mill.
Approved 20/5/11

DC/2012/00666 - Installation of Photovoltaic Panels (Circa 32,400 panels), installation of Inverter & Converter Stations, erection of site boundary fencing & CCTV cameras and connection to the existing electricity grid – Lower Church Farm, Kemeys Commander; Approved 10/12/12

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 – Manor Farm, Llanvapley Refused 13/09/13. *Appeal allowed 2014.*

DC/2013/00925 - Installation of photovoltaic panels (circa 32,430 panels), gravel access track, erection of site boundary fencing & CCTV cameras, installation of inverter stations, and connection to the existing electricity grid; formation of temporary construction compound – Buckwell Farm, Wentwood; Approved 02/09/2014.

DC/2014/00939 - Provision of photovoltaic solar park and ancillary infrastructure – Rhewl Farm, Shirenewton. Refused 5/12/2014; *Appeal allowed 25/06/2015.*

There is also the following current application:

DC/2015/00573 - Installation of ground mounted photovoltaic solar arrays to provide circa 5 MW generation capacity together with power inverter systems; transformer stations; internal access track; landscaping; cable trench, security measures, fencing, access gates and associated infrastructure – land north-west of Magor Services, M4; under consideration.

3.0 NATIONAL PLANNING POLICY

3.1 Planning Policy Wales Ed. 7 (July 2014)

Section 4 (Planning for Sustainability) of Planning Policy Wales (2014) encourages renewable and low carbon energy sources at all scales (par. 4.4.3). Section 12 (Infrastructure & Services) sets out that one of Welsh Government's key objectives is "to promote the generation and use of energy from renewable and low carbon energy sources at all scales and promote energy efficiency, especially as a means to secure zero or low carbon developments and to tackle the causes of climate change". Paragraph 12.8.1 provides that 'The UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy from renewables by 2020. The UK Renewable Energy Roadmap sets the path for the

delivery of these targets, promoting renewable energy to reduce global warming and to secure future energy supplies. The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of the approach to tackling climate change whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for the nation's own and future generations. This is outlined in the Welsh Government's Energy Policy Statement Energy Wales: A Low Carbon Transition (2012).

PPW section 12.8.9 provides that "Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change. Specifically, they should make positive provision by (inter alia):

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations..."

Section 12.8.10 comments that, "At the same time, local planning authorities should:

- ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed;
- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration; and
- encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings."

This proposed scheme would be considered as local authority-wide in the hierarchy of renewable energy scales for planning purposes as set out in PPW Figure 12.2.

PPW section 12.10.1 sets out that, "In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);

- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.”

Section 12.10.3 provides “Developers for renewable and low carbon energy developments should seek to avoid or where possible minimise adverse impacts through careful consideration of location, scale, design and other measures.”

Section 12.10.5 considers, “The Welsh Government supports the principle of securing sustainable community benefits for host communities through voluntary arrangements. Such arrangements must not impact on the decision making process and should not be treated as a material consideration unless it meets the tests set out in Circular 13/97 [Planning Obligations].”

3.2 Welsh Government Energy Policy Statement (2010)

The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of its approach to tackling climate change. The Welsh Government’s Energy Policy Statement (2010) identifies the sustainable renewable energy potential for a variety of different technologies as well as establishing the commitment to energy efficiency. It explains the aim by 2050, at the latest, to be in a position where almost all of Wales’ local energy needs can be met by low carbon electricity production. The approach is to reduce energy consumption and improve energy efficiency first and maximise renewable and low carbon energy generation at every scale across Wales. This is part of a concerted effort to tackle climate change in Wales.

Additional advice on solar arrays is provided in Practice Guidance – Planning Implications of Renewable and Low Carbon Energy published in 2011 by the Welsh Government which aims to assist Local Authorities in the task of determining planning applications for renewable energy projects. At paragraphs 8.4.6 – 8.4.19 it provides advice specifically about proposals for solar arrays. It recognises that landscape sensitivity will be a key factor and suggests the use of Landscape and Visual Impact Assessment and photomontages.

3.3 Technical Advice Note 8 (Renewable Energy)

Technical Advice Note 8 (Renewable Energy) provides additional advice to Local Planning Authorities on how to determine applications for this type of development:

Par. 1.4 sets out that *‘The provision of electricity from renewable sources is an important component of the UK energy policy, which has an established target of producing 10% of electricity production from renewable energy sources by 2010. The Assembly Government has a target of 4TWh of electricity per annum to be produced by renewable energy by 2010 and 7TWh by 2020. In order to meet these targets the Assembly Government has concluded that 800MW of additional installed capacity is required from onshore wind sources and a further 200MW of installed capacity is required from off shore wind and other renewable technologies.’*

Par. 2.15 provides that *'Developers, in consultation with local planning authorities, should take an active role in engaging with the local community on renewable energy proposals. This should include pre-application discussion and provision of background information on the renewable energy technology that is proposed.'* Par. 2.16 continues, *'Annex B provides further information and examples about the types of community benefit which have been provided. Local planning authorities, where reasonably practical, should facilitate and encourage such proposals.'*

Par. 3.15 provides, *'Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.'*

Par. 4.1 *'Design and energy should be considered when development plan policy is produced, in supplementary planning guidance such as design briefs, and during the submission of planning applications. Local planning authorities should actively consider the inclusion of design guidance in their development plans or Supplementary Planning Guidance.'*

Par. 5.2 states that, *'Local Development Plans should promote high standards of energy efficiency, energy conservation and the use of renewable energy as a part of the national and international response to climate change, and this should be reflected in the strategy of development plans. Local planning authorities should consider the local availability of renewable energy resources and develop suitable policies that promote their implementation. Additionally, local planning authorities should consider the specific requirements of individual renewable energy technologies, outlined in this TAN, which are likely to come forward during the plan period.'*

Par. 5.3 *'They [planning authorities] should also develop generic development control policies which might include housing, employment, and rural development proposals and consider the implications for landscape protection, the re-use of previously developed land and waste management.'*

Annex B provides further information and examples about the types of community benefit which have been provided by renewable energy schemes (these tend to focus on wind farm proposals):

Para 1.1, *Where a development would have implications for the public provision of infrastructure a local planning authority may require the developer to make an in-kind or financial contribution towards its provision. It is possible that the development of a wind farm would have such implications and lead a local planning authority to invoke its legal powers to require, for instance:-*

- *Highway infrastructure improvements outside of the application site.*
- *Wildlife habitat management or creation in mitigation for adverse impacts of the construction.*
- *Payments to overcome adverse implications for communication networks such as TV or radar.'*

The developer may be prepared to offer community benefits either within or outside the planning process. Whether the developer enters into an agreement with the local planning authority or offers these extra benefits unilaterally (as he is permitted to do under section 106), the important point here is that, as such offers are not necessary for the development to proceed, they must not impact upon the decision-making process.

3.4 Practice Guidance – Planning for Renewable and Low Carbon Energy (2011)

This has been published by the Welsh Government to support local authority planning officers. It sets out how a Local Authority can prepare a robust evidence base to underpin a number of local development plan policies that can support and facilitate the deployment of renewable and low carbon energy systems. This *Practice Guidance* is also a tool to support Local Planning Authorities (LPAs) in dealing with applications for renewable and low carbon energy development. It aims to do this by setting out a comprehensive evidence base of the land use planning impacts and benefits of different forms of renewable and low carbon energy, and provide guidance on how local planning officers can engage in a meaningful and proactive manner with developers when dealing with planning applications for renewable and low carbon energy developments.

Paragraph 8.4.16 refers to the solar PV arrays and agriculture and states that; ‘National Policy requires that the best and most versatile agricultural land (i.e. grades 1, 2 and 3a of the Defra Agricultural Land Classification System) *‘should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.’*

It should be noted that this is guidance only and is intended as a tool to help interpret National policy.

3.5 Other Guidance

In April 2014 the UK Solar PV Strategy Part 2 was published by the Department for Energy and Climate Change. This document states that support for solar PV "should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them and gain some form of community benefit".

The UK Solar PV Strategy Part 2 also references a document from the Solar Trade Association which has developed a statement of “10 Commitments” best practice guidance for solar farm developers. These commitments are:

1. We will focus on non-agricultural land or land which is of lower agricultural quality.
2. We will be sensitive to nationally and locally protected landscapes and nature conservation areas, and we welcome opportunities to enhance the ecological value of the land.

