

Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 27 September 2021

Notice of meeting:

Planning Committee

Tuesday, 5th October, 2021 at 2.00 pm
County Hall, Usk - Remote Attendance

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 - 6 |
| 4. | To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached): | |
| 4.1. | Application DM/2020/00636 - Sheep housing / general purpose agricultural building. Henrhiw Farm, Monkswood, Usk. | 7 - 20 |
| 4.2. | Application DM/2021/00724 - Proposed new build detached dwelling to side of No. 2 Ifton Road. Ty Newydd, 2 Ifton Road, Rogiet, NP26 3SS. | 21 - 32 |
| 4.3. | Application DM/2021/01000 - Discharge of condition 4, 5, 9, 11, 12, 14 and 15 relating to application DM/2020/00234. Pathways, Vinegar Hill, Undy. | 33 - 42 |
| 5. | Confirmation Report: Tree Preservation Order (TPO) MCC289 (2021) - Land at Well Farm Grosmont. | 43 - 52 |
| 6. | New Appeals Received - 1st June 2021 to 22nd September 2021. | 53 - 54 |

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

| | | |
|------------------------------------|----------------------|---------------------------|
| County Councillor Ruth Edwards | Llantilio Crossenny; | Welsh Conservative Party |
| County Councillor Peter Clarke | Llangybi Fawr; | Welsh Conservative Party |
| County Councillor Jeremy Becker | St. Mary's; | Liberal Democrats |
| County Councillor Louise Brown | Shirenewton; | Welsh Conservative Party |
| County Councillor Alan Davies | Green Lane; | Independent |
| County Councillor Tony Easson | Dewstow; | Welsh Labour/Llafur Cymru |
| County Councillor David Evans | West End; | Welsh Labour/Llafur Cymru |
| County Councillor Mat Feakins | Drybridge; | Welsh Conservative Party |
| County Councillor Roger Harris | Croesonen; | Welsh Labour/Llafur Cymru |
| County Councillor Jim Higginson | Severn; | Welsh Labour/Llafur Cymru |
| County Councillor Giles Howard | Llanfoist Fawr; | Welsh Conservative Party |
| County Councillor Paul Jordan | Cantref; | Welsh Conservative Party |
| County Councillor Phil Murphy | Caerwent; | Welsh Conservative Party |
| County Councillor Maureen Powell | Castle; | Welsh Conservative Party |
| County Councillor Ann Webb | St Arvans; | Welsh Conservative Party |
| County Councillor Sheila Woodhouse | Grofield; | Welsh Conservative Party |

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Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon two working days before the meeting. Details regarding public speaking can be found within this agenda

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 may be viewed online by visiting the link below.

<https://democracy.monmouthshire.gov.uk/ie/ListMeetings.aspx?Committeeld=141>

This will take you to the page relating to all Planning Committee meetings. Please click on the relevant Planning Committee meeting. You will then find the link to view the meeting on this page. Please click the link to view the meeting.

Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

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

Our Values

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

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

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

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

Purpose

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

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

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

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

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

Decision-making

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

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

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

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

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

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

Planning policy context

Future Wales – the national plan 2040 is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales – the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Monmouthshire's Local Development Plan (LDP) sets out the Council's vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over a 10 year period to 2021. The plan area excludes that part of the County contained within the Brecon Beacons National Park. It has a fundamental role in delivering sustainable development. In seeking to achieve this it sets out a framework for the development and use of land and for the protection of the environment. It also guides and facilitates investment decisions as well as the delivery of services and infrastructure. It determines the level of provision and location of new housing, employment and other uses and sets the framework for considering all land use proposals during the plan period. The LDP contains over-arching policies on development and design. Rather than repeat these for each application, the full text is set out below for Members' assistance.

Policy EP1 - Amenity and Environmental Protection

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

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

Policy DES1 – General Design Considerations

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

- a) Ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community safety and encourages walking and cycling;
- b) Contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;
- c) Respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;
- d) Maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable;
- e) Respect built and natural views and panoramas where they include historical features and/or attractive or distinctive built environment or landscape;

- f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials;
- g) Incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;
- h) Include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- i) Make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion l) below;
- j) Achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- k) Foster inclusive design;
- l) Ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

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

Supplementary Planning Guidance (SPG):

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

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (revised version) (adopted July 2019)

- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017
- Affordable Housing Supplementary Guidance July 2019
- Infill Development Supplementary Guidance November 2019

National Planning Policy

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

- Future Wales: the national plan 2040
- Planning Policy Wales (PPW) edition10 (at time of publication)
- PPW Technical Advice Notes (TAN):
 - TAN 1: Joint Housing Land Availability Studies (2015)
 - TAN 2: Planning and Affordable Housing (2006)
 - TAN 3: Simplified Planning Zones (1996)
 - TAN 4: Retailing and Town Centres (1996)
 - TAN 5: Nature Conservation and Planning (2009)
 - TAN 6: Planning for Sustainable Rural Communities (2010)
 - TAN 7: Outdoor Advertisement Control (1996)
 - TAN 8: Renewable Energy (2005)
 - TAN 9: Enforcement of Planning Control (1997)
 - TAN 10: Tree Preservation Orders (1997)
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 13: Tourism (1997)
 - TAN 14: Coastal Planning (1998)
 - TAN 15: Development and Flood Risk (2004)
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (2007)
 - TAN 19: Telecommunications (2002)
 - TAN 20: The Welsh Language (2013)
 - TAN 21: Waste (2014)
 - TAN 23: Economic Development (2014)
 - TAN 24: The Historic Environment (2017)
 - Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
 - Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
 - Welsh Government Circular 016/2014 on planning conditions

Other matters

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

Planning (Wales) Act 2015

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

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do

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

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

Environmental Impact Assessment Regulations 2016

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

Conservation of Species & Habitat Regulations 2010

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

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

Well-being of Future Generations (Wales) Act 2015

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

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;

- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

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

Equality Act 2010

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

Children and Families (Wales) Measure

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

Climate Emergency

In May 2019 Monmouthshire County Council declared a Climate Emergency with unanimous support from Councillors. The Cabinet Member for Infrastructure and Neighbourhood Services has been appointed as the member responsible for climate change and decarbonisation.

Tackling climate change is very important, because if the planet's temperature rises by 2°C there are risks of drought, flood and poverty, impacting on hundreds of millions of people. In Monmouthshire impacts that could happen include more extreme weather events (such as storms), water shortages, droughts, species loss and risk of flooding. Planning has a key role in addressing climate change through the promotion of sustainable development.

The Council has formulated a draft action plan which will be subject to Member approval and will form the Council's response to tackling this issue. Council decisions will need to take into account the agreed action plan.

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. **The conventional protocol has been modified to allow public speaking via pre-recorded videos.**

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

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

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

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

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application. This will also be via a pre-recorded video.

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

Once the request to speak has been registered by the Council the speaker must submit their pre-recorded video by midday on Monday before the Committee meeting. The video content must comply with the terms below and be no more than 4 minutes in duration. If the third party does not wish to record a video they will need to submit a script to the Council by the deadline above, that will be read out by an officer to the Committee Members at the meeting. The script shall contain no more than 500 words and shall also comply with the terms below.

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights
- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

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.
- If applicable, the video recording of the representative of the community or town council will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the community or town council has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the objector's video recording will then be played to the Members (this shall be no more than 4 minutes in duration) Alternatively, if a third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the supporter's video recording will then be played to Members (this shall be no more than 4 minutes in duration) Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the applicant's (or appointed agent's) video recording will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- 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 submit a video of their response of up to 5 minutes in duration.
 - 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.
 - Committee Members may then raise technical questions with officers.
 -
- Planning Committee members will then debate the application, commencing with the local member if a Member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.
- Where an objector or supporter or applicant/agent community or town council has spoken on an application no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the Committee unless there has been a material change in the application.
- The Chair's decision regarding a procedural matter 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 (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.

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

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Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee

County Hall, Usk - Remote Attendance on Tuesday, 7th September, 2021 at 2.00 pm

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

County Councillors: J. Becker, L. Brown, A. Davies, A. Easson,
D. Evans, J. Higginson, G. Howard, P. Jordan, P. Murphy, M. Powell,
A. Webb and S. Woodhouse

OFFICERS IN ATTENDANCE:

| | |
|--------------------------|--|
| Craig O'Connor | Head of Planning |
| Philip Thomas | Development Services Manager |
| Andrew Jones | Development Management Area Team Manager |
| Amy Longford | Development Management Area Team Manager |
| Denzil – John Turbervill | Commercial Solicitor |
| Richard Williams | Democratic Services Officer |

APOLOGIES:

County Councillors M. Feakins and R. Harris

1. Declarations of Interest

None received.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 3rd August 2021 were confirmed and signed by the Chair.

3. Application DM/2019/00799 - To provide a pre-school educational facility, to inform young children about the natural environment by providing safe, natural outside space for supervised walks and activities. In addition, the provision of two holiday let timber pods to provide sleeping accommodation for guests, plus chemical toilet and rain shelter. Field Nos. 5735 And 4455, Whitecastle, NP7 8UD

We considered the report of the application which was recommended for approval subject to the 11 conditions outlined in the report.

In noting the detail of the report the following points were identified:

- In response to questions raised, it was noted that children will be dropped off at the pre-school educational facility for periods of three to four hours per day with a maximum of 12 children present at any given time.
- With regard to there being only one toilet facility, one shared facility had been deemed appropriate to serve the pre-school educational facility and the holiday

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accommodation. However, due to the modest numbers of children and holiday makers and that the children would only be present for certain periods of the day, it had been considered by Planning officers that this arrangement would be acceptable.

- The application is retrospective. No enforcement action has been served as the current application is the result of the enforcement investigation phase of the enforcement case.
- Pre-school children would be closely monitored by qualified staff when using all facilities on the site.
- It was noted that a condition could be added that any built element on the site that ceases its approved use is then removed from the site within a specific timescale.

It was proposed by County Councillor R. Edwards and seconded by County Councillor M. Powell that application DM/2019/00799 be approved subject to the 11 conditions outlined in the report and also subject to an additional condition:

- That any built element on the site that ceases its approved use is then removed from the site within a specific timescale.

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

| | | |
|------------------|---|----|
| For approval | - | 13 |
| Against approval | - | 0 |
| Abstentions | - | 0 |

The proposition was carried.

We resolved that application DM/2019/00799 be approved subject to the 11 conditions outlined in the report and also subject to an additional condition:

- That any built element on the site that ceases its approved use is then removed from the site within a specific timescale.

4. Application DM/2020/00636 - Sheep housing / general purpose agricultural building. Henrhiw Farm, Monkswood, Usk

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

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

- Concern was expressed that the ground between Henrhiw Farm and the Barns might have been separated.

