

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 6th October, 2020 at 2.00 pm

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

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

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Amy Longford	Development Management Area Team Manager
Mark Davies	Highway Development Manager
Denzil – John Turbervill	Commercial Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillor D. Evans

1. Election of the Chair

We elected County Councillor R. Edwards as Chair.

2. Appointment of the Vice-Chair

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

3. Declarations of Interest

County Councillor G. Howard declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of applications DM/2019/01004 and DM/2019/02012 as he is a member of Abergavenny Civic Society and had taken no part in the consideration of these applications as a member of this society.

4. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 1st September 2020 were confirmed and signed by the Chair subject to the following amendments:

Application DM/2020/00234 – Page 3 – include an additional bullet point:

- The reason for refusal of deferral for a site visit was due to most Members knowing the Vinegar Hill area and the cost / delay as a result of Covid-19.

Application DM/2020/00883 – Page 12 – bullet point 5 be amended as follows:

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- That consideration of condition 3 be deferred to the next Planning Committee meeting to seek amended plans to demonstrate **whether or not** that up to four touring caravans can be accommodated on site plus space for parking and turning, as well as two park homes and utility blocks.

5. Application DM/2019/01004 - Demolition of the existing dwelling and its replacement with an active living centre providing 18 high quality retirement apartments, communal living space, an extensive landscape strategy (including green roof) with a private landscaped courtyard plus pool and gym facilities. Greenfield, Merthyr Road, Llanfoist

We considered the report of the application and late correspondence which was recommended for approval subject to the 15 conditions outlined in the report and subject to a Section 106 Legal Agreement.

Llanfoist Community Council, objecting to the application, had prepared a written statement which was read out to the Planning Committee by the Head of Planning as follows:

'Llanfoist Fawr Community Council has raised a number of detailed objections to this proposal during the relevant statutory consultation opportunities. These are documented and remain valid.

This said, the Community Council would like to submit this statement to Planning Committee to reinforce its objection to this application and to add emphasis regarding the sheer scale of the development.

Members of the Community Council considered it difficult to accurately appreciate the scale of the development and the impact on adjacent properties from various iterations of submitted elevation plans. On closer examination, it would appear that the scale of the development would be on a par with certain elevations of local commercial premises such as the Premier Inn and Waitrose. Clearly, this is unacceptable in the more traditional residential area of Llanfoist. The impact is exacerbated by an elevated location at the junction of the B4246 and B4269.

Furthermore, LDP 5.135 states: '*There is a need to ensure that all new development is of a high quality, sustainable and inclusive design and respects and enhances its surroundings. Development of an inappropriate scale and character will not be supported.*'

The Community Council would strongly argue that this development will not enhance its surroundings and is clearly of '*an inappropriate scale*' for the location i.e.: among smaller residential homes.

Members of Llanfoist Fawr Community Council would strongly urge refusal of this application.'

Mr. P. Rennie, objecting to the application, had prepared a video which was presented to Planning Committee and the following points were outlined:

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- The development is described as being an active living retirement apartment complex that is environmentally friendly, but it is none of these things.
- The luxury apartment block is for wealthy people over the age of 60.
- The scheme also demonstrates no genuine commitment to sustainability.
- This development was originally registered for planning permission in December 2018 on the last working day before Christmas. The Christmas break delayed notification to neighbours reducing the period of public consultation to the bare minimum before the statutory decision date.
- Residents complained that a large development required a public consultation and the developer was forced to withdraw the application. However, this was to reissue the proposals on a questionnaire. There was no attempt to explain the proposals or have any opportunity to raise questions. Residents were required to navigate many technical documents online.
- The application was submitted and proposals amended with revised proposals uploaded in June and October 2019 and in February and July 2020. There was no clear explanation of what changed and no attempt to address the fundamental principle the community objected to.
- It is important the Planning Committee looks back to objections received to the December 2018 planning application, as many people grew weary of re-submitting objections.
- It was considered that this alone should be enough to reject this application and it was requested that the process of consultation be undertaken meaningfully and community engagement be encouraged rather than avoided.
- The scheme is in a village bordering the National Park which has been noted by the landscape officer that it is out of scale.
- The scheme will result in mass excavations at great environmental cost and disruption to the community.
- The site already has planning permission for additional houses which could be built with the topography at lower environmental costs.
- There is no drainage scheme condition which is crucial.
- The scheme drawings and the perspectives are inconsistent. The plans show large gates at the entrances but are omitted from the perspectives. Is this a gated community or not? That would be an affront to the community.
- The Transport and Planning Officers failed to acknowledge that pedestrian and cycle routes between Llanfoist and Abergavenny have been made unsafe and

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unpleasant by traffic growth and are a deterrent to sustainable transport. Any additional traffic would be a problem.