3. We will minimise visual impact where possible and maintain appropriate screening throughout the lifetime of the project managed through a Land Management and/or Ecology plan.
4. We will engage with the community in advance of submitting a planning application.
5. We will encourage land diversification by proposing continued agricultural use or incorporating biodiversity measures within our projects.
6. We will do as much buying and employing locally as possible.
7. We will act considerately during construction, and demonstrate ‘solar stewardship’ of the land for the lifetime of the project.
8. We will seek the support of the local community and listen to their views and suggestions.
9. We commit to using the solar farm as an educational opportunity, where appropriate.
10. At the end of the project life we will return the land to its former use.

4.0 LOCAL DEVELOPMENT PLAN POLICIES

4.1 Strategic Policies

Policy S7 – Infrastructure Provision

Policy S12 – Efficient Resource Use and Flood Risk

Policy S13 – Landscape, Green Infrastructure and the Natural Environment

Policy S17 – Place Making and Design

Development Management Policies

Policy SD1 – Renewable Energy

Policy LC1 – New Built Development in the Open Countryside

Policy LC4 – Wye Valley AONB

Policy LC5 – Protection and Enhancement of Landscape Character

Policy G11 – Green Infrastructure

Policy NE1 – Nature Conservation and Development

Policy EP1 – Amenity and Environmental Protection

Policy MV1 – Proposed Developments and Highway Considerations

Policy MV3 Public Rights of Way

Policy DES1 – General Design Considerations

5.0 REPRESENTATIONS

5.1 Consultations Replies

Portskewett Community Council – recommends refusal. Concerns with regard to the location of the site access as this is a locally well-known accident blackspot. Concerns were raised in relation to the construction traffic which would be required to install the project and the fact that the access shown on the plans is on a corner in the road.

Caerwent Community Council (adjacent) - recommends approval; requests that screening also be provided along the drive to the farm.

Mathern Community Council (adjacent) – recommends refusal. Councillors feel that the site is open unspoilt countryside and will be spoilt with industrial solar farm. They strongly feel that development of the open countryside should be resisted. The solar panel farm is an intrusion into open, unspoiled countryside and therefore contrary to Policy EP1 of the LDP.

Natural Resources Wales (NRW) - We have no objection to the above application, providing an appropriately worded condition requiring the implementation of suitable mitigation measures in respect of European Protected Species is attached to any planning permission your authority is minded to grant. Further details are provided below.

European Protected Species

We welcome the submission of the document titled 'Oak Grove Farm, Crick, Monmouthshire - Ecological assessment' by David Clements Ecology, dated December 2014. We note that dormouse records exist in a woodland immediately adjacent to the site, and the hedgerows surrounding the site were considered likely to support dormice. Five trees within the site were found to have moderate (Category 2A) bat roosting potential. In this instance, we do not consider it likely that the proposed development will result in a detriment to the maintenance of Favourable Conservation Status of European Protected Species (EPS), provided that the following condition is included on any permission your authority may be minded to grant:

The development permitted by this planning permission shall only be carried out in accordance with the approved "Oak Grove Farm, Crick, Monmouthshire - Ecological assessment" by David Clements Ecology, dated December 2014 and specifically the recommendations in Section 6.

(Reason; to safeguard European Protected Species)

We note from the ecological survey report that no direct impacts to hedgerows, woodland, or individual trees with bat potential are anticipated as a result of the proposal. However, if any works require the removal or pruning of any of the above habitat features, further survey will be required prior to any operations commencing.

Local Biodiversity

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests.

To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

Additional Comments

Research has shown that solar sites can offer significant opportunities for biodiversity and we urge your Authority to seek biodiversity enhancements wherever possible. For information and as an aid to the drafting of the proposed LEMP we suggest that the following document be considered, (BRE (2014) Biodiversity Guidance for Solar Developments. Eds. G. E. Parker and L. Greene.) The guidance provides useful information regarding the enhancement of Biodiversity as part of large scale Solar developments. The document can be found at the following link. <http://www.bre.co.uk/filelibrary/pdf/Brochures/NSC-Biodiversity-Guidance.pdf>

Please note that the site is located within Zone 1 of the Great Spring Source Protection Zone (SPZ) and on a principal aquifer. Source Protection Zones are designated by Natural Resources Wales to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface. Source Protection Zone 1 (SPZ1) areas are designated closest to the source of potable water supplies and indicate the area of highest risk for abstracted water quality.

Due to the shallow, unobtrusive (in terms of groundwater) nature of the proposed development and agricultural historical land use at the site (greenfield), we would consider the risk posed to groundwater by this development as low. However, the applicant should ensure that appropriate pollution prevention measures are followed during construction to protect the water environment.

The discharge of clean roof water to ground is acceptable both within and outside SPZ1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground.

We refer you and the applicant to the attached 'Planning Advice Note (100) Natural Resources Wales/ Cyfoeth Naturiol Cymru' for further guidance on environmental planning and regulatory issues, in particular to the section pollution prevention guidance.

Glamorgan Gwent Archaeological Trust (GGAT) – no objections subject to condition requiring implementation of a programme of archaeological work in accordance with a written scheme of investigation.

We have received an amended copy of the report on the archaeological evaluation. The results of this show that further archaeological mitigation is necessary which can be achieved with the attachment of a condition.

The evaluation was undertaken by Foundations Archaeology, and the report (reference CGCM-01, August 2015), noted that twenty nine evaluation trenches were opened within the proposed development area.

The report notes that the evaluation identified the presence of a series of pits of possible prehistoric date, a demolished building of probable post medieval date (possibly a decoy structure dating from WW2) along with a small finds assemblage which included post-medieval pottery and more significantly a single backed flint blade of Mesolithic date. This flint is a significant discovery; flint is not naturally occurring in this area and as such any discovery is important, more so when this flint is worked as is the case at Oak Grove. This flint is indicative of Mesolithic activity in the area, and it may be that further evidence survives from this period.

Clearly the proposed development will impact upon the archaeological resource and is likely to encounter remains of Mesolithic and later post medieval date. The provision of the report on the evaluation means that there is sufficient information to provide your Members with advice in regard to the importance of the archaeological resource in the application area and the impact of the proposed development on it.

Consequently, we have no objection to the positive determination of the current the works are identified, fully investigated and recorded. The detail of this will need to be worked out in relation to areas of greater disturbance required by the proposed development, for example cable trenches and access routes. This will then provide the detail needed to mitigate the impact of the proposal; and will ensure that groundworks are undertaken under archaeological supervision, together with suitable contingency arrangements to ensure the provision of sufficient time and resources to ensure that archaeological features and finds located are excavated and recorded, and that any post-excavation work is undertaken and a report on the work produced and submitted.

We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

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

MCC Biodiversity – No objections subject to conditions and informatives regarding

European Protected Species. Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision.

MCC Landscape Officer – (initial comments). The proposal is located in a landscape identified through LANDMAP as being of High value for its historical and cultural aspects and of moderate value for its visual and sensory, biodiversity and geological aspects.

It is clearly a landscape driven by its historical connections. This is reflected by the rich mixture of historical and archaeological remains as well as the wealth of historical parks and gardens together with the unique farmed context with the long linear settlements such as Leechpool. This together with the historic horticultural and agricultural traditions associated with this area help define the landscape.

I have considered the LVIA submitted by AJA and am broadly happy with the approach taken. I do however feel that the sensitivity rating is low and in considering that this landscape is driven more by its historical and cultural values, then a sensitivity of medium /high would be accurate. I am therefore of the view that the impacts upon the landscape character would be higher and more significant than have been expressed. This I feel should be reflected in the mitigation.

In considering the visual impacts I feel the ZVI limitation to 3km whilst reasonable may be a little limited in views from the east – I would like to see these explored further up to a distance of 5km and further views and vistas from the wider road and footpath network. I would like to see any key historical or recreational assets identified and potential impacts considered.

Applicant’s Landscape Consultants’ Response to MCC Landscape Comments –

The MCC Landscape Officer states:

I have considered the LVIA submitted by AJA and am broadly happy with the approach taken. I do however feel that the sensitivity rating is low and in considering that this landscape is driven more by its historical and cultural values, then a sensitivity of medium /high would be accurate, I am therefore of the view that the impacts upon the landscape character would be higher and more significant than have been expressed. This I feel should be reflected in the mitigation.