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- The two sheds that have been agreed were officer delegated decisions some time ago.
- Concern was expressed that the height of the proposed buildings would be excessive for a rural location and questioned whether such a building was required for sheep farming.
- The whole site needs to be re-evaluated.
- The application for the residential caravan on the site is to be located one mile away and is detached from Henrhiw Farm.
- It was considered that the bunding on the site had not been agreed.
- A section of the application site is located on unauthorised hardstanding. It was considered that the application should therefore not be approved.
- The local Member asked that the Planning Committee defer consideration of the application to undertake a full review of the proposal and hold a site inspection.

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

- The existing building is being used for agricultural purposes and storage of equipment.
- The proposed new building is required as the existing buildings are not fit for purpose for the expansion of the sheep flock. The proposed building needs to be a certain height to allow for ventilation and would aid in the expansion of this enterprise.
- The enterprise is a separate unit from the main farm.
- Some Members considered that a site inspection would be beneficial before determining the application.
- Approval of the application will authorise the element of hardstanding outlined in the report.
- Sheep are only indoors for a limited period of time. Poly tunnels are an alternative option for use at lambing time.

The local Member summed up by expressing her support for a poly tunnel at the site instead of the proposed additional agricultural building.

It was proposed by County Councillor P. Murphy and seconded by County Councillor D. Evans that application DM/2020/00636 be approved subject to the eight conditions outlined in the report.

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It was also proposed by County Councillor A. Webb and seconded by County Councillor S. Woodhouse that we be minded to defer consideration of application DM/2020/00636 to allow the Planning Committee to hold a site inspection before re-presenting the application to a future Planning Committee for determination.

The Planning Committee firstly considered the proposition to approve the application, as follows:

| | | |
|------------------|---|---|
| For approval | - | 7 |
| Against approval | - | 7 |
| Abstentions | - | 0 |

The vote was tied. Therefore, the Chair exercised her casting vote and voted against approval.

The proposition was not carried.

The Planning Committee considered the proposition to defer the application to hold a site inspection before re-presenting the application to a future Planning Committee for determination.

| | | |
|------------------|---|----|
| For deferral | - | 10 |
| Against deferral | - | 3 |
| Abstentions | - | 0 |

The proposition was carried.

We resolved that we be minded to defer consideration of application DM/2020/00636 to allow the Planning Committee to hold a site inspection before re-presenting the application to a future Planning Committee for determination.

5. Application DM/2021/00724 - Proposed new build detached dwelling to side of No. 2 Ifton Road, Ty Newydd, 2 Ifton Road, Rogiet, NP26 3SS

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

In noting the detail of the application the following points were identified:

- The site was considered to be too small to accommodate the proposed new dwelling and would result in overdevelopment of the site.
- The road is too narrow and is already congested. An additional property on the site with additional vehicles parking there would further exacerbate the congestion issue.

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- The value of the host property could be diminished if this application was approved. There is less than one metre distance between the host property and the proposed new dwelling.
- Concern was expressed regarding the amenity of the single storey structure regarding the windows. It was considered that there would be a negative impact regarding the outlook from those windows.
- The Development Management Area Manager informed the Committee that the issues of overbearing and suitability of the plot for a dwelling, size and scale are subjective matters. There are no specific set of measurements / plot sizes set out in the Supplementary Planning Guidance (SPG).

It was proposed by County Councillor P. Murphy and seconded by County Councillor G. Howard that we be minded to refuse application DM/2021/00724 on the grounds that the proposed dwelling would result in over development of the plot and that it would be detrimental to the amenity of neighbouring properties.

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

| | | |
|-----------------|---|----|
| For refusal | - | 13 |
| Against refusal | - | 0 |
| Abstentions | - | 0 |

The proposition was carried.

We resolved that we be minded to refuse application DM/2021/00724 on the grounds that the proposed dwelling would result in over development of the plot and that it would be detrimental to the amenity of neighbouring properties.

6. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:

6.1. Bushes Farm, Earlswood

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Bushes Farm, Earlswood on 29th June 2021.

We noted that the appeal had been dismissed.

The meeting ended at 3.29 pm.

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Application Number: DM/2020/00636

Proposal: Sheep housing/ general purpose agricultural building.

Address: Henrhiw Farm, Monkswood, Usk

Applicant: Mr Gregory Lippiatt

Plans: All Proposed Plans Tree and Hedgerow Planting Method Statement - , Location Plan RAC/8624/4 - , Site Plan RAC/8624/5 Rev. 1 - , Elevations - Proposed RAC/8624/6 - , Other Supporting Agricultural Appraisal

RECOMMENDATION: APPROVE

Case Officer: Mrs Helen Hinton
Date Valid: 19.05.2020

This application was deferred at the Committee meeting held on 7 September to enable a site visit to be made. The notes of the site inspection will be presented as late correspondence.

The previous report and recommendation to committee are presented below.

REPORT TO PLANNING COMMITTEE 7th SEPTEMBER 2021

This application is presented to Committee at the request of the Delegation Panel

1.0 APPLICATION DETAILS

1.1 Site Description

This application seeks full planning permission for a new steel portal frame, agricultural building to house sheep at a farm known as Henrhiw Farm, Monkswood. The holding extends to 54 hectares (133.5 acres) of which 16 hectares/ 40 acres is owned and 38 hectares/ 94 acres of the adjoining land is rented on a 10 year farm business tenancy.

The existing yard is positioned on the eastern side of the holding and currently contains two steel portal frame buildings both of which were approved in 2017- an open fronted building on the south-eastern side of the yard, adjacent to which the current proposal would be developed (DC/2017/01107 refers) and a building on the south-western side of the hardstanding enclosed by roller shutter doors (application DC/2017/01370 refers). Both buildings were approved under the agricultural notification process and are to be used for the storage of implements and machinery. The open fronted building on the south-eastern side of the yard currently contains a log cabin which is the subject of application DM/2020/01292 for its retention and relocation.

Details submitted in support of the application specify that the applicant has the following equipment and machinery:

- two tractors;
- a full range of haymaking and silage equipment - a hay bob/ rake, mower, baler and wrapper;
- an excavator for drainage and maintenance work on the farm;
- a telehandler;
- a quad bike;
- an assortment of trailers – to include, a solid sided tipping trailer; flat bed, sheep, cattle and quad bike trailer;
- Post basher/ hedge trimmer;
- Fertiliser spinner;

- Plough
- Various ring and concentrate sheep feeders
- Galvanised sheep hurdles
- Power harrow
- Chain harrows

The building the subject of the current application will be positioned to the north-east of the existing open fronted building, adjacent to the access leading to the Glascoed Ordnance factory. Part of the hardstanding on which the structure would be erected is currently unauthorised and the subject of a retrospective application for planning permission- DM/2020/01153 refers

1.2 Value Added

Additional details relating to landscaping and foul water disposal have been provided during the course of the application.

1.3 Proposal Description

The application seeks full planning permission for the development of an open fronted steel portal framed building to be used for the accommodation and lambing of ewes. The proposed building will be located adjacent to the south eastern boundary of the site.

The proposed building dimension would measure 54.9m wide, 12.1m deep with a pitched roof with a maximum height of 6.72m. The building would be steel framed with three walls and the roof clad in olive coloured galvanised steel. Removable Galebreaker material used on the north-western elevation overlooking the yard. It is proposed that additional landscaping (trees and hedgerows) be provided to the north-east of the development, either side of the existing access to the site.

During 2020 the applicant started purchasing poll Dorset sheep and currently has a flock of approximately 135 ewes but intends to increase the flock to 350 breeding ewes over the next three years. As younger Dorset ewes have a shorter gestation period, it is anticipated that the flock would lamb three times over a two year period. Although it was the applicant's intention to breed the flock in September, a number were covered earlier in the year by a neighbour's ram. As a result, lambing has been underway on an intermittent and ad hoc basis since later November with the part of the existing open fronted building used for mothering and monitoring.

2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description | Decision | Decision Date |
|-------------------------|--|-----------------|----------------------|
| DM/2018/01131 | Proposed new agricultural building for the storage of farm machinery in a secure building. | Withdrawn | 16/07/2018. |
| DM/2019/01955 | Proposed agricultural building for storage use. | Withdrawn | 20.12.2019 |
| DM/2019/01998 | Retention of temporary rural enterprise worker's dwelling. | Withdrawn | 19.05.2020 |

| | | | |
|---------------|---|-----------------------|------------|
| DM/2020/01292 | Retention of a temporary rural enterprise worker's dwelling. | Pending Consideration | |
| DC/2017/01102 | Proposed erection of agricultural building - 120 x 40ft. | Approved | 18.10.2017 |
| DC/2017/01370 | Proposed new agricultural building for the purpose of storage of farm machinery in a secure building, including hard standing area for turning machinery. | Approved | 16.01.2018 |
| DM/2020/01153 | Retrospective planning application for hardstanding area. | Pending Consideration | |

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

RE4 LDP New Agricultural and Forestry Buildings
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
SD4 LDP Sustainable Drainage

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llanbadoc Community Council - The community council objected on the basis the building is not reasonably required for agriculture.

MCC Urban Design Officer - Concerns raised by conditions recommended.

MCC Ecology – Conditions recommended

MCC Environmental Health Officer - Concerns raised regarding noise but no noise assessment requested.

MCC Highways Authority - No objection.

Local Lead Flood Authority - No objection, subject to a condition and informative.

Sustainable Drainage Approving Body (SAB) - The SAB advised that SAB approval is required.

Natural Resources Wales – Concerns raised with regards to the proposal. Conditions with regard to a Construction Environmental Management Plan are recommended.

No objections raised with regards to the foul water disposal and impacts on the defined phosphate sensitive area of the river Usk to the proposed development as submitted and provide the following advice.

HM Explosives Inspectorate - No response received.

5.2 Neighbour Notification

Following direct neighbour notification and the erection of a site notice, four letters of objection from two households have been received, raising the following concerns:

- No objection to the site being used for storage only, as planning was originally approved for, or sheep.
- Plans do not accurately depict adjacent properties;
- Proposed building will be within 10m of a watercourse;
- Adverse noise impact arising from the active industrial enterprise is operated from the site, in the form of buying, repairing, refurbishing and selling second-hand farm machinery.
- Proposed development is 6m from the boundary with Little Henrhiw; and
- Another building will encourage further expansion of a non-farming enterprise and turn the site into a business park.
- The application site has been occupied for most of this year (2020) by large agricultural machinery of the type being sold. There is very little evidence of agricultural/ farm use

5.3 Local Member Representations

Ward Member, Cllr V Smith, was notified of the application on the 4th June 2020. No objections or representations have been received.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

The site is positioned on the eastern boundary of a wider agricultural holding, in an area of open countryside within the community of Llanbadoc. There is a general presumption against development in the open countryside unless the proposal accords with national planning policy or specific policies in the LDP.

In respect of this proposal, Policy LC1 of the LDP permits new built development in the open countryside if it is compliant with subject policies in the plan and meets the criteria identified in policy LC1. The specific relevant policy in this case is RE4 which supports new agricultural buildings.

Policy RE4 of the LDP allows new agricultural buildings providing they are reasonably required for agriculture and have adequate provision for foul and surface water disposal.