- Planning Officers have responded to the Well-being of Future Generations Act with a standard paragraph of the dismissal.
- The objector and a number of residents have spent considerable time navigating unhelpful planning documents. He would rather spend this time working with the developer in consultation to produce a scheme that works for the community.
- Concern was expressed that elderly residents that have lived in the community have been marginalised and ignored by the developers.
- Most residents are content to see appropriate development in the community and will help to enable it when the developer shows respect for the community and environment.
- However, this proposal goes against the principles that should be upheld by the Planning Committee and it was considered that the application should be rejected.

Mr. P. Sully, applicant's agent, had prepared an audio recording which was presented to Planning Committee and the following points were outlined:

- The proposed scheme seeks to provide high quality sustainable residential development for older people (60+) where an element of care will be provided for residents.
- The proposals will result in an exemplar zero carbon design which will ensure a highly sustainable building, thereby helping address the Council's Climate Emergency. The scheme provides solar PV and a green roof which will provide biodiversity, drainage and decarbonisation benefits. All car parking spaces will have electric charging points, well in excess of PPW10 requirements, therefore reducing dependence on fossil fuels.
- In response to concerns raised during the application, the scale and massing has been significantly reduced. The southern gable end has been stepped back by two metres and the roof has been reduced at second floor level by creating a gap between the two wings.
- The tallest ridge of the roof has been reduced by 1.7 metres, meaning that the highest part of the scheme is lower than the existing dwelling, and lower than the extant consent on site for four dwellings. The building has been repositioned 3 metres further away from Merthyr Rd, thereby allowing more landscaping to soften the scheme. The extent of brickwork has also been reduced, with timber cladding included at upper levels to further soften the building.
- One of the main architectural features is the green roof, designed to reflect The Blorunge to the south. The roof slopes down towards the neighbouring boundary,

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thereby reducing its visual impact and improving the relationship to the surrounding street scene, all of which is in line with the applicant's highly sustainable agenda.

- A natural high quality material palette has been selected to integrate within the rural settlements and preserve and enhance the character and appearance of the landscape setting. This includes natural timber, light buff brick and the grass seeded roof.
- A substantial landscaping scheme is proposed within the site. This will include the retention of some on site landscaping with additional native species planted throughout the site to further soften the scheme from the street scene.
- A Management Plan has been produced which details how the site will be managed, with particular regard to car parking. The proposals relate to high quality older persons accommodation where an element of care will be available for the residents, therefore car ownership is far fewer than open market or affordable housing.
- 21 parking spaces are proposed on site for 18 units. Spaces are provided for carers and visitors as set out in 6.2.2 of the committee report, with spaces leased separately to residents, therefore those who do not own a car will not need a space. This will assist with parking management as there will be an appropriate balance between spaces available for residents, carers and visitors. The scheme also provides a better parking ratio than the recently approved McCarthy and Stone scheme on Tudor Road.
- The level of car parking is therefore sufficient and, with all spaces having charging points, is highly sustainable. The Council's Highways Officers have raised no objections. There will also be a financial contribution of over £100,000 for affordable housing for local needs.
- There are no objections to the scheme from the technical consultees and it is evident from the committee report that officers find all matters such as design, overlooking, sustainability, biodiversity, highways, landscape and green infrastructure acceptable and in accordance with the Local Development Plan (LDP). The Planning Committee were therefore requested to approve the application in line with officer's recommendation.

The local Member for Llanfoist, also a Planning Committee Member, outlined the following points:

- With regard to the tree marked TN2 on some of the plans, the ecology report states that the large mature sycamore tree on the south west boundary of the site provides structural diversity with strands of Ivy possibly concealing more significant features that might provide moderate roosting suitability for bats. The tree was felled earlier this year despite it being identified for retention within the concept landscape proposals. This had been highlighted to the Case Officer in July 2020 but none of the supporting documents have been revised. The latest

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September 2020 versions of the site layout plan and ecological management plan still shows the tree in place months after its removal, which raises several issues.