Response:

We stand by our evaluation of the landscape sensitivity as medium/low. The definitions of medium and low from our methodology are below and they do, we feel, equate with the situation on the ground.

Medium	An area with a well-defined sense of place and/or character in moderate condition; or an area valued by designation at a local or regional level; or a partly damaged feature of high intrinsic value; or an intact feature of moderate intrinsic value [such as prominent trees or tree groups which contribute to the character of the site, screening of views, landscape or historic landscape pattern]; a landscape or feature which is partially tolerant of change of the
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	type identified.
Low	An area with a poorly defined sense of place, and/or landscape character in poor condition, often not valued for its scenic quality; or a feature of low intrinsic value [such as trees and species poor hedges of no special quality or function]; or landscape or feature that is tolerant of change of the type identified.

The evaluation of the LANDMAP Visual and Sensory data for the Aspect Area which contains the site ‘Leechpool’ MNMTHVS043 is:

Moderate (A semi-rural landscape with pleasing undulating hills acting as an important setting to Caldicot Castle and as a backcloth to the Levels. The area is in moderate condition with fairly consistent character although there are instances of locally intrusive development. Its sense of place is defined by Caldicot Castle, the dispersed linear settlement of Leechpool, and views of the estuary. Gently undulating arable and mixed farmland is relatively common in Monmouthshire.)

The proposed site development would not significantly intrude on the characteristics mentioned in this evaluation such as the views of the undulating hills, the setting of Caldicot Castle and the views to the estuary. It would remain a pleasant backcloth to the Levels.

The Landscape Officer regards the High and Outstanding evaluations for the Historic and Cultural Aspect Areas respectively should raise the sensitivity level. However, the visual setting of historic features particularly noted in the descriptions – the Roman Road from Caerwent to Chepstow, the medieval/post medieval settlement of Crick and the Leechpool linear field system – are not affected by development on the site.

The site is in a peripheral area of the Cultural Landscape Aspect Area Gwent Levels MNMTHCL001. This Aspect Area and might more accurately be described as being part of the wider setting around the characteristic Levels landscape. The proposed development, tucked away in a largely invisible portion of land on gently rolling topography, will not significantly impinge on this Cultural Aspect Area. Furthermore, these installations are essentially temporary structures and yet, as a sustainable energy source, contribute to the agricultural sustainability and continuity of land use of the area. Grazing of the land under the arrays will be part of that continuity. For these reasons, the overall balance of landscape effects on this geographically extensive Aspect Area is assessed as being *negligible adverse*.

Notwithstanding all of the above points the landscape mitigation for the scheme has been reinforced: perimeter hedgerows have been increased in depth from 2 to 3 staggered rows field boundary hedgerows within the scheme have been re-instated.

The MCC Landscape Officer states:

In considering the visual impacts I feel the ZVI limitation to 3km whilst reasonable may be a little limited in views from the east – I would like to see these explored further up to a distance of 5km and further views and vistas from the wider road and

footpath network. I would like to see any key historical or recreational assets identified and potential impacts considered.

Response:

We consider that 5kms is an unnecessarily wide radius for a development of this scale, particularly given the sheltering effect of the prolific areas of woodland to the north and east, preventing any significant views from elevated ground to the north.

As part of preparing this response we made a further site visit to investigate views from the east and north east, including the edge of Chepstow and St Pierre. We checked out relevant lengths of public footpath and the road network. We did not find any views from any of these further locations.

MCC Tree Officer – No objections. The woodlands to the north and west of the main site are protected by a Tree Preservation Order. There is also a large, mature Oak tree along the line of the access off the B4245 which makes a major contribution to the visual amenity of the area. However, it is noted that the road has purposely been located 14m away from the trunk of the tree, which is way in excess of the Root Protection Area. It is considered, therefore, that an Arboricultural Method Statement would not be necessary, seeing as there will be no impact on the tree.

MCC Rights of Way – No objections. Public Footpath no 24 runs adjacent to and potentially over the access to the farm. This must be kept open and free for use by the public at all times. (Note to applicant).

MCC Highways - The application is for the construction of a ground mounted solar photovoltaic generation project within 15.75 hectares of existing agricultural land belonging to Oak Grove Farm, Crick.

Oak Grove Farm has an existing vehicular access onto the A48 north of the site. From the access an agricultural lane leads south to the application site and Oak Grove Farm.

The applicant has identified that the existing access described above is unsuitable for use by heavy construction traffic during the course of site construction. It is therefore proposed that a temporary access be constructed south of the application site onto the B4245 to ensure safer access/egress for heavy construction traffic. Following completion of the development the temporary access will be removed and once the site is operational maintenance vehicles will serve the site through the existing access off the A48 north of the site.

Having considered the proposals from a County Highway perspective we are satisfied that the existing access off the A48 is suitable for the day to day maintenance and operational management of the site. Maintenance vehicles requiring access would be infrequent and of a size that can be readily accommodated through the access and on the highway network.

With regard to the proposed temporary construction access onto the B4245 we are satisfied that the B4245 is suitable to accommodate the level of construction traffic to and from the site therefore there are no objections in principle. However, it is noted

that no engineering and construction details have been submitted in respect of the temporary access demonstrating that it satisfies the design criteria as set out in Technical Advice Note 18 (TAN18).

In light of the aforementioned comments there are no highway grounds to sustain an objection to the application. However, in absence of the engineering details for the temporary construction access we would wish to impose the following conditions to be applied to any grant of planning approval:-

1. Prior to commencement of the development full engineering and construction details for the temporary construction access in accordance with the design criteria set out in Technical Advice Note 18 (TAN 18) shall be submitted to the Planning Authority for approval.
2. Prior to commencement of the development a Construction Traffic Management Plan and Method Statement shall be submitted to the Planning Authority for approval. The CTMP and Method Statement shall set out details of their timetabling, and measures to secure:
 - a) Cleaning of site entrance, facilities for wheel washing and vehicle parking and turning facilities;
 - b) The erection of any entrance gates, barriers, bollards, chains or other such obstructions;
 - c) any works to the public highway including temporary widening temporary signage and/or replacement of street furniture.

Reason: To ensure the temporary access is designed and implemented in the interest of road safety.

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

5.2 Neighbour Representations

No comments received.

5.3 Local Member Representations

Cllr Fox (Portskewett) – No comments received.

Cllr Murphy (Caerwent) (adjacent Ward) – No comments received.

Cllr Down (Mathern) (adjacent Ward) – No comments received.

6.0 **EVALUATION**

6.1 Principle of Development

It is considered that the proposal does not conflict with the advice set out in Planning Policy Wales (PPW) or Technical Advice Note (TAN) 8 which support renewable energy proposals, subject to assessment of such proposals against development plan policy and other material considerations, including landscape impact. These are

comprehensively considered in the body of the report. Para.3.15 of TAN8 is noted as a significant consideration.

It has recently emerged that there may have been sufficient renewable capacity consented and either operational or awaiting construction nationwide. Although the Government has indicated that it will be cutting back or ending subsidies for large scale solar developments in the future, the formal legislation and guidance remains unchanged since the application was submitted and it should therefore be determined on this basis.

With regards to Local Development Plan Policies, Strategic Policy S12 helps to meet LDP objectives by requiring all new development to be consistent with those principles of sustainable development relating to efficient resource use. All new development must demonstrate sustainable and efficient resource use and this will include energy efficiency/increasing the supply of renewable energy.

The sustainability issues identified in this policy are covered in greater detail by the more specific detailed development management Policy SD1 in the LDP. This seeks to implement the strategic policies (S7 and S12) by providing the detailed policy framework for sustainable development in order to ensure that development is consistent with the principles outlined in Policy S12 and assists in addressing climate change. Policy SD1 states that renewable energy schemes will be permitted where:

- (1) There are no unacceptable adverse impacts upon the landscape, townscape and historic features and there is compliance with Policy LC5, with regard to protection and enhancement of landscape character;
- (2) There are no unacceptable adverse impacts on biodiversity;
- (3) There are no unacceptable adverse impacts on the amenities of nearby residents by way of noise, dust, odour or increases in traffic;
- (4) The wider environmental, economic, social and community benefits directly related to the scheme outweigh any potentially adverse impacts; and
- (5) The distinct identity of Monmouthshire will not be compromised.