Based on the information submitted, the building is required for the purposes of agriculture to house sheep. The applicant currently has a flock of approximately 135 Dorset ewes and intends to increase the number of breeding ewes to 350 over the next 3 years. Although there are other buildings on the yard, the roller shuttered door building is not suitable for the accommodation of livestock due to layout and reduced ventilation, air movement and circulation. The agent has advised that despite being used at the current time, the existing open fronted building to the south-west of the current proposal is too small for long term use by the intended flock size and is needed for the storage of existing implements and machinery.

Regulation 4(1) of the Welfare of Farmed Animals (Wales) Regulations 2007 (S.I. No. 3070. (W.264)) states that a person responsible for a farmed animal must take all reasonable steps to ensure that the conditions which it is bred or kept comply with Schedule 1 of the regulations.

Regulation 4(2) of the above states:-

- in deciding whether the conditions under which animals are being bred or kept comply with the requirements set out in Schedule 1, a person responsible for a farmed animal must have regard to their species, degree of development, adaptation and domestication, and to their physiological and ethological needs in accordance with good practice and scientific knowledge.

In accordance with the above, the Welsh Government Code of Practice for the Welfare of Livestock: Sheep, March 2010, encourages all those who care for farm animals to adopt the highest standards of husbandry. Freedom from discomfort through the provision of an appropriate environment including shelter and a comfortable resting area, is one of the 'Five Freedoms' defined and elaborated by the Farm Animal Welfare Council. These form a basis for the assessment of welfare within any system together with the actions necessary to safeguard welfare within the constraints of an efficient livestock industry. The number and type of sheep kept and the stocking rate and/or housing density should depend on the suitability of the environment, the capacity of the farm, the competence of the shepherd and the time available to carry out his or her duties.

Schedule 1, paragraph 4 of the Welfare of Farmed Animals (Wales) Regulations 2007 (S.I. 2007 No. 3070 (W.264)), states that, where any animals (other than poultry), are kept in a building:-
- they shall be kept on, or have access at all times to, a lying area which either has well-maintained dry bedding or is well-drained. Schedule 1, paragraph 9 states: the freedom of movement of animals, having regard to their species and in accordance with good practice and scientific knowledge, must not be restricted in such a way as to cause them unnecessary suffering or injury.

It is recognised that the winter housing and indoor lambing of sheep can improve welfare subject to adequate ventilation, sufficient trough space and lying area being provided. The space allowance and group size for housed sheep should be determined according to age, size and class of livestock. The following examples of good practice are given within the WG code of practice:

Category of Sheep relative to Space allowance

- a) Lowland ewes (60 - 90 kg liveweight) - 1.2 - 1.4 m² floor space per ewe during pregnancy.
- b) Lowland ewes after lambing with lambs at foot up to 6 weeks of age 2.0 - 2.2 m² floor space per ewe and lambs.
- e) Lambs up to 12 weeks old - 0.5 - 0.6 m² floor space per lamb.
- f) Lambs and sheep 12 weeks to 12 months old - 0.75 - 0.9 m² floor space per lamb/sheep.

Where possible pregnant ewes should be kept in groups of less than 50 to allow for better individual recognition and attention at lambing time.

In accordance with the information provided by various Dorset Breeding Clubs, the Dorset is considered to be a versatile breed able to adjust to a wide range of conditions i.e. hill ground or lowland, with an average weight of 68-91 kg (150-200lbs).

The following information has been provided by the agent:

"The proposed building measures 54.9m x 12.1m (664m²) which would provide sheep housing and storage for hay and straw bedding. This enables the bales to be easily collected from the storage area within a single building during the busy lambing period – which is particularly useful if it is snowing or during the night.

Recommended space requirements for a large ewe and lambs up to 6 weeks old are 2.2m² of floor space per ewe plus 0.4m²/ewe for a separate creep area for lambs which would be housed during the winter period – equating to a space requirement of 2.6m²/ewe.

Following lambing in communal pens, the ewe and her lamb(s) would be taken to individual mothering up pens for the ewe to form a strong maternal bond. This would require an area of 2m² per ewe. In a flock of this size it would not be unusual for 25-30 ewes to lamb in a single day. Therefore, the pens account for another 60m² of floor area.

Thus, the building would provide space for:

Lambing area - 175 ewes x 2.6 = 455m²

Mothering up - 30 ewes x 2.0 = 60m²

Storage of bedding/ straw and hay = 150m²

If some of the flock drifted over from the previous lambing period because they did not conceive, or if the flock increased in size, the building would be able to accommodate them through flexibility of use and design."

The agent has advised that the lack of accommodation has resulted in a higher level of lamb mortality during the latest lambing period.

Although relatively large, the building proposed is considered functional and utilitarian in form and is designed to meet the current and anticipated needs of the holding. It is also considered that the further investment in infrastructure is representative of the applicant's intention to grow the agricultural enterprise. There is no evidence to suggest that the proposed building would be used for anything other than agriculture.

The Local Lead Flood Authority (hereafter referred to as the LLFA) has commented on the application and advised that the site is in an area of surface water flooding. A condition is therefore required to manage surface water. There will be no foul drainage associated with the proposals.

It is therefore concluded, that subject to condition, the proposal accords with LDP Policy RE4.

Other requirements of Policy LC1

Policy LC1 is a criteria-based policy and the requirements are considered in more detail below.

a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5; b) new buildings are wherever possible located within or close to existing groups of buildings;

The building would be positioned on the south-eastern edge of an existing yard area, adjacent to other farm buildings. The other farm buildings are approximately 6.2m in height and the proposed building would be 6.72m. The limited difference in height and similar appearance with the existing buildings would ensure the proposed building would read in the landscape as a natural addition to

the farmyard, assimilating with the existing landscape and would meet criteria a) and b) of Policy LC1.

c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; d) the development will have no unacceptable adverse impact on landscape, historic/cultural or geological heritage, biodiversity or local amenity value

The proposed building is designed for an agricultural purpose and has a typical form of building of this nature found in a rural context. Although the building would have a larger footprint than the others on site it would be similar in height (as discussed above). Given its close positioning to the existing buildings and access to the site, it is considered that the scale and bulk of the building would not appear incongruous and would respect the surrounding countryside setting.

Given the design, form and position of the building relative to the existing yard and building in association with landscaping measures proposed and the rising topography of the applicant's land holding to the south-west, it is considered the proposed building will not have an unacceptable impact on the landscape, historic/ cultural or geological heritage of the wider area

The building would be located on the south-eastern edge of the hard-surfaced yard area. As a result of the existing approved developments the specific site of the proposed building has limited biodiversity value although this will be discussed further below.

Impact on local amenity is discussed in more detail below under the sub-heading 'residential amenity'.

Considering the development in the context of Policy LC1 together with Policy RE4, it is concluded the principle of development is satisfied. Other material considerations which require assessment are detailed below.

6.2 Design and Visual Impact

The building will be a steel portal framed, pitched roof building with a floor area of 669m². Externally the elevations and roof would be finished with olive coloured plastic-coated sheets. The north-western elevation would be open fronted with the exception of installation of 'Gale Breaker' material during lambing. It is considered that the development proposed would appear agricultural in form and appearance and would be in keeping with the yard setting.

The proposed building would be sited so the width would be parallel to the site boundary with the smaller gable elevation visible from the A472 to the north-east of the site.

The Council's Landscape Officer raised a holding objection based on a lack of a sufficient landscaping plan. The applicant subsequently submitted an additional landscaping plan showing the provision of five trees and a hawthorn/hazel hedgerow to be planted along the bank of the watercourse to the north-east of the development, either side of the existing vehicular access. Although the Officer remains concerned regarding the lack of detail and has suggested a number of conditions, the landscaping would offer screening to the building and wider yard area when viewed from the A472. Given the site is an existing agricultural holding and yard and has no existing landscaping, the proposed planting is considered acceptable and would offer screening to soften the appearance of the existing and proposed developments. Having reviewed the location of the planting, the LLFA have raised no concerns with regards to its proximity to the watercourse.

Although the proposed building is large, it is considered that its siting on the lowest part of the land holding, adjacent to existing buildings and the highway and the provision of additional landscaping to screen the proposal will prevent the building from having such a detrimental impact on the character and appearance of the area to warrant refusal of the application.

Subject to conditions, it is considered that the application complies with LDP policies DES1 and RE4.

6.3 Residential Amenity

The building will be located on an established yard and introduce a large building which has capacity to house up to 350 sheep. The yard is already in an agricultural use. Although the existing buildings were approved for storage purposes, subsection A.2(1)(a) of Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 does allow the existing structures to be used for the accommodation of livestock in exceptional circumstances (i.e. quarantine; an emergency arising from the damage or loss of buildings from fire, flood or storm; for the accommodation of sick or newly born animals or for shelter against extreme weather). The proposed development would introduce a purpose built livestock building that could be used for the accommodation of livestock for a longer period than that approved by A.2(1)(a), which in turn could generate noise and odour issues for adjacent residential properties.

The nearest neighbours are Little Henrhiw and Lisvane. These properties are located approximately 85m and 115m away, respectively. The residential curtilage of Little Henrhiw is approximately 25m from the building, separated by the access road into the BAE Systems base.

The agent has advised that the sheep will be bed on straw which will be replenished approximately twice per week. This is to prevent odour and to prevent infections which could adversely affect the ewes and lambs. Given the building would be covered and subject to appropriate management, it is considered that the odour generation is likely to be limited. Furthermore, given the rural context of the site the odour associated with the building is unlikely to be perceptible to the nearby neighbours, especially given the separation distance.

In terms of noise, the open side of the building will face into the yard and the elevation closest to the site boundary adjacent the nearby dwellings would be solid. It is considered that the orientation of the building and appropriate management in terms of feeding would assist with reducing noise levels. Given the existing ambient noise levels arising from the A472, the intermittent use of the building for lambing and weather protection, the separation distances that would be maintained with the adjacent dwellings and the rural context of the site, it is considered the noise levels associated with the proposed use would be not be harmful to an extent which would warrant refusal of the application.

The Environmental Health Officer had raised concerns regarding the noise level but does not consider their concerns substantiate a reason for an objection.

Following consultation, an objector has identified that they have no objection to the use of the buildings for storage or sheep. Their objections with regards to noise are in relation to that generated by the use of the existing buildings for the repair, refurbishment and subsequent sales of agricultural kit and machinery. In response the Agent has advised that whilst the applicant was previously operating a machinery sales business from the site, this enterprise has now been relocated. The use of the existing buildings for anything other than agriculture could be the subject of enforcement action. In line with the interpretation of Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, if within 10 years of the date of approval the agricultural use of the existing buildings permanently ceases and an alternative use is not granted by the Local Planning Authority, the buildings must be removed and the land restored to its original condition.

To conclude it is acknowledged there may be an impact in terms of odour and noise arising from the use of the building. However, it is considered that the impact would not be of a level so out of keeping with the rural setting or harmful to residential amenity to warrant refusal of the application. It is therefore considered that the proposal accords with the relevant criteria of policies RE5 and EP1.