- The written response from the Council's Biodiversity Officer is based on incorrect plans.
- Condition 12 requires a submission of evidence to demonstrate compliance with the ecological management plan. However, the plan is incorrect so cannot be complied with.
- Something outside the ownership or control of the developer cannot be subject to a condition and may not be relied upon as part of the scheme.
- The ecology plan proposes a substantial bat roof building under the canopy of the missing tree but since the tree is no longer there the mitigation must be re-assessed.
- The Biodiversity Officer's response states that it will be necessary to ensure the retention of dark corridors around the curtilage of the site protecting existing and new planting at the boundaries. This is to ensure the ecological functionality of the mitigation and enhancement features, particularly on the western side of the boundary.
- We cannot be sure of the ecological functionality and whether the bat roofs will be located in the most appropriate place or provide the necessary enhancement.
- The local Member had sought advice from an independent ecologist with experience in Planning who agreed that the local Member's interpretation is correct.
- Welsh Government has clarified that mitigation alone is not sufficient and schemes should be able to show and provide biodiversity enhancement. If not, they should be refused.
- Whilst the design of the building is favourable with the choice of materials, the green roof, the landscaping and the overall concept. If it were proposed for a location like West Gate then the local Member would have had little objection to the application.
- This large building is proposed to be the most prominent part of Llanfoist Village where the surrounding character is village like.
- Around Gypsy Lane, Woodland Crescent and Merthyr Road towards Govilon, there is nothing comparable within the street scene where all of the existing properties comprise of two storey houses or bungalows and a village hall.

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- Of all of the issues identified in objectors' correspondence and heard during the public meeting pre-Covid-19 there was a sense of disbelief about how something so large could be suitable.
- The local Member showed plans to the Committee indicating that the application would be at odds with the street scene.
- In July 2019 and February 2020 the local Member asked Planning officers for a north / south cross section to show the relationship of the apartment block with Merthyr Road and the dwellings on the opposite side. This was also requested by Llanfoist Community Council. However, this information was not provided. The local Member considered that this would be required to show the impact on the street scene in relationship of scale.
- The local Member showed drawing that he had prepared based on the applicant's scale drawings, measurements from GIS mapping and the datum levels of ridge heights given in the design and access statement. The elevations of the apartments facing towards Merthyr Road and Gypsy Lane are 49.4 metres and 51 metres respectively. The proposed building would be as wide and longer than the Premier Inns in Abergavenny and Monmouth, as wide as but longer and taller than County Hall, Usk and larger than the leisure centres in Monmouth, Caldicot and Abergavenny, to identify just a few.
- There can be no justification for supporting a development of this scale and footprint in this village location. It was considered that the scheme will contravene Policies DES1 – points b,c,d,e,g and l.
- Existing outline consent - The drawing appears to show the new scheme in a good, less impactful light, almost as betterment, but this is misleading. Presenting the mass of the five dwellings as if one continuous elevation close to the site boundary takes no account of perspective, intervening structures or landscaping. The dwellings will be set well in from the site boundary and those towards the centre of the site will be much less visible than suggested. The 2015 outline consent approved matters of layout, access and scale and landscaping and appearance were reserved. In respect of scale, this relates to the parameters of the dwelling. No elevation drawings were provided and no site surveys given to show ground levels pre or post development. The 2019 application to extend the outline consent by a further three years was approved in November 2019. Condition 1 identifies all matters as being reserved. This means that the comparison drawing is a representation of a situation that does not exist. There is no extant consent and no material weight should be given to it.
- The scheme represents major development in the centre of a rural settlement to which considerable representation has been received.
- It was considered that it was a mistake that the report did not reference the national sustainable place making outcomes.