Strategic Policy S13 of the adopted LDP is also relevant to this application as it aims to help assist with the LDP objective of protecting, enhancing and managing Monmouthshire's natural heritage, including designated landscape areas, other high quality and distinctive landscapes, protected sites, protected species and other biodiversity interests and the connectivity between them, for their own sake and to maximise benefits for the economy, tourism and social well-being. This policy states that development proposals must:

1. Maintain the character and quality of the landscape.
2. Maintain, protect and enhance the integrity and connectivity of Monmouthshire's green infrastructure network.
3. Protect, positively manage and enhance biodiversity and geological interests, including designated and non-designated sites, and habitats and species of importance and the ecological connectivity between them.
4. Seek to integrate landscape elements, green infrastructure, biodiversity features and ecological connectivity features, to create multifunctional, interconnected

spaces that offer opportunities for recreation and healthy activities such as walking and cycling.

The development management policies for landscape and nature conservation seek to implement Strategic Policy S13 by providing the policy framework to protect and enhance the special quality and distinctiveness of Monmouthshire's natural heritage/assets. In this regard, Policy LC5 states that development proposals that would impact upon landscape character, as defined by LANDMAP Landscape Character Assessment, must demonstrate through a landscape assessment how landscape character has influenced their design, scale, nature and site selection. This application is therefore accompanied by a Landscape and Visual Impact Assessment.

The Policy goes on to provide that development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of visual, historic, geological, ecological or cultural aspects by;

- a) Causing significant visual intrusion;
- b) Causing significant adverse change in the character of the built/natural landscape;
- c) Being insensitively and unsympathetically sited within the landscape;
- d) Introducing or intensifying a use which is incompatible with its location;
- e) Failing to harmonise with, or enhance the landform and landscape; and/or
- f) Losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both the built and natural environment.

Particular emphasis will be given to those landscapes identified through the LANDMAP Landscape Character Assessment as being of high and outstanding quality because of a certain landscape quality or combination of qualities.

Consideration of the application in relation to these criteria is included in this report in section 6.4 below.

Strategic Policy S12 also informs Policy GI1 of the LDP relating to green infrastructure. Green infrastructure comprises natural and managed green spaces and other environmental features within urban and rural settings which provide benefits for the economy, local people and biodiversity. This policy seeks to ensure that development proposals maintain, protect and create new green infrastructure, where appropriate. Green infrastructure should be planned in a way to integrate with existing Rights of Way, pedestrian and cycle routes. Where necessary, planning obligations will be sought to facilitate enhanced and/ or new green infrastructure assets in accordance with Policy S7 relating to infrastructure provision.

Also under the umbrella of Strategic Policy S13, Policy NE1 seeks to ensure that development proposals have regard to their impact on nature conservation interests and that provision for wildlife is incorporated into the design of development. National planning policy guidance deals with international and nationally designated sites.

Finally, Policy EP1 seeks to prevent development proposals that would result in unacceptable risk or harm due to air, light, noise or water pollution, contamination or

land instability. 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 (air pollution; light pollution; noise pollution; water pollution; contamination; land instability; or any identified risk to public health or safety) will not be permitted under this Policy.

6.2 Agricultural Land Classification

An agricultural land classification report has been provided by Kernon Associated as part of the application. The report examined the soil's physical properties at 13 locations to a maximum depth of approximately 1.2 metres. Samples of soil were also sent for particle size analysis to determine their definitive texture class. The results determined that the soils over the site are predominantly subgrade 3b (14.2 ha, almost 95% of the site) due to increased soil wetness. Grade 3b is defined as moderate quality agricultural land, which is capable of producing moderate yields of a narrow range of crops, principally grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year. The site does not therefore fall into the category of Best and Most Versatile (BMV) agricultural land (grades 1, 2 and 3a). Notwithstanding the relatively poor agricultural land value of this site, given that there will be little depletion in the agricultural land as a result of the development and that crucially, the development is reversible such that once the operational phase has ceased, the land will return to its current form with no impact on the soil or quality of the land then this issue would seem to hold little weight. This was demonstrated in the recent appeal decision for a solar park at Llanvaply (APP/E6840/A/14/2212987) where the Inspector concluded that the development of a solar park on Grade 2 (BMV) land would only temporarily change the use of the land rather than its quality and would not affect its long term potential for resumed agricultural use, thus providing a precedent for similar developments.

6.5 Visual Amenity and Landscape Impact

The Countryside Council for Wales (now part of NRW) have undertaken an extensive landscape character assessment of Wales using the LANDMAP information system. LANDMAP is a Geographical Information System-based landscape resource where landscape characteristics, qualities and influences on the landscape are recorded and evaluated into a nationally consistent set of data. In LANDMAP the landscape is defined under five separate categories; geological, habitat, visual & sensory, historic and cultural. LDP Policy LC5 refers to LANDMAP. In determining the landscape impact of this application, each of these five elements of the landscape must be explored in relation to the site and surroundings.

The Landscape and Visual Impact Assessment (LVIA) submitted in support of the planning application has analysed the landscape character of the proposed development site and its surroundings using current LANDMAP data. This confirms that the proposal would be visible from very few locations, woodland and hedgerows would be unaffected, field patterns would be retained and proposal would be temporary and reversible with the grassland beneath the solar arrays retained so as to accommodate grazing by sheep. As such it is considered that there would only be a

minor impact on landscape character which would remain largely unchanged as a result of the proposal.

The main visual effects of the proposed development would be confined to the site itself and from the existing access lane into Oak Grove Farm where field gates would allow localised views. Residential receptors within the vicinity of the site are considered amongst the most sensitive to visual impact. In this case Oak Grove Farm and the property located to the eastern end of the farmstead known as Hill Barn Farm are the only properties that would have direct views of the development. The visual impact on these receptors subsequent to the implementation of appropriate mitigation measures have been classified in the accompanying LVIA as being not significant. Likewise, the visual impact on the road network and rights of way are also considered to be negligible adverse once the site is operational.

The site is included within the Leechpool Visual and Sensory Aspect Area which is classed at Level 3 (Lowland/Rolling Lowland/Mosaic Rolling Lowland) described as 'gently undulating mixed farmland'. This is regarded as of medium to low landscape sensitivity.

Views to the Severn Estuary are an important component of the sense of place in this area but the site does not play any significant role in this relationship of the Aspect Area to the sea and there are no views from the site of the estuary. Locally intrusive development is noted in the Aspect Area description and this includes power lines, transport corridors and unattractive urban settlement edges. The relatively hidden nature of the application site would mean that the proposed solar development would not cause any further significant intrusion on this landscape.

The LANDMAP entry for this area notes that a 'lack of management...has resulted in hedges either being removed or becoming neglected, overgrown and gappy in places' and this is evident around the application site. The development of the solar park and associated landscape management and mitigation would conserve and enhance the existing mosaic of landscape features. Existing hedgebanks will be gapped up where necessary and there will be longer term maintenance of trees and hedges that are important landscape features. Furthermore, a substantial length of new hedge will be planted along the line of the land leading to Oak Grove Farm as well as a new section on another part of the eastern boundary of the site to the south of the farm buildings.

While there will be solar arrays over existing agricultural land, the arrays will be contained within retained or new field boundary hedges or belts of woodland. The existing grain and distinctive pattern of the landscape will be respected. For these reasons, the overall magnitude of change is considered to be minor and it is therefore concluded that the landscape impact would be of low significance. The development is therefore considered to be acceptable having regard to Policies SD1, LC5, G11 and S13 of the LDP.

In response to comments from the Council's Landscape Officer, landscape mitigation for the scheme has been reinforced: perimeter hedgerows have been increased in depth from 2 to 3 staggered rows and field boundary hedgerows within the scheme have been re-instated where removed in the past. This is welcomed.

6.6 Biodiversity Considerations

Policy NE1 requires that development proposals shall accord with nature conservation interests and will be expected to:

- i) Retain, and where appropriate enhance, existing semi-natural habitats, linear habitat features, other features of nature conservation interest and geological features and safeguard them during construction work;
- ii) Incorporate appropriate native vegetation in any landscaping or planting scheme, except where special requirements in terms of purpose or location may dictate otherwise;
- iii) Ensure the protection and enhancement of wildlife and landscape resources by appropriate building design, site layouts, landscaping techniques and choice of plant species and,
- iv) Where appropriate, make provision for on-going maintenance of retained or created nature conservation interests.