6.4 Biodiversity

The building would be located on the south-eastern edge of the hard-surfaced yard.

Following consultation Natural Resources Wales (NRW) have raised concerns regarding the application but have advised that the application could be approved subject to the imposition of a Construction Environmental Management Plan (CEMP) condition.

Following consultation the Council's Ecologist has advised that the site is within the buffer of the River Usk SAC and will need to be the subject of a Habitats Regulation Assessment (HRA). Following review of additional information in relation to Ecology, the Officer has raised no objection to the application subject to conditions and the application being reviewed as part of the Habitats Regulation Assessment (HRA). This process was initiated 19 January 2021 with a subsequent NRW response received on the 2nd February 2021, stating:

"We have reviewed the HRA Screening Matrix & Appropriate Assessment, prepared by your Authority in respect of the above application. We are satisfied with the conclusions of the Appropriate Assessment and believe the conditions identified are appropriate to avoid adverse effects on the River Usk Special Area of Conservation (SAC). However, we recommend the following reason be added to the Landscape Plan Section (page 14) to include: "REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan, to contribute towards biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LPD policy NE1 and the integrity of the River Usk SAC." Matters with regards to the phosphate implications on the SAC are discussed below.

Although some new areas of landscaping are proposed to the north-east of the development, details with regard to biodiversity net gain have not been submitted in support of the application. These could however be secured by condition. The Council's Landscape/ Urban Design Officer has also identified that additional details with regards to the landscaping will need to be sought by condition.

Subject to conditions to secure sufficient and appropriate compensation, mitigation and biodiversity net gain, the provision of additional information with regards to landscape, the imposition of a CEMP condition and the successful completion of the HRA process, the application is considered compliant with LDP policies S13 and NE1.

6.5 Highway Safety

The yard and wider holding already benefits from an existing vehicular access which would not be altered by this proposal. It is considered that the introduction of an additional building on the site would not significantly increase the use of the access beyond how it could currently be used. Following consultation, the Highways Department has raised no objection to the application. Given the existing access and on-site parking and turning provision, the application is considered compliant with LDP Policy MV1.

6.6 Water (including foul drainage / SuDS), Air, Soundscape & Light

The LLFA has assessed the proposals and confirmed the site lies in an area affected by surface water flooding.

In response the Agent has provided the following response:

"The hardcore yard does not allow immediate run-off from the surface as it is permeable. There is no potential for run-off into the ditch to the east of the site because there is a slight gradient away from the ditch towards the north-west and so any surface water during sustained heavy rainfall events would eventually flow into the field where it percolates into the soil. There would be no vector for run-off from the hardstanding area into the ditch.

The proposal does not involve any discharge of roof water to the ground or neighbouring watercourses and so does not present any increase in flood risk. (It is proposed that) the roof water will be captured and used to replace mains drinking water for the sheep flock. A proposed rainwater harvesting system will remove a significant load of water ultimately accessing the

watercourses during heavy rainfall periods, thereby reducing flood risk further downstream or impacting upon water quality due to run-off.

The water harvesting system will be buried and so will not visually impact on the surrounding area or be susceptible to impact damage by vehicles or animals. This will enable the rainwater to be contained as close to the source of the run-off as possible – the tank which will be sited underneath the building upon which the rain falls.

The storage system, which will harvest the entire roof run-off, will be stored in a 20,000 litre tank buried underneath the shed. The water will be pumped on demand to a series of livestock water troughs both within the building and strategically sited around the farm. A maintenance program will be provided by the supplier of the rainwater harvesting system detailing the management and maintenance requirements of the system to ensure that it functions efficiently for an extended period of time.

The average annual rainfall for Usk is 878mm which would theoretically generate 587,000 litres of run-off from the roof. However, due to evaporation not all of this would progress to the gutters and water harvesting system. In practical terms this is likely to result in some 550,000 litres of harvested roof water. Ewes with lambs will consume far more water than those not lactating. Larger breeds and those lambing more frequently or with multiple lambs will drink more water. On average ewes will drink 6.3 litres of water/head/day. This will result in a water requirement for the 350-ewe flock of some 805,000 litres. The water harvesting system will provide approximately 75% of the flock's water requirements, thus saving on mains water costs and reducing the demand on the DCWW water treatment plants."

Irrespective of the above, it is necessary to ensure the proposed development will not exacerbate this existing issue and that surface water resulting from the proposed building will be appropriately managed. As a result the LLFA have requested a pre-commencement planning condition is imposed requiring the surface water management plan to be agreed. Given the existing issues on site, it is necessary and reasonable to impose this condition. Subject to the imposition of the condition the application is considered compliant with LDP Policy SD3.

The SAB team have confirmed that SuDS approval will be required. An informative relating to such matters could be added to any grant of consent.

In light of recent planning guidance issued by NRW, it has been determined that the application site is located within a phosphate sensitive area, being within the catchment of the river Usk, Special Area of Conservation (SAC). Although no formal foul water connection or disposal system is required, it is considered that the development would involve the storage, management and spreading of organic material within the catchment of the river SAC and as a result has the potential to contribute towards the level of phosphates entering the SAC.

As part of the HRA the Council's Ecologist has provided the following information:

The site is within 250m of the River Usk Special Area of Conservation (SAC). There is a watercourse within the proposed development site that feeds into the SAC downstream, which is a pathway for potential adverse impacts on water quality on the SAC.

There is potential that pollution/siltation through site runoff into the on-site watercourse could occur, this stream feeds into the SAC downstream via the Berthin Brook.

Pollution and pH changes caused by run off from the construction of the building and the associated water storage tank (under the building) surface path could create localised unfavourable conditions for migratory and non-migratory fish and Callitricho-Batrachion vegetation

Change in water chemistry (including pollution, nutrient enrichment and pH changes) have been identified as a hazard potential to cause significant impacts on interest features of the SAC. In mitigation, it is recommended that conditions be imposed on any grant of consent requiring the

developer to submit a Construction Environmental Management Plan with specific information submitted with regards to:

- General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- Resource management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption; wastewater and energy use; and,
- Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;

Following review of the Ecologist's Habitats Regulation Assessments and Appropriate Assessment with regards to specific matters, and the submission of additional information from the Agent which includes a 'Spreading Risk Map', Natural Resources Wales have raised no objection to the application noting: "Any manure produced must be managed (storage and application to land) in line with The Code of Good Agricultural Practice (CoGAP) for the Protection of Water, Soil and Air for Wales. If manure is managed correctly then the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC."

The applicants have since submitted manure management and foul water information, and while this has now all been approved by NRW, the Council's ecologist has completed a revised HRA based on the latest information and NRW's response is awaited.

Subject to the imposition of a construction management plan condition, an informative regarding manure management, and receiving a positive response in relation to the revised HRA from NRW, the application is considered compliant with LDP policies S13, EP5 and NE1

6.7 Response to the Representations of Third Parties and/or Community Council

The community council and residents' comments are addressed in turn below.

The building is not reasonably required for agriculture (Community Council)

The applicant has advised the building is required for housing of sheep and occasional use for agricultural storage. The building is agricultural in form and appearance with open side and typically used for agricultural purposes. There is no evidence to suggest the application will not be used for agriculture and the proposal is considered to accord with Policy RE4. A thorough analysis of the why the size and layout of the building is needed has been provided by the planning agent.

The plans do not accurately depict adjacent properties;

The plans provided show the site on an OS map to enable the Local Planning Authority (hereafter referred to as LPA) to accurately ascertain the site location. The purpose of the plan is not to direct the LPA to properties in the vicinity. It is LPA's role to consider properties impacted by the development and the most likely affected properties have been considered in this report.

The proposed building will be within 10m of a watercourse;

The Site is within approximately 10m of a watercourse. The forms are incorrect; however, the LPA is aware and has considered the proposal based on the actual distance of the building from the watercourse.

Adverse noise impact

The impact in terms of noise has been assessed above. It is acknowledged there will be an impact, however it would not be so detrimental to warrant refusal of the application.

The neighbour's comments regarding industrial type noise emanating from the site are noted. The Agent has advised that a former agricultural equipment renovation and sales enterprise has now

been relocated and has departed from the site. Use of the building for such a use would be a breach of planning control and could be the subject to future enforcement action

The proposed development is 6m from the Boundary with Little Henrhiw

The boundary of the application site measured to edge of what appears to be the residential curtilage of Little Henrhiw measures approximately 25m. It is not considered the building will be within 6m of the boundary of Little Henrhiw.

There is currently a dwelling on site.

It is acknowledged that there is a caravan on site. This is currently housed within the part of the open fronted building and is subject of an ongoing planning application for its retention and relocation.

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

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

6.9 Conclusion

It is acknowledged that the building as proposed is relatively large and would provide a further structure on the site of a relatively new agricultural enterprise. However, it is considered that the proposal would provide dedicated animal housing and represents the applicant's commitment and investment in growing the flock and enterprise as a whole. On balance, it is considered that the development would not have a detrimental impact on the character and appearance of the area, the residential amenity of those living closest to the site or on the highway safety and free flow of traffic. Although concerns have been raised with regards to the impact of the development on the ecological and biodiversity value of the area, the site does form part of the applicant's active yard and wider enterprise. Subject to the imposition of conditions with regards to the biodiversity compensation, mitigation and net gain it is considered that the application is compliant with the relevant policies of the Monmouthshire County Council Local Development Plan and is recommended for approval.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of this permission.

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

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

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

3 No development shall begin on site until the LPA has approved in writing the surface water drainage system. The system will need to manage surface water to comply with National Standards and legislation. The rate of discharge will need to be reduced to the greenfield run off rates with a surface water system storing and controlling flood water up to an including the 100 year + 30% climate change event. The applicant will also need to identify any overland flow routes if the surface water system exceeds and show that these overland flows do not increase flood risk to any property on or off the development site. The agreed surface water drainage system shall be retained in perpetuity.

REASON: To ensure adequate protection and mitigation measures are included as part of the proposal to prevent additional surface water run-off which would could lead to increased risk of flooding as required by Policy SD3.

4 No development shall take place (including ground works, vegetation clearance) until a Contractor's Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.
The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Construction methods: details of materials, how waste generated will be managed;
- j) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- k) Resource management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption; wastewater and energy use,
- l) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- m) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and the Integrity of the River Usk SAC.

5 Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate net benefit for biodiversity with enhanced connectivity to brook corridor and the boundaries of the site. Details shall include:

- Detailed scaled plans, showing existing and proposed levels of the proposed structure and relationship with SuDS.
- Soft landscape details to scale shall include: means of protection, planting plan, specifications including cultivation and other operations associated with planting establishment of new trees and any mitigation for loss of grassland.

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan, to contribute towards biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LPD policy NE1 and the integrity of the River Usk SAC.

6 All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure S13, LC5, DES1, and G11 and NE1.

7 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features, incompliance with LDP policies LC1, LC5, G11, NE1 and DES1.