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- It was considered that the development has not been demonstrated to be in accordance with national policy on place making.
- Some of the plans listed in the report include gated accesses for vehicles and pedestrians. The report advises that there will not be any gates.
- The management plan is out of date.
- Condition 14 appears to be unenforceable in respect of compliance with the out of date management plan. The condition contains no detail about how ongoing compliance will be measured and whether or not a breach could be identified.
- The plans presented are designed to show the development in its best light.
- The elevation of montage drawing present the scheme as being enveloped in trees. In order to be considered acceptable, the building has to be hidden.
- The original far too large proposal has been amended to try and make a still too large development acceptable.
- The ecological plans and supporting information is obsolete so biodiversity mitigation and enhancements cannot be guaranteed in accordance with national local policy contrary to policies S13 and NE1. Condition 12 is unenforceable, condition 14 is imprecise and also unenforceable. The scale, mass, appearance and design of the proposal is contrary to LDP Policy DES1. No consideration has been given to the national sustainable place making outcomes. The proposal appears to be in conflict with national and local planning policy.
- The local Member asked that the Committee consider refusal of the application for the following reason: By virtue of its massing, excessive scale, design and prominent position, the proposed development would be detrimental to the appearance of the site and surrounding street scene and would therefore result in an insensitive, intrusive and alien building which would fail to respect and assimilate the form, scale, siting and materials of its setting. In addition, the proposed scheme will be harmful to the outlook and privacy of neighbouring occupiers in an area characterised by high standards of privacy and lower density of development and would restrict long views towards the Blaenafon World Heritage Site. Furthermore, the proposed development is unable to demonstrate positive biodiversity mitigation or enhancement and protection of species of importance. Consequently, the development would not be in accordance with policies NE1, S13 and DES1 b,c,d,e,g and I of the Monmouthshire Local Development Plan.

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

- Concerns were raised regarding the restricted car parking spaces available with only six parking spaces available for 18 retirement apartments. The proposed parking provision is insufficient.

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- This site is not located within a town where there are amenities close by. Therefore, there is a greater reliance on having a car at this location.
- The proposed building is out of context to the street scene in terms of its mass and scale. Also, the building line is not in line.
- Parking space 9 is not 2.8 metres. It is 2.5 metres and is inaccessible. Therefore of the 21 spaces, there are only 20 in which a car could be parked.
- Parking provision beneath the building has 300mm wide columns at their entrance leaving only six inches on either side of the vehicle at the point of the columns which is considered to be impractical.
- This development does not have an internal connection corridor like similar developments elsewhere. The proposed development will be connected via balconies resulting in residents having to go outside in order to visit a neighbour on the development.
- Concern was expressed that disabled parking provision had not been addressed.
- It was suggested that consideration of the application be deferred in order to address the concerns raised before determining the application.
- Whilst there are some good attributes to the scheme, such as the green roof and the timber cladding, there is an issue relating to the scale of the proposed development.

The Head of Planning responded as follows:

- The issue regarding the tree raised by the local Member would need to be investigated.
- The application has been through a rigorous design process in terms of the number of amendments that have been made to the scheme to ensure the mass and the scaling of the proposed building has been reduced.
- In terms of energy efficiency and sustainability of the proposed building, it is of a very high standard. The developers have stated that the building will be zero carbon with high credentials.
- The size of the plot is an efficient use of the scheme. There is a lot of green infrastructure on the site, a communal space for the wellbeing of residents. All provided to a high standard.
- In terms of the scale and massing, this matter has been debated internally and work has been undertaken with an urban designer to ensure that the mass of the proposed building has been reduced. There is a 23 metre intervening distance on the road. It is a prominent location on a corner plot with the development

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being a primal focal building on entering into Llanfoist. Planning officers consider that this would enhance the location in terms of place making, going forward providing an innovative sustainable development.

- With regard to the parking provision on the site, Planning Policy Wales policy is to move towards public transport provision and active travel links. Llanfoist is connected to Abergavenny and the wider area and there are public transport links already in place. Going forward, there is a need to consider sustainable developments in terms of transport movements with a view to there being less reliance on the car with more use of public transport.

The local Member for Llanfoist summed up as follows:

- This is the fourth iteration of the proposal which has been through numerous amendments.
- The scale of the proposed building is massive and inappropriate in this location and will have a negative impact on the street scene.
- It was considered that the scheme could not be amended to the point where it would satisfy the local Member, Llanfoist Community Council or local residents.
- The proposed scheme is unacceptable and should be refused due to its sheer scale.