An Ecological Assessment has been undertaken on behalf of the applicant by David Clements Ecology Ltd dated December 2014. The majority of the site comprises fields which are largely semi improved neutral grassland grazed by livestock including both sheep and cattle. The fields are largely bound by post and wire fences. The fields are generally quite species rich and are considered to be of high local value and are likely to support a range of fauna including amphibians, small mammals, invertebrates and possibly reptiles. There are no pre-existing records of reptiles within 1km of the site but the habitats within the site are superficially suitable for species such as slow worm and common lizard. No evidence of amphibians was observed during the survey. It is considered unlikely that great crested newts would occur on the site. No invertebrates were recording during the survey and no records exist for the site.

The hedgerows within and bounding the site form the most noteworthy habitat. Although not particularly species rich, they form important linear features within the site and are likely to support more than one protected species including dormice which are known to be present within 1km of the site. No evidence of dormice was found although there are a number of Dormouse records within 1km of the site. The hedgerows at the site are dense and largely continuous and well connected to the adjacent woodland where dormice are known to be present. As such further survey work would be required to confirm the presence of Dormouse if any of the hedgerows were to be affected by the proposal. It should be noted that there are no plans to remove any hedgerow as part of this application.

There are also mature trees within the site, some of which may have roosting potential for bats and for nesting birds. Five of the trees inspected were assessed as having at least moderate potential for bat roosts. The remaining trees inspected were considered to have no or more than low potential for bats.

Potential impacts to protected species could occur during site clearance and construction if works are undertaken during the nesting period and potentially reptiles may be sheltering in grassland and other vegetation. These impacts however are considered to be amenable to mitigation. It is considered unlikely that the solar arrays

would have a significant long term impact on protected species. In fact, it is considered likely that bats and birds especially would benefit where post development landscaping involves the creation of species diverse grassland as well as margins of coarse grassland which provide foraging habitat and nesting opportunities.

It is concluded that the development of the site in the manner proposed would be unlikely to entail any significant loss of wildlife features, or adverse impacts to habitats or species of ecological value in the vicinity, provided adequate and appropriate mitigation measures are implemented to avoid or minimise impacts to protected species on the site and to valuable habitats both within the site and in the wider vicinity. It is therefore considered on current evidence that the proposed development of this site is not unacceptably constrained by biodiversity issues.

6.7 Access/Traffic

Oak Grove Farm has an existing vehicular access onto the A48 north of the site. From the access an agricultural lane leads south to the application site and Oak Grove Farm.

The construction of the proposed solar farm would result in temporary generation of construction and staff related vehicle trips over an 8 week construction period. The applicant has identified that the existing access described above is unsuitable for use by heavy construction traffic during the course of site construction. It is therefore proposed that a temporary access be constructed south of the application site onto the B4245 to ensure safer access/egress for heavy construction traffic. Following completion of the development the temporary access will be removed and once the site is operational maintenance vehicles will serve the site through the existing access off the A48 north of the site.

Highways have indicated that they are satisfied that the existing access off the A48 is suitable for the day to day maintenance and operational management of the site. Maintenance vehicles requiring access would be infrequent and of a size that can be readily accommodated through the access and on the highway network.

With regard to the proposed temporary construction access onto the B4245 Highways are also satisfied that the B4245 is suitable to accommodate the level of construction traffic to and from the site; therefore there are no objections in principle. The routing of traffic would not pass through heavily populated areas within the vicinity of the site and would therefore cause limited disturbance to surrounding communities. This is considered to be the most suitable route for accessing the site and is considered suitable to accommodate HGVs associated with the relatively brief construction phase.

During the 25 year period of operation, only routine maintenance traffic would need to access the site from the existing access to the farm the north. This is anticipated to be light vehicles only (such as 4x4 vehicles), around three times per year.

6.8 Residential Amenity

Solar PV panels do not create any discernible noise, nor do they produce traffic nor any further noise or disturbance once operational. The impact of this type of scheme

of local residents is therefore limited to visual impact. Residential properties within the vicinity of the site are considered amongst the most sensitive to visual impact. In this case Oak Grove Farm and the property located to the eastern end of the farmstead known as Hill Barn Farm are the only properties that would have direct views of the development. The visual impact on these receptors subsequent to the implementation of appropriate mitigation measures have been classified in the accompanying LVIA as being not significant and therefore it would be unreasonable to refuse the application for this reason.

6.9 Glint and Glare

Solar reflections are commonplace occurrences for most people either from wet roads, expanses of water, or windows and mirrors of cars and buildings. Solar Panels are designed to absorb light to generate electricity, not reflect it, and are therefore less reflective than other sources of solar reflection. Although 'glint and glare' are commonly referred to together, glint is the direct reflection of sunlight, whereas glare is diffuse reflection (or reflection of the bright sky around the sun).

A Glint and Glare Assessment submitted in support of this application concludes that the effects from solar reflections at this site on various receptors of any nature, e.g., motorways, major and minor roads, public footpaths, dwellings, and the nearby railway will be negligible at worst. Reflections will be minimised since near-horizontal reflections mainly occur when trees and hedges will be in leaf. Observed reflections will be negligible compared to the brightness of the sun (which will be much brighter and shining from the same general direction as reflecting panels). Any solar reflections will normally pass over a static, point receptor at any distance from the solar farm within approximately 5 minutes.

Therefore it is considered that the panels are unlikely to cause unacceptable harm to local residents by way of glint and glare. Furthermore Civil Aviation Authority guidance on the effects of glint and glare from solar farms on aviation is satisfied.

6.10 Impact on the Historic Environment and Archaeology

The site itself does not have any heritage designations such as Scheduled Ancient Monuments, Conservation Areas, Listed Buildings, Registered Parks and Gardens or Registered Battlefields. Caldicot Castle is not visible from the site, nor are there any identifiable views to the castle which include the site or the proposed development. As such the setting of Caldicot Castle will not be affected. However, the application area is also 2km east of Caerwent Roman City, and the Roman remains there are a Scheduled Ancient Monument. The Historic Environment Record shows that further remains including Roman villas are noted in the area around Caerwent and that cemeteries extend along the area around the Roman roads outside the town. A recent discovery of Kilcrow Hill roman marching camp close to the A48 near Crick was confirmed by aerial photography in 2014. This is within 400m of the proposed work. There is evidence of pre-historic activity in the area and Crick has important Scheduled remains of medieval date within 300m of the proposed boundary. Further spot finds are also noted in the Historic Environment Record with a range of dates from prehistory to the medieval period. In light of this context, as statutory advisors to the Local Planning Authority, Glamorgan Gwent Archaeological Trust (GGAT)

recommended deferral of the application for an Archaeological Evaluation to be undertaken as they considered it is likely that the proposed site would contain significant archaeological resource. The subsequent report submitted by the applicants meets relevant professional standards and details the archaeology as encountered during the evaluation.

The trial-trenching evaluation uncovered little archaeological evidence for past activity, with the majority of the trenches across the site consisting of topsoil overlying subsoil over the natural geological deposit. The archaeological features identified related to modern activity (the demolished building), and possible medieval / post-medieval agricultural activity (fence-lines and dumps of material). Many of the features were undated so it is possible that they are associated with earlier activity, although the nature of the fills suggests that they are more likely of later date.

Very few finds were recovered generally across the site, with only a few pieces of recent tile from the subsoil in Trenches 5 and 11, and one piece of worked Mesolithic flint from (0903). These reflect the presence of some general prehistoric activity within the area, although this is hardly surprising given the wider landscape of Neolithic and Bronze Age funerary activity. No confirmed evidence was obtained relating to the proximity of the site to the Roman road.

The report notes that the evaluation identified the presence of a series of pits of possible prehistoric date, a demolished building of probable post medieval date (possibly a decoy structure dating from WW2) along with a small finds assemblage which included post-medieval pottery and more significantly a single backed flint blade of Mesolithic date. This flint is a significant discovery; flint is not naturally occurring in this area and as such any discovery is important, more so when this flint is worked as is the case at Oak Grove. This flint is indicative of Mesolithic activity in the area, and it may be that further evidence survives from this period.