8 Within 3 months of the commencement of development, details of the grassland management proposals for the 1.1ha field parcel as identified in figure 3 of the letter provided by Ieuan Williams of Reading Agricultural Consultants dated 30th October 2020 shall be submitted to the LPA for approval in writing and thereafter implemented.

The plan shall include:

- a) Description and evaluation of ecological assets to be managed. (grassland)
- b) Trends and constraints on site that might influence management.
- c) Aims and objectives of management. (e.g. to enhance diversity and improve quality)
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule
- g) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the 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 ecological objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1.

INFORMATIVES

1 The applicant may wish to engage the Monmouthshire Meadows Group to assist them with the restoration of the area identified to provide Biodiversity Net Benefit.

<https://monmouthshiremeadows.org.uk/>

2 Any manure produced must be managed (storage and application to land) in line with The Code of Good Agricultural Practice (CoGAP) for the Protection of Water, Soil and Air for Wales.

Application Number: DM/2021/00724

Proposal: Proposed new build detached dwelling to side of No. 2 Ifton Road

Address: Ty Newydd, 2 Ifton Road, Rogiet, NP26 3SS

Applicant: Mr Royston Downing

Plans: All Proposed Plans 20-200 - , Site Plan 90-101 - , Block Plan 90-202 - ,

RECOMMENDATION: REFUSE

Case Officer: Mrs Helen Hinton
Date Valid: 27.04.2021

This application is presented to Planning Committee following a resolution to refuse the proposal by Committee in September 2021. This application is now re-presented with reasons for refusal for endorsement by Planning Committee

This application was reported to Planning Committee on the 7th September 2021 with a recommendation from officers to approve the proposed development. Members raised concerns over the proposals and recommended that the application be refused on the grounds that the proposed dwelling would result in over development of the plot and that it would be detrimental to the amenity of neighbouring properties.

Therefore the application is re-presented to Planning Committee seeking the endorsement of the reasons for refusal as set out below.

Reasons for Refusal:

1. The proposal, by virtue of the scale and proportion of the proposed dwelling in relation to the existing plot and adjacent built form, represents an over intensive use of the site and would result in a detrimental overbearing impact and incongruous appearance in the street scene contrary to Policy DES1 criteria a), b) and c), of the Monmouthshire Local Development Plan (LDP) and Supplementary Planning Guidance Infill Development 2019.
2. The proposal, by virtue of the proposed scale of development and the relatively small plot, would result in an unacceptable and adverse impact on existing neighbour amenity contrary to Policies DES1 criterion d) and EP1 of the Monmouthshire LDP.

PREVIOUS REPORT

1.0 Site Description

The application site forms part of the residential curtilage that adjoins the southern (side) elevation of Ty Newydd, 2 Ifton Road, Rogiet. The host property is a detached, two storey dwelling finished externally with rendered elevations with timber/ uPVC panel inserts at first floor level, white uPVC windows and doors and tile clad roof. Off street parking is provided on a driveway adjacent to the western (front) elevation of an extension that adjoins the northern (side) elevation, approved under M07949 in 2003. The boundaries of the site are defined by a combination of block walls and timber fences supplemented by landscaping. The property is level with the dwellings that surround the site.

The host dwelling is positioned within an established residential area on the eastern side of Ifton Road, approximately 30m to the south of its junction with Caldicot Road (B4245). The area demonstrates a variety of property types set in plots of varying size. The site as a whole is located within the development boundary of Rogiet as identified by the proposals map of the Monmouthshire

Local Development Plan and is outside of the defined phosphate sensitive area.

1.1 Proposal Description

The application seeks full planning permission for the development of a detached, two storey, two-bedroom dwelling to the south of Ty Newydd.

The proposed dwelling would measure approximately 5.7m wide, 8m deep with a hipped roof with a maximum height of 7m falling to 5.25m at eaves level. Externally the dwelling would be finished with rendered elevations, a concrete tiled roof, with uPVC and aluminium framed windows and composite doors. A small array of solar panels would be installed on the southern roof plane. Two parking spaces would be provided to the west (front) of the dwelling with a 6m wide, 5m deep area of amenity space provided to the east (rear). A 0.45m-0.63m gap would be maintained between the northern and southern boundaries of the site.

2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description | Decision | Decision Date |
|------------------|---|-----------------------|---------------|
| DM/2021/00724 | Proposed new build detached dwelling to side of No. 2 Ifton Road | Pending Determination | |
| DC/1982/01162 | Demolish Garage & Rebuild APP_TYP 01 = Full DEV_TYP 06 = Garage MAP_REF = 346264188019 | Approved | 27.01.1983 |
| M07949 | 2 Storey Extension Directly Over Existing Garage. | Approved | 23.01.2003 |
| DC/1982/00415 | C/U To Hairdressing Salon APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346269188019 | Approved | 14.07.1982 |
| DC/1984/00391 | C/U Into Two Flats APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 342650188020 | Approved | 14.06.1984 |
| DC/1974/00423 | C/U To 2 Flats APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346270188020 | Approved | 14.05.1975 |
| DC/1980/00999 | C/U For Motor Vehicle Repair APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 346269188027 | Refused | 12.11.1980 |

| | | | |
|---------------|--|---------|------------|
| DC/1989/01183 | Change Of Use From Hairdressing Salon To Single Bed Studio Flat. | Refused | 08.12.1989 |
| DC/1990/00695 | Change Of Use From Hairdressing Salon To Video Shop. | Refused | 06.08.1990 |
| DC/1990/00052 | Non-illuminated Sign. | | 09.07.1990 |
| DC/1990/00048 | To Use Existing Front Room Ground Floor As A Video Shop. | Refused | 03.05.1990 |

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD1 LDP Renewable Energy
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

Supplementary Planning Guidance

Affordable Housing SPG July 2019:
<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:
<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

Renewable Energy and Energy Efficiency SPG March 2016:
<http://www.monmouthshire.gov.uk/renewable-energy-energy-efficiency-supplementary-planning-guidance>

Monmouthshire Parking Standards (January 2013)
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework, which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and

cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

Technical Advice Notes

Technical Advice Note (TAN) 24- The Historic Environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

Rogiet Community Council – Raise an objection:

* The plot is very narrow. The proposed dwelling would sit very close to the neighbouring properties, causing problems with maintenance in future.

* The junction of Ifton Road (one way off Caldicot Road) with Caldicot Road has poor visibility and is narrow. A further dwelling within such close proximity, and the additional traffic generated would exacerbate highway safety issues

* Neighbour objections regarding sewer access from the proposed property are noted.

MCC Highways – No objection.

Dwr Cymru/ Welsh Water – SAB consent will be required for the disposal of surface water generated. Conditions recommended with regards to surface water disposal and advisory notes provided with regards to the application process for connecting to the sewer system.

Glamorgan Gwent Archaeological Trust – No archaeological objection to the positive determination of this application.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. Two letters of representation have been received and are summarised as follows:

Concerns regarding another property using pre -937 sewerage drains. The system has caused us problems in the past. When Ifton Road was built, the sewerage was put in place but since then some of the properties have been converted into flats with more families using outdated pipework. Care must be taken so that the development does not impact on us and our neighbours in the future.

The development will generate increased overlooking, loss of privacy and encroachment on our home and garden because of an increased number of windows in the rear elevation.

An additional dwelling will generate increased noise and disturbance.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

The plot is located within the Development boundary of Rogiet as identified by the proposals map of the LDP. Policies S1 and H1 presume in favour of new residential development in such Severnside settlement locations, subject to detailed planning considerations. Ifton Road is within walking distance of shops, a primary school, public transport and other local facilities. As such it is considered that this is a sustainable location for a new dwelling and accords with the LDP strategy for new housing development to be concentrated in existing towns. The principle of a new residential dwelling in this location is therefore acceptable in policy terms.

6.2 Sustainability

6.2.1 Good Design, Placemaking and Landscape

The application site forms part of the wider Rogiet settlement with Ifton Road and the wider area containing a variety of property types and designs. It is considered that the proposed dwelling has been designed to be in keeping with the architectural style and character of the surrounding properties. It is of a similar height, scale and layout and would make use of external materials in keeping with the host property and wider area.

Although the provision of the proposed front facing gable and ridge line that runs east to west, rather than being parallel to Ifton Road, would be different to the majority of dwellings in the wider area, front facing gables features are evident in the wider street scene. Being mindful of the scale of development, it is considered that the variation in design would not be so out of keeping to have a significant adverse impact that would warrant refusal of the application.

Although concerns were initially raised about potential overdevelopment of the plot, a concern that has been echoed by the Community Council in relation to the limited maintenance gaps around the property, it is noted that there are a variety of properties, plot sizes and densities evident in the street scene. Although tight, given the urban context it is considered that sufficient areas of amenity space would be retained to the front and rear of the dwelling to help off-set the proposal and the density indicated would not be so detrimental to warrant refusal of the application. Whilst it is acknowledged that the gap between the development and adjacent dwellings is modest, the practical implications of maintaining the proposed dwelling are not a material consideration.

On the basis of the above, it is considered that the design, size, scale, position of the proposed dwelling and the density of development evident in the area makes the development acceptable in design terms and compliant with the requirements of LDP policies S13, S17, EP1 and DES1.

6.2.2 Green Infrastructure and Biodiversity

The site the subject of the application forms part of the residential curtilage of Ty Newydd. Although the works would result in the loss of some areas of ornamental planting, the works would not have a significantly detrimental impact on the green infrastructure value or provision within the area.

Given the existing maintained, managed status of the land, its close positioning to the existing dwelling and the lack of connection to the dwelling, it is considered that the development would not have a detrimental impact on the ecological value of the site or wider area. No ecological surveys have been sought or submitted as part of the application.

In line with Welsh Government guidance, each application for planning permission, irrespective of scale, must now provide ecological mitigation and enhancement. Although these details have not been indicated as part of the application, it is considered that the provision could be adequately secured by condition.

Subject to the provision of such conditions, the application is considered compliant with LDP policies S13, GI1 and NE1.

6.3 Historic Environment

The application site is located within an Archaeologically Sensitive Area of the Levels. Following consultation, Glamorgan Gwent Archaeological Trust (GGAT) have identified that the application site will have already been disturbed from the residential development of the area, associated services, landscaping and subsequent extension to the property. It is also noted that archaeological mitigation was not required for other properties within the immediate area for similar developments, and no archaeological deposits were recovered or noted from these. It is therefore, considered that the ground has already been extensively disturbed from previous development and due to the current information within the Historic Environment Record, it is unlikely that archaeological remains will be encountered during the proposed development. As a result, it is considered unlikely that there is an archaeological restraint to this proposed development and GGAT have no archaeological objection to the positive determination of this application.

Based on the consultation response received, the application is considered compliant with TAN 24.

6.4 Impact on Amenity

As a result of its position within an established residential area, there are existing residential properties on all sides of the site.