It was proposed by County Councillor G. Howard and seconded by County Councillor S. Woodhouse that we be minded to refuse application DM/2019/01004 on the following grounds and that the application be re-presented to a future Planning Committee meeting for consideration with appropriate reasons for refusal:

Reason for refusal:

By virtue of its massing, excessive scale, design and prominent position, the proposed development would be detrimental to the appearance of the site and surrounding street scene and would therefore result in an insensitive, intrusive and alien building which would fail to respect and assimilate the form, scale, siting and materials of its setting. In addition, the proposed scheme will be harmful to the outlook and privacy of neighbouring occupiers in an area characterised by high standards of privacy and lower density of development and would restrict long views towards the Blaenafon World Heritage Site. Furthermore, the proposed development is unable to demonstrate positive biodiversity mitigation or enhancement and protection of species of importance. Consequently, the development would not be in accordance with policies NE1, S13 and DES1 b,c,d,e,g and I of the Monmouthshire Local Development Plan.

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

For refusal	-	10
Against refusal	-	2
Abstentions	-	0

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The proposition was carried.

We resolved that we be minded to refuse application DM/2019/01004 on the following grounds and that the application be re-presented to a future Planning Committee meeting for consideration with appropriate reasons for refusal:

Reason for refusal:

By virtue of its massing, excessive scale, design and prominent position, the proposed development would be detrimental to the appearance of the site and surrounding street scene and would therefore result in an insensitive, intrusive and alien building which would fail to respect and assimilate the form, scale, siting and materials of its setting. In addition, the proposed scheme will be harmful to the outlook and privacy of neighbouring occupiers in an area characterised by high standards of privacy and lower density of development and would restrict long views towards the Blaenafon World Heritage Site. Furthermore, the proposed development is unable to demonstrate positive biodiversity mitigation or enhancement and protection of species of importance. Consequently, the development would not be in accordance with policies NE1, S13 and DES1 b,c,d,e,g and I of the Monmouthshire Local Development Plan.

6. Application DM/2019/02012 - Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure. Land To South Of Brewers Fayre Restaurant, Iberis Road, Llanfoist

We received the report of the application and late correspondence which was presented for refusal for one reason outlined in the report.

Mr. M. Gray, representing the applicant's agent, had prepared an audio recording which was presented to Planning Committee and the following points were outlined:

- Approval of the application would bring significant benefits to the locality providing 24 extra care units to be occupied by people over the age of 55. Research has identified that there is a critical need for this type of accommodation in Monmouthshire.
- 20 new jobs will be created directly linked to the proposal with significant further benefits for the supply chain.
- The expansion of the operation of Fox Hunters Care Home, a scheme in which the residents of Llanfoist have expressed support for both during the public consultation event in November 2019 and as evidenced by the number of significant letters of support for the application.
- The recommendation for refusal is made on the grounds of non-compliance with the allocation of the site for the purposes of Class B uses in the Local Development Plan (LDP).

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- All other matters have been responded to positively by statutory consultees.
- At the point of adoption of the LDP in 2014, the wider West Gate site was allocated for Class B purposes.
- There has been a material change in circumstances in respect of the format and use class of each approved development at the wider West Gate site.
- Consents on neighbouring sites have allowed for a hotel, two drive throughs, a pub restaurant and a care home. None of these would be classified as Class B use.
- In respect of potential uses for the site in accordance with its allocation, the comments from the Policy Department in the report acknowledges that an industrial use may no longer be suitable in terms of noise, working hours, traffic mix and associated movements of HGVs.
- The Covid-19 health crisis has had a direct impact on the property market in respect of the occupation of Class B floor space and planned construction projects.
- The Bank of England has predicted that the UK could face its deepest recession in over 200 years. It is therefore suggested that the proposed use of the site for the purposes of 24 extra care units owned and operated by the adjacent Fox Hunter Car Home represents a sensible use of the site. The proposed development will complement the existing care home in addition to providing high quality bungalow accommodation for those over 55.
- There is a critical need for additional extra care accommodation within Monmouthshire. Research undertaken has identified a substantial unmet need and major shortfall for extra care units within Monmouthshire. Researchers had identified a shortfall in supply of 397 units which is only likely to increase as time goes on. Whilst the proposed development will not comprehensively satisfy this requirement, it will make a vital contribution to the provision of such accommodation within Monmouthshire.
- To refuse the application would represent a significant missed opportunity to the detriment of local residents, prospective tenants of the accommodation and send a negative signal to operators who may seek to develop similar accommodation on alternative sites within the Council area.
- The applicant's agent asked that the Planning Committee considers approval of the application.