It is possible that further archaeological remains of Mesolithic date and later post medieval date will be present within the application area, therefore GGAT have recommended the attachment of a condition to any consent granted requiring the applicant to commission a Written Scheme of Investigation that details a programme of archaeological to be carried out in advance of and alongside development. They envisage that in practice this would largely consist of a watching brief, targeted in particular on areas where greater disturbance would be required by the development. This condition has been included below.

6.11 Economic Development Implications

At present the Renewables UK Cymru declaration is limited to onshore wind development, with activity now focussed on developing an economic and community benefit register, which will enable developers and communities to record how they are delivering contracts for Welsh companies and community benefit schemes for the long-term economic benefit of Wales. It is possible that this approach will be developed for other technologies, but at the moment, the focus is on developing the mechanisms with the onshore wind industry. However, it could also be applied to this application.

In the case of the present proposal, there would be temporary employment opportunities during the construction and decommissioning periods (up to 50 workers on site at any one time). Local contractors can tender for non-specialist elements of the construction works such as fencing, landscaping, ground-works, site security etc. As the on-going maintenance operations post-construction are relatively minimal and no continued on-site presence is required, there is no real scope for local long-term job creation. There would be long term benefits at a local level and further afield in terms of the energy produced. The Welsh Government's Energy Policy Statement (2010) explains that the aim by 2050 (at the latest) is to be in a position where almost all of Wales' local energy needs can be met by low carbon electricity production as part of a concerted effort to tackle climate change.

6.12 Flood Risk, Surface Water Drainage and Pollution

There are no historic records of flooding on the site and the flood zone maps indicate that watercourses in the vicinity have floodplains that do not encroach onto any part of the application site. The flood risk across the site is therefore considered to be negligible.

In terms of potential land contamination, the PV panels proposed are silicon based polycrystalline cellular modules and do not contain cadmium. This type of PV panel is widely used and generally regarded as environmentally benign and manufactured to meet European standards for quality. Should any panels be damaged or become faulty, they will be immediately replaced and removed from the site by the site maintenance engineer. The panels are formed by a series of laminates bonded together on a plastic backing sheet that prevents the module from shattering. If cracked, the panel would not leak soluble material and does not contain any toxic substances. All panels will be removed from the site if damaged or faulty and disposed of in accordance with industry standards.

6.13 Green Infrastructure

The proposal is a significant scheme and whilst the onsite planting would offer some mitigation there will inevitably be some landscape and visual impact. As such a comprehensive Green Infrastructure plan has been submitted as part of this application. This plan details a multidisciplinary approach to site management considering the multiple benefits of Green Infrastructure (e.g. landscape, ecology, trees, pollinators, public) and includes the following;

- Screen planting (hedgerows with trees) as a minimum triple staggered rows to be managed to a height of minimum of 3m
- Planting of orchard / orchard trees of appropriate species, density and type with appropriate protection
- Copse planting to deliver diversity of boundary planting and increased biodiversity benefits
- Post construction sward re-seeding to maximise benefits for biodiversity
- Reference to interpretation (to be fully covered by a separate planning condition)
- New benefits including bat and bird boxes
- Restoration of the temporary access route

The implementation of the plan can be enforced by the imposition of a condition.

6.14 Other Issues

The site falls within a minerals safeguarding area identified in Policy M2 of the Local Plan. However criterion b) states that proposals for development uses of a temporary nature within the identified mineral safeguarding areas will not be approved unless they can be completed and the site restored to a condition that does not inhibit mineral extraction within the timescale that the mineral is likely to be needed. The provision of a solar park is a temporary form of development and is normally the subject of a condition limiting the development to a period of 25 years. It is not considered that the proposal would be at odds with the requirements of Policy M2 and there is no evidence to indicate that there are any immediate plans for mineral extraction within the locality.

6.0 **RECOMMENDATION: APPROVE**

Conditions/Reasons

This development shall be begun within 5 years from the date of this permission.
The development shall be carried out in accordance with the list of approved plans.
Any trees, or hedgerow plants which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced within the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.
The development permitted by this planning permission shall only be carried out in accordance with the approved "Oak Grove Farm, Crick, Monmouthshire - Ecological assessment' by David Clements Ecology, dated December 2014 and specifically the recommendations in Section 6. (Reason; To safeguard European Protected Species)
Construction delivery times shall be managed strictly in accordance with details agreed in the Access Appraisal by Asbri Transport dated December 2014.
A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement or occupation of the development. The content of the Management Plan shall include the following; a) Description and evaluation of Green Infrastructure assets to be managed. b) Trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period). g) Details of the body or organization responsible for implementation of the plan. h) Ongoing monitoring and remedial measures. The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan

shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Prior to commencement of development a Landscape & Ecology Decommissioning Plan shall be submitted to the LPA. This shall address restoration issues following the decommissioning of the proposal, including the timescales for the decommissioning of the development, hereby approved, to be agreed with the Local Planning Authority. The scheme shall be implemented as approved.

All materials, structures and foundations where erected shall be removed from site and the land returned to its former agricultural status following the decommissioning of the scheme.

Prior to commencement of the development full engineering and construction details for the temporary construction access in accordance with the design criteria set out in Technical Advice Note 18 (TAN 18) shall be submitted to and approved by the Planning Authority. The temporary construction road shall be constructed in accordance with the approved details and the land shall be reinstated within a timescale to be agreed with the Local planning Authority prior to works commencing on site.

Prior to commencement of the development a Construction Traffic Management Plan and Method Statement shall be submitted to the Planning Authority for approval. The CTMP and Method Statement shall set out details of their timetabling, and measures to secure:

- a) Cleaning of site entrance, facilities for wheel washing and vehicle parking and turning facilities;
- b) The erection of any entrance gates, barriers, bollards, chains or other such obstructions;
- c) any works to the public highway including temporary widening temporary signage and/or replacement of street furniture.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

DC/2015/00771

CHANGE OF USE FROM USE CLASS A1 TO A3

WESLEY BUILDINGS, NEWPORT ROAD, CALDICOT

RECOMMENDATION: APPROVE

Case Officer: Prospero

Registered: 30.06.2015

1.0 APPLICATION DETAILS

- 1.1 The premises (Unit 2 Wesley Buildings) are within a Primary Shopping Frontage in the Central Shopping Area (CSA) of Caldicot and as such Policy RET1 and RET2 of the Local Development Plan would apply. This application is seeking full planning permission for a change of use from an A1 retail shop to A3 uses. No external alteration is proposed.
- 1.2 The premises are well served by local bus services and there are several bus stops located within easy walking/cycling distance to and from the site. There are off street parking provision at the back of the premises for deliveries and staff parking. In addition, there is public car parking provision within close proximity of the premises.

2.0 RELEVANT PLANNING HISTORY

Unit 7 Wesley Buildings - DC/2014/00661 – Change of use A1 to A3 - approved 2014

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S6 – Retail Hierarchy

Development Management Policies

RET1 – Primary Shopping Frontage

RET2 – Central Shopping Area

4.0 REPRESENTATIONS

4.1 Consultation Responses

Caldicot Town Council – recommends refusal – too many take-aways in town centre.

Gwent Police –The Designing Out Crime Unit have no comment to make on this application.

Welsh Water – No objection

SEWBREC Search Results – No significant ecological record identified

4.2 Neighbour Consultation Responses

One online objection received: There are enough food premises already in the area.

5.0 EVALUATION

5.1 Principle of the proposed change of use

The Council's Development Plans team was consulted in respect of this application. It is advised that the site is an A1 retail outlet within a Primary Shopping Frontage in the Central Shopping Area (CSA) of Caldicot and therefore Policy RET1 of the Local Development Plan would apply.

Under criterion a) of policy RET1, Primary Shopping frontages, a change of use from an A1 to an A3 use will be permitted unless it creates or further extends a continuous frontage exceeding two or more non-A1 units. In this instance the premises in question is located at the end of the frontage with two A1 uses next to it, a change of use to A3 at this location would therefore not be contrary to criterion a) of the policy. Under criterion b) of the policy a change of use will be permitted providing it does not result in the loss of an A1 retail unit in a prominent location, a corner unit or a unit with a long frontage. In this instance, whilst located on a corner in the primary shopping frontage the unit is not prominent and with a frontage of some 6m is average for this location. A change of use to A3 at this location would therefore not be contrary to criterion b) of the policy.