Guidance provided within the Infill Supplementary Planning Guidance indicates that a distance of 21m should be maintained between directly facing habitable room windows with a distance of 10m maintained between first floor rear windows and the side boundary with neighbouring properties.

Based on the plans submitted, the development would maintain a minimum distance of 21m with windows in the dwellings to the west (front) of the site. However a distance of 5m would be maintained between the eastern (rear) elevation and the residential curtilage boundary of the property to the rear. This is the same distance maintained by the existing dwelling to the same boundary. The host dwelling already benefits from a number of windows in the eastern (rear) elevation that overlook the neighbour's property. Concerns with regards to increased overlooking and loss of privacy to the dwelling and amenity space have been raised by the neighbour.

The plans submitted detail that the eastern (rear) elevation of the proposed dwelling would contain a set of bi-fold doors at ground floor level and two windows at first floor level, one serving a bathroom (so obscure glazed) and one serving a bedroom. It would be possible for the applicant to provide a 2m fence along the eastern boundary to reduce opportunities for overlooking from the ground floor windows. This would not however prevent an impact from the first floor windows.

Given the limited size of the plot, the provision of a further dwelling on site with windows in the rear elevation, would generate increased overlooking. However, it must be acknowledged that because of the urban context and the density of development, the neighbour's garden and property is already overlooked to some degree by at least two other dwellings. The applicant however, has agreed to make alterations to feature a high level bedroom window with a roof light to avoid any direct overlooking of the neighbour's attractive amenity area.

An amended plan showing this change will be presented to Members at the meeting.

Further concerns have also been raised with regards to increased noise and nuisance generation. Given the use and scale of the development proposed, it is considered that the any noise generated would be domestic in nature and would not be so significant to warrant refusal of the application.

The proposed dwelling would be positioned directly in front of windows and doors serving the single storey dwelling to the south. The existing windows in the northern elevation of the adjacent property are already screened by an overhanging roof and the boundary fence of the application site, which extends up to the eaves of the building. Additional windows and roof lights are provided in other elevations and the southern roof plane of the property. As a result of the existing arrangement, it is considered that the development would not have an increased detrimental impact on the amenity of that dwelling. Following direct neighbour notification, no response has been received from the occupiers of the property.

Based on the above, whilst it is acknowledged that the development would generate increased overlooking it is considered that the additional impact generated would not be so detrimental to warrant refusal of the application or to sustain an appeal. The proposal is therefore considered compliant with LDP policies S13, S17 EP1 and DES1.

6.5 Highways

6.5.1 Sustainable Transport Hierarchy

This plot is located within the established residential area of Rogiet. It is approximately 400 metres from a primary school, community facilities and shops. The wider area benefits from a frequent bus service which links to Chepstow bus and train stations. The site is therefore considered to be a sustainable location for new housing development.

6.5.2 Access / Highway Safety/ Parking

The site layout plan submitted indicates that the dwelling would benefit from a driveway to the west capable of accommodating two off street parking spaces. The existing provision for the original dwelling would remain unaffected. The adopted MCC Parking Guideline requires that one car parking space be provided for each bedroom up to a maximum provision of three spaces. Given the proposal is for a two bed dwelling the proposal accords with the adopted standards.

As part of their response, the Community Council have raised concerns with regards to highway safety noting that Ifton Road is narrow with limited visibility and the site is in close proximity to the junction with Caldicot Road.

At the time of inspection, it was noted that Ifton Road is one way as it passes the site, with traffic entering from Caldicot Road. The provision of a gated driveway serving 3 Ifton Road, opposite the application site prevents on street parking in this location. Whilst it is acknowledged that the highway is narrow, with on street parking to the south reducing visibility, it is considered that the limited width helps reduce traffic speeds past the site.

Following consultation the Council's Highways Engineer has raised no objection to the proposal noting:

"The proposed number of car parking spaces for the new dwelling accords with the Council's supplementary parking guidance, the depth and width of the parking spaces accord with current guidelines.

The highway authority offers no objection to the proposal, the means of access is considered acceptable and the need to reverse in or out of the parking forecourt can be accommodated on the adjacent highway."

Whilst the development of a further dwelling would increase the number of vehicle movements through the junction with Caldicot Road and along Ifton Road, given the scale of the development it

is considered that the number of movements generated and the driveway's position 30m to the south of the junction would not be so detrimental to the highway safety and free flow of traffic on the wider highway network to warrant refusal of the application.

Based on the above, the application is considered to comply with the requirements of LDP policies S16 and MV1 of the LDP.

6.6 Affordable Housing

Policy S4 of the LDP requires that all new housing developments contribute to affordable housing within the County. Single dwellings are required to make a financial contribution to this and the amount will depend on the size and location of the proposed dwelling. In this case the financial contribution required for a dwelling of the size indicated would be £3,434.65 that would be secured through a section 106 legal agreement.

The applicant has confirmed that they would be willing to enter into an agreement to provide the sum.

The proposal is therefore considered compliant with LDP Policy S4.

6.7 Drainage

6.7.1 Foul and surface water drainage

The site is located outside of any designated Phosphate Sensitive Area (PSA). As result there is potential for the applicant to connect to the public sewerage system, subject to appropriate consents being granted by Dwr Cymru/Welsh Water.

A member of the public has raised concerns regarding the capacity of the existing sewerage system to accommodate the development and has requested that consideration be given to an alternative form of foul water disposal. As part of their consultation response, Dwr Cymru/ Welsh Water have not identified that there is an issue with regards to capacity in the system. As the area is served by a public sewerage system and is outside of a PSA, Natural Resources Wales will not support the provision of a private treatment plant on site. Such provision is also unlikely to achieve building regulations approval because of its likely proximity to other dwellings and buildings.

As of 7th January 2020, all new dwellings are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The applicant has been made aware of this requirement and will be seeking consent from the SuDS Approving Body (SAB) approval independently of the planning application.

Although Dwr Cymru/ Welsh Water have requested that a condition be imposed that prevents surface water from the development from entering into the public system, this may be in breach of the SuDS application. As such matters are more appropriately dealt with by other legislation beyond planning control, the condition is not supported in this instance.

On the basis of the above, the application is considered compliant with LDP policies S12, S13, SD4 and EP5.

6.8 Planning Obligations

The provision of a commuted sum of £3,434.65 to be used for the development of affordable housing within the area.

6.9 Response to the Representations of Third Parties and/or Community/Town Council

Following consultation, Rogiet Community Council have raised an objection to the application based on overdevelopment, highway safety and concerns with regards to capacity within the sewerage system to accommodate the development.

Following direct neighbour notification and the erection of a site notice 2 representations have been received which raise concerns with regards to the capacity of the sewerage system and impacts of the development on the amenity arising from increased overlooking and noise generation/disturbance.

These matters have been addressed in the preceding sections.

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

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

6.11 Conclusion

It is considered that the proposed dwelling is of a form, scale and design appropriate for the site and the development would not have an adverse impact on the character and appearance of the area, the residential amenity of those living closest to the site or the highway safety and free flow of traffic. Subject to the imposition of conditions to secure details with regards to ecological mitigation, the application is considered compliant with the policies of the LDP and is recommended for approval subject to conditions and the applicant entering into a Section 106 agreement to provide a commuted sum to be used for the development of affordable housing within the County.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

A commuted sum of £3,434.65 to be used for the development of affordable housing within the area.

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

Conditions or Reasons for Refusal:

- 1 This development shall be begun within 5 years from the date of this permission.

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

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

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

3 Prior to the commencement of development details of biodiversity and ecological mitigation and enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be retained as such thereafter.

REASON: In the interests of the ecological and biodiversity value of the site in compliance with LDP policy NE1.

4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: In the interests of the character and appearance of the area and residential amenity, in compliance with LDP policies DES1 and EP1.

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

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

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

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

INFORMATIVES

1 The applicant will need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Application Number: DM/2021/01000

Proposal: Discharge of condition 4, 5, 9, 11, 12, 14 and 15 relating to application DM/2020/00234.

Address: Pathways, Vinegar Hill, Undy

Applicant: Mr Peter Whitfield

Plans: Site Plan 020 02 - Site Plan Tree Protection, Green Infrastructure Appraisal 021 02 - GI Plan, Site Plan 022 02 - Site Plan Suds, GI Masterplan GI Management Plan - , Location Plan 014 01 - , All Existing Plans 06602 - Existing House, All Proposed Plans 012 03 - Proposed Plans and Elevs, Site Plan 015 02 - Proposed Site Plan, Site Plan 016 02 - Site Plan Highways, Other 019 02 - Contextual Plan, Site Plan 017 02 - Site Plan Topography,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young
Date Valid: 02.06.2021

This application is presented to Planning Committee due to the number of objections received

1.0 APPLICATION DETAILS

1.1 Site Description

Pathways is a two storey, detached dwelling which is located on a large plot, 0.3 hectares, within the Magor and Undy development boundary as identified in the LDP. The existing property is located on the western side of the plot and is accessed by a long driveway from Vinegar Hill. The land slopes downwards steeply from north to south. The site is set between neighbouring dwellings. Adjoining the southern boundary is an area of amenity open space. In September 2020 Full Planning Permission was granted for two detached dwellings on the site under application ref. DM/2020/00234, subject to a Section 106 agreement for a financial contribution towards affordable housing as well as 16 technical conditions.

1.2 Value Added

Revised ecological mitigation.

1.3 Proposal Description

The current application seeks the discharge of the following conditions:

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

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

5 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of Vinegar Hill. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances,

measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP. NOTE - it is recommended that the size and weight of all delivery vehicles shall be considered so as to minimise damage, congestion and disruption to Vinegar Hill and the adjoining highway network.

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

9 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include integrated bird nesting and bat roosting provision identifying location, positioning and specification. The scheme shall provide for the future management and an implementation timetable and shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1

11 A proportionate Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall include the following;

- a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan including those that are to be privately managed and those that are to be part of strategic landscaping.
 - a. Trees and Hedgerows
 - b. Wildflower Grassland amenity areas
 - c. Green corridors and boundaries
- b) Opportunities for enhancement to be incorporated
 - a. Management of SUDS for botanical species diversity
 - b. Management of tree and hedge buffer strips to increase and maintain diversity, connectivity and provide habitat for protected species including reptiles
 - c. Maintain habitat connectivity through and or around the perimeter of the site for species (hedgehogs, bats, reptiles)
- c) Trends and constraints on site that might influence management of above features (management of invasive species)
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) 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 as appropriate. 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.

Reason: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

12 Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: Detailed scaled plans, showing existing and proposed levels, appropriate cross sections with site levels. Proposed and existing utilities/services above and below ground.

Soft landscape details shall include: means of protection, planting plan, specifications including cultivation and other operations associated with grass and wildflower establishment.

Hard surfacing materials.

Minor artefacts and structures (e.g. Refuse or other storage units, signs and lighting).