The local Member for Llanfoist, also a Planning Committee Member, outlined the following points:

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- In this case the land to which Policy E1 applies is an area between the A465 to the north east, the Persimmon housing development to the south west, the waste transfer site to the south east and West Gate to the north west.
- The vast majority of this land parcel has been developed for non B Class uses all granted by Planning Committee on the basis of Planning officer recommendations for approval. A minor part of this site has been left.
- The local Member quoted from the December 2016 Planning Committee report for the Fox Hunter application. In doing so, given the economic position that we are currently in, the position has improved to the point where those considerations of 2016 are no longer valid.
- Looking at the land proposed to be retained for employment purposes, it was considered that by the time parts have been reserved for employee and visitor parking, circulation space for deliveries and HGVs, there will not be much space left to construct any units.
- The site would not be very attractive for the potential B Class users as it is now constrained and offers little flexibility or opportunity for expansion.
- The sensitivity of the surrounding residential land uses is a large factor and where limits and operating times and the potential for noise and pollution complaints could arise. It was considered that Policy E1 is of little material weight. The site or premises is no longer suitable or well located for employment use. Also, there will be substantial amenity benefits in allowing alternative forms of development at the site.
- No B Class use has come forward for the site.

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

- Approval of the application would allow for a better use of the land rather than the various Class B uses.
- The Covid-19 pandemic has altered the need for Class B development.
- Monmouthshire has a growing elderly population and there is a need to provide appropriate accommodation for our elderly people.
- No Class B planning applications have come forward to develop this area of land.
- There is a national demand for bungalows.
- The site has been allocated for B1 and B2 use. However, the site is located close to existing housing. In terms of office accommodation, since the Covid-19 pandemic, more people are working at home. Therefore, office space is no longer needed as much as pre- Covid-19.

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- Town centres could be used to provide office accommodation with flats above these premises.
- Approval of the application would be an asset to the area.

The Head of Planning responded as follows:

- The Local Development Plan (LDP) process provides for the allocation of land for different types of uses.
- The LDP is not just about providing houses but also about creating jobs within the County.
- It is necessary to maintain this type of land use in the longer term to ensure that the creation of jobs can happen.
- The proposed application does not provide an appropriate level of jobs which would be considered acceptable in terms of the LDP.
- There is demand for small units within Abergavenny. The Business Insight Manager has provided comments regarding this application outlining that there is demand.
- Preserving the land allocations to create sustainable settlements with job opportunities is critical.

It was proposed by County Councillor G. Howard and seconded by County Councillor M. Powell that we be minded to approve application DM/2019/02012 and that it be re-presented to a future Planning Committee meeting for approval with appropriate conditions.

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

For approval	-	11
Against approval	-	1
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to approve application DM/2019/02012 and that it be re-presented to a future Planning Committee meeting for approval with appropriate conditions.

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7. Application DM/2020/00883 - Variation of condition 3 of planning permission DM/2019/01480 to enable up to 4 touring caravans to be parked on site for the use permitted under planning permission DM/2019/01480, and removal of condition 4 (the limitation to a personal consent) from planning consent DM/2019/01480. Land Adjacent Sunnybank, A48 Crick to Parkwall Roundabout, Crick, Monmouthshire

We considered the report of the application and noted that the planning application had been considered by Planning Committee on 1st September 2020 where a split decision had been undertaken regarding the proposals to vary condition 3 and remove condition 4 of the previous planning consent DM/019/01480. The Planning Committee resolved to refuse the removal of condition number 4 and agreed with the officer recommendation to reword the condition accordingly as outlined in the report of the application. This element of the application has been determined.

The Planning Committee deferred consideration of the variation of condition 3 which seeks to enable up to four touring caravans to be parked on site for the use permitted under planning permission DM/2019/01480. This element of the application had been deferred to seek amended plans to demonstrate whether or not that up to four touring caravans could be accommodated on site plus space for parking and turning, as well as two park homes and utility blocks.

The recommendation of officers is that the variation of condition 3 is approved to allow the site to accommodate up to four touring caravans at the site as outlined in the previous report of the application.