Under criterion c) of the policy such a change of use would be permitted unless the number, frontage lengths and distribution of Class A2 or A3 uses in the primary shopping frontage create an over-concentration of such uses detracting from its established retail character. The Draft Primary Shopping frontage Supplementary Planning Guidance, although not adopted as yet, provides a background for the interpretation of this criterion. Percentage figures are provided for the maximum proportion of non-retail (A2/A3) uses that the Council considers appropriate in each of the centres' primary shopping frontages. For Caldicot this figure is given as 35%, this level broadly reflects the historical and current level of non-retail uses within this primary shopping frontage and the Council's desire to prevent further erosion of retail uses beyond this level. It is considered that a higher level of non-retail uses would be likely to dilute the established important local shopping role and character of the frontage and undermine the vitality and viability of the centre. If this unit were to undergo a change of use to A3 the proportion of non-A1 uses would increase to 37%, taking it above the maximum proportion considered appropriate. Careful consideration of this increase is therefore necessary.

The initial submission provided no evidence to demonstrate the extent of marketing undertaken to secure a retail occupier. The Draft Primary Shopping Frontage Supplementary Planning Guidance states that marketing and advertising should

normally be for a minimum of 12 months and be of a nature that is likely to reach potentially interested occupiers.

Following a request for such information, the agents have provided details from ETP property consultants who have been marketing the unit for approximately two and half years, alongside EJ Hales (Cardiff). This information clearly outlines the lack of interest the unit has attracted and why an alternative use should be supported.

In the supporting text to the policy it states that particular consideration will be given to assessing proposals for A3 uses within primary shopping frontages as whilst it is recognised that cafes and restaurants can complement retail uses, hot food take-away premises that are closed during the day make a limited contribution to the vitality of the centre. The application does not state the type of A3 use proposed in this instance but it is noted that this unit has been vacant for at least two years which will also impact on the vitality of the centre. In addition, restaurants, snack bars, cafes and hot food takeaways share the same Use Class.

Policy RET2 therefore seeks to encourage a diversity of uses within the County's Central Shopping Areas where this would not harm their role / character or undermine their vitality, attractiveness or viability. The unit in question forms part of a frontage that includes a retail shop, beauticians and bank and is opposite Waitrose offering a diversity of uses along this part of the Caldicot High Street. In addition, there is a general acceptance of A2 and A3 uses within primary shopping frontages as it is recognised (Policy RET1) that the latter, including cafes, hot food take-aways and restaurants can complement retail uses. This application is for an A3 use (though no specific use) in the primary shopping area in Caldicot and the resulting application will not create a continuous frontage exceeding two or more non-A1 units, which would prevent the creation of a 'dead frontage'. Given this, whilst the application would result in an increase to non-A1 uses within the Primary Shopping Frontage, it is clear that the unit has been vacant for over 2 years with no interest as A1 and this slight increase above the 35% limit to 37% in this instance is considered acceptable and would not sufficiently exceed the guidance limit on non-A1 uses to warrant a refusal of planning permission.

5.2 Other issue

This relates principally to hours of operation and whether there should be a limit on opening hours due to any potential impact upon neighbouring properties. This is a town centre location, with no residential accommodation above (only storage) and no neighbours in close proximity to the application site. No opening hours are specified within the application document. However, it is considered to be appropriate to control this aspect. Therefore, the opening times of the premises are proposed to be conditioned and the applicant will be required to submit the information to the Local Planning Authority and approved by the Local Planning Authority prior to the commencement of the A3 use. This would be consistent with the approach taken when planning application DC/2014/00661 was approved for an A3 use at 7 Wesley Buildings, Newport Road, Caldicot.

6.0 **RECOMMENDATION: APPROVE**

Conditions:

1. Standard 5 years in which to commence development.
2. Detail of the opening times shall be submitted to the Local Planning Authority and approved by the Local Planning Authority prior to the commencement of the A3 use, hereby approved. The premises shall operate within the limits of the approved details.

Informative

Please see Dwr Cymru/Welsh Water comments in letter dated 05/08/2012

DC/2015/00888

RENEWAL OF PREVIOUS CONSENT DC/2009/01209 - EXISTING DOUBLE GARAGE TO BE CONVERTED TO AN OFFICE AND PLANT/STORE ROOM AND EXTENDED VERTICALLY TO CREATE AN ADDITIONAL STOREY CONTAINING A BEDROOM AND EN-SUITE BATHROOM; A NEW DOUBLE GARAGE IS TO BE CONSTRUCTED IN FRONT OF THE EXISTING

12 DUCHESS ROAD, MONMOUTH

RECOMMENDATION: APPROVED

Date Registered: 27/07/2015

Case Officer: Craig O'Connor

1.0 APPLICATION DETAILS

- 1.1 12 Duchess Road is a relatively modern two storey property with attached single storey garage element on the front elevation. The property is situated within the Osbaston area of Monmouthshire in an area where there are a mix of different properties that vary in size and design. The dwelling lies within the Monmouth Development Boundary as designated in Policy H1 of the Local Development Plan (LDP).
- 1.2 The proposals are to construct a first floor extension over the existing garage and construct a new replacement single storey double garage. The proposed first floor extension over the existing garage would be on the same footprint as the existing element and would have a pitched roof that would project out to the north west measuring 7.1m to the ridge. The resultant building would be used to accommodate a new study, storage area and master en-suite bedroom. The proposed replacement single storey double garage would be site don the north west elevation and would have a footprint measuring 6.5 x 6.2m. The structure would have a pitched roof that would measure 2.3m to the eaves and 4.3m to the ridge. The proposed materials would aim to match those of the existing house. The applicant has also submitted details of proposed screening to be erected between 12 Duchess Road and Juniper House.

2.0 PLANNING HISTORY

DC/2009/01209 Conversion and extension of double garage to office and plant/store room and en-suite bedroom above; construction of replacement double garage; Approved July 2010

MB35815 Proposed double garage, bedroom extension and conversion of existing garage to playroom; Refused April 1993

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

4.0 REPRESENTATIONS

4.1 Consultation Replies

Monmouth Town Council – Recommends approval

4.2 Neighbour notification

There was one letter of objection to the proposals that outlined a previous refusal at the site (35815) stating the following: -

“It is considered that this extension would represent an overbearing intrusion on the generally open and attractive street scene of Duchess Road and in combination with the narrowing of the road at this point would represent a most unsatisfactory visual closure.

The size of the proposed extension exacerbated by its location on rising ground is such that it would have an overbearing effect on adjacent dwellings it includes windows in the side elevation which due to the staggered location of the houses would overlook the patio of the adjoin property thereby reduce its residential amenity. Having regard to the prominent location of the dwelling it is considered that any further forward extension would be inappropriate.”

The 2010 application and the current request for an extension of planning approval recognise the overlooking aspect and offers an unsightly barrier solution. But in no way has the inappropriateness of the overbearing nature of the proposed development been addressed

5.0 EVALUATION

5.1 Visual impact

5.1.1 The application seeks consent for the renewal of a planning application (DC/2009/01209) that expired on 19/07/2015. There has not been a significant change in planning policy since this approval and as a result there has been no material change in circumstances for the proposed development. The evaluation relating to visual impact for the previous application (DC/2009/01209) is still applicable for this renewal application. The previous visual impact evaluation of proposals outlined the following : -

“On balance the proposed extensions would have an acceptable visual impact on the street scene. The resultant dwelling would be relatively large however the two storey element would be sited approximately 10.5m from Duchess Road. It is not considered that the resultant dwelling would be overbearing on the street scene. A similar scheme was refused by the Planning Authority in 1993 under application A/35815. The reason for refusal related to the impact that the resultant dwelling would have on the locality, however, since then some properties have had various extensions and alterations including at the front of the property thus introducing changes to the locality. Given the existing arrangement of dwellings within the area it is not considered that the resultant dwelling would appear out of keeping as properties vary in both design terms and in size or appear to be an incongruous form of development within the street scene. The proposed extensions would be visually subordinate and would not harm the visual appearance of the front elevation of the dwelling. In addition the existing natural landscaping along the boundary of the plot would be retained to soften the visual impact of the dwelling on the street scene. Overall it is considered that the proposed extensions and alterations are of an acceptable size for the dwelling. The proposals are of an appropriate standard of design and the proposed materials and openings would be sympathetic to the existing arrangement.”