A landscape management plan to inform a 5 year landscape establishment period clearly identifying areas of responsibility

Reason: In the interests of visual and landscape amenity; in accordance with Policies DES1 and LC1/5 of the Local Development Plan

14 Before any works commence on site, details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

Reason: To ensure the provision afforded by appropriate landscape design and Green Infrastructure LC5, DES 1 S13, and GI 1 and NE1

15 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description | Decision | Decision Date |
|-------------------------|--|-----------------|----------------------|
| DM/2020/00234 | Erection of 2 x 4 - Bed Detached Residential Dwellings. | Approved | 28.09.2020 |
| DM/2020/01882 | Erection of 2, 4 bed dwellings and the formation of a new vehicular access of Pennyfathing Lane. | Withdrawn | 29.01.2021 |
| DM/2021/00164 | Erection of 2, 4 bed dwellings and the formation of a new vehicular access of Pennyfathing Lane. | Refused | 21.05.2021 |

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13

SD4

Development Management Policies

MV1

DES1

GI1

NE1

4.0 NATIONAL PLANNING POLICY

Future Wales - The National Plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Magor with Undy Community Council – recommends refusal.

The Community Council raise concerns over what they see as inconsistency in comments from Highways regarding applications in the vicinity of the site, noting specific problems with access and egress from the site. In addition reference is made to the access and the Traffic Management Plan as these do not show how surface water will be dealt with. In addition the Community Council do not believe all conditions have been met in full.

MCC GI and Landscape Officer - No objection.
Condition 11

Following the submission of the GI Management Plan (GI MP) and the opportunity for further revisions the proposed plan I have reviewed the recent application and the submitted relevant documentation and response comments dated 15.05.21 / 20.07.21 / 02.08.21 / 06.09.21 and the amended GI Management Plan WWE19254 FINAL 24.08.21

In relation to condition 11 the applicant has provided GI MP ref WWE19254 FINAL 24.08.21 which has been updated to include the mitigation areas as per 3.9 areas 1-4 and SE boundary hedge.

In relation to condition 15 the applicant has provided plan ref Pathways 012_06 26.08.21. The GI MP has also been updated to reflect the amendments as requested in previous comments dated 06.09.21

Highway Authority - No objection.

Following receipt of amended details submitted in support of the application, Drawing No. 9994-GRY-01-00-DR-C PROPOSED ACCESS IMPROVEMENT PLAN, namely the proposed means of

preventing surface water discharging onto the public highway and vice versa are acceptable and the highway offer no objection to the discharge of Condition 4.

The Construction Traffic Management Plan submitted is acceptable and addresses the main priorities with particular regard to the provision of on-site parking for contractors, the delivery and unloading of materials and the route and timing of delivery vehicles to the site. The highway authority offers no objection to the discharge of condition 5.

MCC Ecology - No Objection.

Following the submission of the GI MP and the opportunity for further revisions the proposed plan. In relation to condition 9 the updated plans entitled "House 1 & 2 plans dwg ref. Pathways012_06 dated 30.07.21 produced by Icon Architectural Planning & Design" and "GI plan dwg. ref Pathways021_06 dated 26.08.21 produced by Icon Architectural Planning & Design" have addressed our previous concerns and should be cited on the discharge of this condition. The updated GI MP Report reference: WWE19254 FINAL, dated 24/08/21 provided 14.09.21 by Wildwood Ecology has addressed our previous concerns about the long term retention of the biodiversity enhancement measures and is sufficient to discharge this condition.

In relation to condition 11, we welcome the updated aims provided in updated GI MP Report reference: WWE19254 FINAL, dated 24/08/21 provided 14.09.21 by Wildwood Ecology, that address our previous concerns on this matter. The revised GI plan reference "GI plan dwg. ref Pathways021_06 dated 26.08.21 produced by Icon Architectural Planning & Design" demonstrates that the assets identified in the GI MP condition will be deliverable on site and that enhancements for biodiversity will be provided as part of the scheme. The mitigation areas identified are also described within the updated GI MP and it is considered that these areas in combination with appropriate management of the boundaries, and the northern area of the site, for biodiversity is acceptable to discharge the above condition.

5.2 Neighbour Notification

Letters of objection have been received from six addresses. Many of the comments made refer to the principle of development and are not relevant to the current application which seeks to discharge technical planning conditions.

For clarity these objections can be read in full on the Councils website but have been summarised below.

The operation of HGV's and parking on site. The CTMP acknowledges that HGV's will not be able to access site and proposes using farm equipment to offload materials, however there are conflicting statements in the CTMP and clarification is sought as to where lorries will park for loading and unloading. Concerns are raised in terms of the disruption, potential impact of manoeuvring lorries, traffic, noise and dust that this will cause. Particular reference is made to immediate neighbours, properties of Firbank, Gwyn Royson and all along Vinegar Hill. In addition there will be increased potential conflict with refuse collection.

The CTMP also states that construction traffic will be instructed to approach the site from the north (para 10.0). However, there is an undecided planning application for a large development at the top of Vinegar Hill (DM/2019/01937) which proposes closing off this access to Vinegar Hill.

Traffic and deliveries may cause danger, disturbance and conflict for pedestrians, in particular school children.

That the access is very difficult for emergency vehicles to gain safe access to the site.

That there is a huge loss of GI and that the GI mitigation as proposed is not considered sufficient and cannot be accommodated in a small area (particular reference is made to the planting of fruit trees). There is a conflict with the proposed SuDS plan showing swales in the area of proposed planting. Consideration should be given to planting in the south east area of the site.

Concerns are raised over the inclusion of the area to the south east of the site, as this area formed part of the original application and is now being utilised for other purposes which should be addressed via the conditions imposed. The GI MP does not show any future use of this portion of the site, including ownership and maintenance.

Requests are made for an on-site amenity area to support tree planting, for a large area of open space and information as to how they will be maintained, owned and managed.

Site safety issue - the Utilities Plan is deficient in that it does not show the location of the gas pipe which runs under the Pathways land to Walnut House.

Details of earthworks, showing levels and contours should be provided.

5.3 Other Representations

None Received

5.4 Local Member Representations

Councillor Lisa Dymock raised concerns over the impact of traffic and deliveries into and out of the site in order to protect the residents' amenity and to ensure highway safety. A site visit was requested to address abnormal loads.

Please note all representations can be read in full on the Council's website:
<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

The application is concerned with the discharge of conditions relating to Highway Safety, Biodiversity and Green Infrastructure. The Council's qualified technical experts have considered the details of the submitted material and after some amendments, have offered no objection in respect of the issues of Highway Safety, Green Infrastructure or ecological compensation and enhancements.

6.1 Highway Safety

Condition 4 requires improvements to the existing access into the site. The following improvements have been approved by the Council's Highways Officer:

- Rationalisation of the existing means of access to Pathways and neighbouring properties Gwyn Royson and Firbanks
- The width of the access shall not be less than 4.1m for a distance of 10m minimum along the access measured from the adjoining edge of carriageway
- The access shall be hard surfaced for a minimum distance of 15 metres from the carriageway edge. This will be carried out once all the site services have been installed.
- No surface water from the access shall be permitted to discharge onto the public highway and vice versa.
- A turning area will be provided within the site to enable all delivery, construction and contractors vehicles to turn within the curtilage of the site as well as providing for suitable levels of on-site parking for site workers prior to any construction work commencing. No parking will be allowed for site operatives on Vinegar Hill

Further clarity was sought in relation to surface water drainage and submitted to the Highways Officer who is now satisfied that the provision is acceptable and offers no objection to the discharge of condition 4 in their response of 15.07.21.

The Highway Authority have reviewed the details and found them to be sufficient to favourably discharge condition no.4.

Construction Traffic Management Plan Condition 5

The key details of the CTMP are as follows,
Construction work will be restricted to the hours: -
Monday - Friday 8.00 a.m. to 6.00 p.m.
Saturday 8.00 a.m. to 1.00 p.m.

Residents will be informed prior to commencement of the works on site and will also be made aware of any activities that may be disruptive but cannot be avoided.

An unloading area will be provided on site to enable all delivery and construction vehicles to turn and leave travelling in a forward direction

The constraints of the existing access mean that all suppliers will be advised in writing that only light vehicles should be used for delivery and all traffic/plant will be instructed to approach the site from the north via Dancing Hill and Grange Road, not from the south via B4245 and Vinegar Hill. It is anticipated that much of the spoil will be reused on the existing landscape given the sloping nature of the site. If spoil is required to be removed or aggregate is required to be brought into the site it will be on farm equipment - tractor and trailer - to transport the spoil.

All deliveries to the site will travel along Dancing Hill and then south down Vinegar Hill.

The Highway Authority have reviewed the CTMP and found it to be sufficient to favourably discharge condition no.5.

Biodiversity Enhancements Condition 9

Full consideration has been given to the provision of appropriate mitigation and enhancements on the site. The drawings and the GI MP have been amended a number of times to ensure that the provision identified as part of this condition is suitable. The mitigation has changed from the initial proposals of a wider area of wildflower meadow originally proposed to the area of grassland to the south east corner of the site. However, alternative proposals for mitigation have been put forward consisting of the provision of smaller pollinator areas spread across the site and the inclusion of a number of additional trees planted across the southern and western boundaries. As discussed at great length, the ecological provision can be provided in a number of different ways; it is not a case of only one form of mitigation being acceptable. As proposed, the mitigation is considered appropriate to offset the harm caused by the loss of habitats and would still provide an enhancement to the overall ecological value of the site. The information provided is now considered to be acceptable by both the Council's Ecologist and the Green Infrastructure Officer.

In addition, elevational drawings of both houses have been submitted showing integrated bat and bird boxes.

The information provided is considered suitable to favourably discharge condition 9.

Green Infrastructure Management Plan (GI MP) Condition 11

As per condition 9 above the details of the GI MP have been discussed at length and the GI MP and plans amended to reflect these changes. The original GI MP proposed appropriate mitigation to the southern area of grassland. However, as discussed above alternative and equally suitable mitigation has been provided across the site, focussed around the two approved dwellings and the southern and western boundaries. It is considered that the mitigation can be provided in a number of different ways, as per condition 9. The mitigation originally proposed and the alternative mitigation now submitted are both considered acceptable.

It is important to note that surface water drainage details have been submitted to the Authority via a separate SuDS application. The SuDS application is a separate legal permission and is assessed separately from this application to discharge the conditions attached to DM/2020/00234.

The information provided has been considered suitable to favourably discharge condition 11.

Hard and Soft Landscaping Condition 12

The information provided proposes a number of plants and additional trees which are welcomed, as well as provision of enhancement tree planting and protection and enhancement of the hedgerow/understory boundaries. The landscaping proposed is considered appropriate to attract pollinators to the site and so is considered acceptable. The details of this condition overlap with the details of conditions 9 and 11.

The information provided has been considered suitable to favourably discharge condition 12.

Details of the Earthworks. Condition 14

The applicant has provided plan ref 042_01 which describes the bund location, height and profiles in more detail including proximity to the boundary hedge.

MCC GI Officers are satisfied that sufficient information has been submitted to favourably discharge condition 14.