The proposals are considered to respect the existing form, scale, siting, massing, materials and layout of its setting and have an acceptable visual impact given the pattern of development in the area. The proposed development would be in accordance with Policies EP1 and DES1 of the LDP.

5.2 Residential amenity

5.1.2 As outlined in section 5.1 this is a renewal application and the residential amenity evaluation for the previous application (DC/2009/01209) is still applicable for this development. The previous residential amenity evaluation of the proposals outlined the following:

“The proposed extensions and alterations would be to the front elevation of 12 Duchess Road and due to the siting of the respective dwellings it is not considered that the proposed extensions would have a significantly detrimental impact on the amount of sunlight received by either of the adjoining neighbours. The neighbouring property to the north would be slightly affected during the early

evening however it would not significantly harm the occupiers of this dwelling such as to warrant refusing the application.

The proposals would result in new first floor window openings in the north east and south west elevations. The proposed windows in the north east elevation would look onto the front garden of Woodstock which would be the same as the existing arrangement at the site. It is not considered that these windows would be harmful as Woodstock would still have sufficient privacy to the rear and it is considered acceptable for a certain level of overlooking within town areas, particularly with front garden areas. Two of the proposed first floor windows in the south west elevation would have oblique views into the rear garden area of Juniper House due to the siting of the dwellings.

The applicant has submitted details to erect a new solid board backed trellis above the existing fence to protect the privacy of the neighbouring party Juniper House. If this screen was erected it is not considered that there would be views into the patio area of the neighbouring property and therefore there would not be an unacceptable level of overlooking. The proposed window to serve the en-suite bathroom would be obscured glazed to ensure that there are no direct views into the rear of Juniper House. On balance it is considered that subject to the proposed screen being erected the proposed development would not harm the neighbouring properties and would maintain reasonable levels of privacy for the neighbouring parties.”

Subject to the proposed trellis being conditioned to be erected at the site the development would not have an unacceptable impact on the residential amenity of the neighbouring property to warrant refusing this application. The proposed development would be in accordance with Policy EP1 of the LDP which aims to preserve levels of privacy in residential areas.

5.3 Response to objections

- 5.3.1 There was one letter of objection to this renewal application which referred to the previously refused application 35815, stating that the development would be overbearing. As explained within section 5.1 on balance the visual impact of the resultant dwelling on the locality is deemed to be acceptable. There has been a significant amount of development along Duchess Road since the refusal of application MB35815 and on balance given the change in the character and appearance of the area overtime the proposed extensions and alterations are considered to be acceptable. The proposed extensions and alterations are not considered to be unacceptably overbearing on Juniper House to warrant refusing the application given the existing built form and the orientation of the houses. The proposed screening would ensure that the privacy of Juniper House is maintained and it is not considered that the development would have an unacceptable level of harm to privacy or private amenity space of the neighbouring property as explained in section 5.2.

5.4 Conclusion

- 5.4.1 There has not been a significant change in planning policy since the original consent of DC/2009/01209 and therefore the extensions and alterations to the existing dwelling are still considered to be acceptable. The proposed resultant dwelling is considered to be of an acceptable size and of an appropriate design that does not harm the character and appearance of the area. The privacy of Juniper House would be preserved with the erection of the privacy screen (approved as part of DC/2009/01209), which would be a condition of any approval. The proposals are considered to be in accordance with policies EP1 and DES1 of the LDP and the application is therefore recommended for approval.

6.0 **RECOMMENDATION: APPROVE**

Conditions

1. Standard 5 years in which to commence development.
2. Compliance with approved drawings.
3. The hereby approved garage shall only be used for purposes ancillary to the dwelling house.
4. Before occupation of the upper floor takes place the proposed screen shown on drawing nos. AL.0.35, 36 and 37 shall be erected. The screen shall be maintained in perpetuity.

Informatives

Party Wall Act
Bats

DC/2015/00919

ERECTION OF ONE STEEL PORTAL GRAIN STORE

LAND AT PONT KEMEYS FARM, KEMEYS ROAD, CHAINBRIDGE

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones

Date Registered: 29th July 2015

1.0 APPLICATION DETAILS

- 1.1 The application relates to an agricultural holding, comprising 100ha, located along Kemeys Road in Chainbridge. The farm is spread over four blocks of land, three of which are rented on secure long-term tenancy agreements. The farmyard and dwelling is located on the banks of the River Usk, the application relates to the field opposite which is separated by the B4598.
- 1.2 An Agricultural Notification was deemed unacceptable and further details requested in March of this year. It is proposed to erect steel-portal grain store in the north-west corner of the field. The building would measure 30.5m x 15.2m and would have an overall ridge height of 7.8m. It would feature a natural grey fibre cement roof with juniper green, plastic coated steel side cladding. Solar panels would be mounted on the South facing roof area.
- 1.3 The further details now included a detailed landscape plan located primarily in the south-eastern corner of the field.
- 1.4 The application is presented to Planning Committee as the applicant is a County Councillor.

2.0 RELEVANT PLANNING HISTORY

DC/2015/00266 24/03/2015	Erection of one steel-portal grain store.	Unacceptable
DC/2014/01527	Erection of steel-portal grain store	Unacceptable 19/01/2015

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S10 Rural Enterprise
- S13 Landscape, Green Infrastructure and the Natural Environment
- S17 Place Making and design

Development Management Policies

RE4 New Agricultural and Forestry Buildings
EP1 Amenity and Environmental Protection
DES1 General Design Considerations
LC1 New Built Development in the Open Countryside

4.0 REPRESENTATIONS

4.1 Consultations Replies

Llanover Community Council – Have not responded to date.

Tree Officer – Provided the following comments:

- The amended landscaping plan received from Ieuan Williams on 6th June 2015 now reflects the requirement to include Standard sized trees plus smaller understorey planting which should assist in the formation of a screen.
- Please attached a condition to manage Landscaping, maintenance and aftercare of trees shall be in accordance with the amended Landscaping Plan drawing no. RAC/6532/4 Rev A

4.2 Neighbour Notification

None.

5.0 EVALUATION

5.1 Visual impact

5.1.1 Policy LC1 *New Built Development in the Open Countryside* sets out in criterion (b) that new buildings wherever possible should be located within or close to existing groups of buildings. In this instance the main group of buildings is located on the opposite side of the B4598 alongside the River Usk. However, given the proximity to the river this area of land is subject to flooding during extreme weather. This area also has limited capacity to site a building of the size proposed.

The original Agricultural Notification, without any form of mitigation, was considered to be unacceptable and further details were requested to consider forms of natural screening. The landscaping plan has been carefully considered in conjunction with the Council's Tree Officer and will be situated in the south-eastern corner of the field and will assist screening the building from views when travelling towards Abergavenny from Usk. The proposed building has been positioned in the far north-western corner of the field and therefore would appear less prominent than the more central location previously proposed. Furthermore this corner of the field already benefits from mature vegetation along the northern and western boundaries of the field. The building itself, although of considerable size (approx. 463m²), is of standard modern agricultural design; the use of juniper green cladding is considered appropriate to allow the building to assimilate into the rural landscape. The provision of solar panels on the south facing roof slope is also considered to be acceptable given the modern utilitarian character of the building.

5.1.2 It is therefore considered that the development would meet criteria (a) and (d) of Policy LC1 as the proposal would satisfactorily assimilate into the rural landscape and would not have an unacceptable impact on landscape or local amenity value.

5.2 Residential amenity

5.2.1 The nearest neighbouring dwelling, New House Farm, is located approximately 130m to north-east. Given this distance and the fact that the land already has an agricultural use it is not considered that the proposal would cause any additional harm to residential amenity. Further it is to be used for the storage of grain rather than housing any livestock.

5.3 Conclusion

Whilst it is unfortunate that the proposed agricultural building cannot be located to the east of the B4598, it is considered that subject to a condition ensuring the implementation of the submitted landscaping plan, the proposed development would not cause unacceptable harm to the character of the rural landscape. The proposed development is considered to be in accordance with key policies within the LDP which relate to new agricultural buildings in the open countryside.

6.0 RECOMMENDATION: APPROVE

Conditions

1. The development shall commence within 5 years of the date of this consent
2. The development shall be carried out in strict accordance with the approved plans.
3. Landscaping, maintenance and aftercare of trees shall be implemented in accordance with the amended Landscaping Plan drawing no. RAC/6532/4 Rev A.

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