Schedule of Landscape Maintenance Condition 15

The amended plans and GI MP have been updated and clarified ref 021_06 26.08.2021. The GI MP ref WWE19254 FINAL dated 24.08.21 has been updated to reflect the amendments as requested in the previous comments.

The Council's Green Infrastructure Officer is satisfied that there is sufficient information to favourably discharge this condition.

6.5 Response to the Representations of Third Parties and/or Community/Town Council

For clarity these have been addressed in turn.

Issues were raised in relation to the CTMP, with particular reference to HGV's, deliveries and general traffic-based disruption. It is important to note the short term nature of the deliveries and HGV movements; having said that accommodating this provision during construction is important. There will be an element of disruption/noise associated with the construction of two dwellings and the condition aims to minimise this but it will not be totally eliminated. The Highways Officer has fully considered the proposals on the site and considers the details supplied are sufficient to ensure the safety of all vehicles and pedestrians during construction, ensuring appropriate roads are used to approach and leave site, that appropriate parking and turning provision is made on site and that neighbours are kept informed.

Reference is made to the undecided application for a large housing development on Vinegar Hill, but at present this remains undetermined and does not form part of the consideration of this application.

Reference is made to emergency vehicles being unable to access the site; this has been checked by the Fire Safety Officer who has confirmed that this is not the case - emergency vehicles can access the site when necessary.

Reference is made to unsuitable GI/ ecological mitigation and that the area to the south east should be included as part of this mitigation. As addressed above there are a number of suitable ways to provide appropriate mitigation for the site and that the proposed scheme is considered to provide the necessary mitigation and enhancement without the inclusion of this area for dedicated planting. In addition the SuDS application may differ from this application to discharge conditions, but as these are two separate applications they have been considered and assessed separately.

Requests have been made for the provision of public open space and tree planting. Through the assessment of the planning application there is no requirement for a dedicated area of public open/amenity space. Therefore this is not included in this application to discharge conditions.

Reference is made to a nearby gas pipeline, but it should be noted that planning permission has been granted for the two dwellings. This application to discharge conditions attached to DM/2020/00234 does not affect the any separate legislative responsibilities of the developer to protect the pipeline.

Requests have been made for details of earthworks; condition 14 is considered to provide a sufficient level of information. Further site sections can be found under the original application DM/2020/00234.

7.0 RECOMMENDATION: APPROVE

Approve the discharge of planning conditions 4, 5, 9, 11, 12, 14 and 15.

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MONMOUTHSHIRE COUNTY COUNCIL COMMITTEE REPORT

SUBJECT: Confirmation Report:

Tree Preservation Order (TPO) MCC289 (2021) – Land at Well Farm Grosmont.

DEPARTMENT: Development Management - Heritage.

MEETING: Planning Committee

Date to be considered: 5th October 2021

DIVISION/WARDS AFFECTED: Grosmont

1. **PURPOSE**

To consider the confirmation with modification of Provisional Tree Preservation Order number **MCC289 (2021) Land at Well Farm Grosmont.**

2. **RECOMMENDATION**

That the County Council confirms with modification (by omitting T1 Oak) Provisional Tree Preservation Order No. MCC289 (2021) – Land at Well Farm Grosmont

3. **REASONS**

- a) The trees to which this Tree Preservation Order (TPO) relates are growing on land in the ownership of Mr Andrew Havard a local farmer in the Grosmont area. An Oak tree which is the catalyst for the issuing of the TPO is situated within the boundary hedge between farmland at Well Farm and the domestic garden of Graig Cottage, Grosmont NP7 8ET.
- b) During the second week of March 2021 I was contacted by a member of the Grosmont Community Council to say that persons were in the process of felling the Oak tree. They were advised by community councillors and local residents to stop the work as it was perceived that the tree was situated within the Grosmont Conservation Area and therefore protected. However, it was subsequently confirmed that the tree is outside the conservation area therefore no offence had taken place
- c) It is the statutory duty of a local planning authority (LPA) to protect trees. In my capacity as Tree Officer for the LPA, I visited the site on 31st March 2021 at the request of Grosmont Community Council to examine the remains of the tree. The crown of the tree had been completely removed leaving only the bole (trunk) and the stubs of the two leading stems remaining (**see Item 1**). Such was the size of the bole it was my opinion that the tree was the veteran stage of its life and consequently extremely valuable culturally and ecologically. It is not unusual for an Oak tree of this size to regenerate after such heavy pruning therefore, before the landowner removed the rest of the tree, I issued the TPO in the hope that it would survive and eventually regrow thereby continuing to make a contribution to both the visual amenity and ecology of the area. Unfortunately, a follow up inspection on Tuesday 10th August 2021, by which time I would have expected some regrowth, the tree had not recovered and should therefore be removed from the TPO.

d) At the initial site visit, four other mature hedgerow oak trees were identified as being important components of the landscape, and, given that at the time I had no understanding of the reasoning behind the destruction of T1, I felt it expedient to make a TPO. The landowner was formally identified via a land registry search and the TPO was prepared and served on 7th April 2021. The TPO is in Provisional form and valid for six months only after which time it must either be confirmed i.e. made permanent or allowed to lapse.

The protected trees are shown as T1 to T5 (**see Item 4**)

e) One letter of objection was received (**see Item 2**). The objector, Mr Havard states the reasons for his action were over health and safety concerns. During a subsequent telephone conversation with Mr Havard he assured me that his actions were a one-off and that he had no intentions to remove any other trees, which I accepted. At this point I had intended to allow the TPO to lapse after the six month period.

f) Unknown to me at the time was that part of this land is an allocated housing site in the Adopted Local Development Plan (LDP) (**see Item 3**). The allocated land is shown hatched in diagonal lines. This changes the picture completely in that it is possible that in the future more of this land may be included in the LDP. The presence of a TPO will afford extra protection and safeguards for these trees in the event they are put at risk from future development.

5. **RELEVANT POLICIES**

The protection of trees at this site is in accordance with **Strategic Policy S13 – Landscape, Green Infrastructure and the Natural Environment** and *Monmouthshire County Council's adopted Climate Emergency*.

6. **CONSULTEES**

Cllr. David Jones

7. **BACKGROUND PAPERS**

Item 1 – Photograph of the remains of the tree.

Item 2 – Letter of objection

Item 3 – Aerial photograph of allocated site

Item 4 – Aerial photograph of protected Oaks T1 to T5

- **Author** Jim Keech, Tree Officer.
- **Contact details** Tel: 01633 644962
- **E-mail** jimkeech@monmouthshire.gov.uk
- **Date** 15th September 2021

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Monmouth County Council
County Hall, The Rhadyr
Usk, Monmouthshire
NP15 1GA FAO Mr Keech

Tree Preservation order number MCC289

Date 12/04/2021

Letter of Objection From Mr A C Havard

Dear Mr Keech

I am writing to object to the tree preservation order number MCC289 placed on 4 trees and a tree stump at well farm Grosmont with effect from 7th April 2021.

The Well farm has been in the family for the last 60 years. Apart from trimming lower branches off trees to allow machinery to pass underneath without damage and cutting up fallen trees, no other trees have been felled in the last 30 years. We have a chestnut plantation at Well farm planted 40 years ago and we have planted 5 acres of trees in the last 20 years at Brooklands farm where I live.

We do not cut down trees without reason.

T1 was cut down legally and with good reason, photo's attached on email.

I own T1 which is now a stump on the preservation order that over hung Greig View lawn, which I also own but rent out. For the safety of my tenant, I decided to make sure the tree was safe as it was overhanging an area of their garden. There are also power lines across the gardens making the risk of injury higher. As a farmer working in a very dangerous industry we have to make health and safety decisions every day. The tree was a Y shape with a short trunk and having seen trees of the same shape split and fall on Well farm previously, I decided to make the tree safe. Whilst removing branches, a large hole was confirmed in the bottom end of the limb overhanging the grass. I intended to remove the stump at a later date.

Whilst clearing the branches a local councillor (name can be given) arrived on site, with very inaccurate information, no face mask or hard hat and insisted I stop work immediately as I had cut down a tree in a conservation area with a TPO on it.

A neighbour had reported me to him.

By checking on Google for Grosmont conservation area, a map is shown of the area and clearly the tree is outside the area. The councillor later text me saying I may be in breach by not having a license to fell the branches and I should not do any more work on the stump. He said he would keep me informed.

I believe this was a tactic to stop work while he the councillor and his friend, the neighbour could organise a preservation order for the stump which clearly has a hole in it.

As for trees T2,3,4 and 5 I have no intention of cutting them down, we may need to trim lower branches in the future for machinery but I do not want to have to apply to the Council to do so as we have managed the soil, hedges and trees at Well farm responsibly for the last 60 years.

All trees have a visual amenity to any landscape, but they have to be managed.

I was not consulted and I believe a Council representative has been walking across private property as they asked the tenant questions, they could of contacted me.

You cannot see the state of the stump from the floor as I had to use a ladder to climb up to take the pictures.

To sum up, I believe T1 will die and be an eyesore and should be removed as intended and T2,3,4 and 5 do not need a preservation order just because I have been accused of a cutting down one tree for no reason.

I would appreciate a receipt to this letter please.



Regards

Mr Andrew Havard

A blacked-out redacted signature.

Owner of Well Farm and Greig view Bungalow.



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| Local Ref | Appeal Site Address | Development | Reason for Appeal | Appeal Type | Date Lodged |
|---------------|---|--|---|-------------------------|-------------|
| DM/2020/01035 | Ravensnest Fishery Ravensnest Wood Road Tintern Chepstow Monmouthshire NP16 6TP | Siting of a log cabin ancillary to the use of Ravensnest Fishery, which meets the legal definition of a caravan under the Caravans Act 1968. | Appeal against Refusal | Written Representations | 17.06.2021 |
| DM/2020/01328 | 73 Park Road Caldicot Monmouthshire NP26 4EL | Construction of 2 semi-detached 2 bedroom houses in the garden of no. 73 Park Road, Caldicot | Appeal against Refusal | Written Representations | 05.07.2021 |
| E20/077 | Little Hervells Court Chepstow Monmouthshire NP16 5FF | Unauthorised repointing of the boundary wall (breach of condition) | Appeal against LB Enforcement Notice | Written Representations | 16.08.2021 |
| DM/2021/00822 | Adj Manor Garage Rogiet Road Rogiet | Change of use of area of land to industrial use. | Appeal against Refusal | Written Representations | 13.09.2021 |
| DM/2020/00311 | Land Opposite Old Park Cottage Gethley Road Parkhouse Trellech Monmouth Monmouthshire NP25 4PU | Amenity use for leisure and recreational purposes. | Non-determination in appropriate period | Written Representations | 16.09.2021 |
| DM/2021/01117 | The Rest 24 St George Road Chepstow Monmouthshire NP16 5LA | Lob and trim back seedlings and trees. | Appeal against Refusal (Part Refusal) | N/A | 22.09.2021 |