Should Members not accept that recommendation, the report offered two reasons for refusal of the variation of condition 3, outlined below:

1. The siting of touring caravans at the site would represent an overdevelopment of the site that would have an unacceptable impact on the visual amenity of the area. The development is therefore contrary to Policies DES1 (b) (c) (e), EP1 and LC5 of the adopted Monmouthshire Local Development Plan.

2. The siting of touring caravans at the site would have an unacceptable impact on highway safety given the inability for the caravans to be towed from the site safely contrary to the requirements of Policy MV1 of the Monmouthshire Local Development Plan.

The local Member for Shirenewton, also a Planning Committee Member, outlined the following points:

- The decision today is to determine whether four touring caravans could be added to the site.
- The local Member considers that nothing has changed since the original application.

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- To allow the four touring caravans is still an over development of this modest site with added visual amenity issues.
- The local Member is pleased that the caravans are located at the top of the site and that scale plans have been provided.
- The application site is a field in front of the Border Waste Crick site which is a shared joint access of the A48 Road. The application site area is enclosed by a gate and timber fencing.
- The land at the back of the application site is the former Border Waste Crick site consisting of a former quarried area which leads to a field next to the motorway. It is presumed that the access is still owned by the original owner as the applicant only has a right of access over it. There is no other access to the Border Waste land at the rear as it is next to the Motorway.
- The land at the front area is positioned on a gradient falling from north to south and is defined by an embankment to the north and along part of the western boundary and a mature hedge to the east. Access is gained via an existing driveway leading from the A48 to the south west of the site over which the applicant has a right of access.
- In view of the gradient, the flat plateau area at the top is where the two park homes are situated. The problem with this slope means that the depth of the area for development is limited.
- The three bedroomed park home is 13.4 metres long resulting in only about 4.5 metres of depth left of the total of 18 metres width. Two of the touring caravans are located below the three bedroomed park home on the plan and are close to the timber fence. Each touring caravan is approximately 2.5 metres wide on the plan. According to the plan, this means that the caravans are located within two or three metres of each other.
- There is a slight downward slope in the land to the timber fence which is close to within a metre of where the two caravans may be located at the bottom edge of the flat plateau area.
- Most of the Welsh Government Planning Guidance on gypsy and caravan site design is in relation to council sites which tend to have generous pitch sizes. The local Member quoted from paragraph 61 of the Welsh Government Planning Circular 005 2018, which is a planning circular for Gypsy, Traveller and Show People sites, published in June 2018 and is mentioned as a policy consideration in this Committee report. The document states that caravans must be spaced at least six metres from any other caravan but the distance can be reduced to a minimum of 5.25 metres with fire related materials cladding being added. The plan shows that these distances are not possible at this site as the caravans are within two or three metres of each other.

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- There has already been a reported incident of alleged arson in relation to this site when operating as stables with the timber fencing having shown areas of charring.
- The caravans at the bottom of the three bedroomed park home are close to the timber fencing. The parking is located at the top of the site with the overflow parking on the south west area of the site.
- The access land also appears to have the cesspit septic tank in the same parking area.
- It is unclear how the joint access will be maintained. The model standards for caravans which the planning Circular refers to, also states that the plans supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.
- The local Member had dimensions from the previous application of the three bedroomed park home which is 44 feet by 20 feet equivalent to 13.4 metres long by 6.09 metres as opposed to a width of 4 metres.
- The local Member considers that the site is overdeveloped in line with the original Planning Committee decision from an examination of the plans supplied by the applicant.
- To have an extra four touring caravans results in an overdevelopment of the site as overflow parking will be on the access area, potentially blocking the joint access for the Border Waste site with added highway safety and visual amenity concerns.
- The local Member considered that it would have been more appropriate if the applicant had restricted the application to just two touring caravans on the embankment area at the top of the site, which would have been more reasonable for this modest site. One per mobile home which together with parking provision and an amenity block is what a pitch is normally seen as. Not twice the number of caravans to mobile homes.
- The site is not large enough taking account of its topography.
- The local Member considered that the application should be refused.

The Head of Planning responded as follows:

- This is a private site that the Authority has allowed for gypsy and traveller use for a family to have a home.
- As an Authority, we have a duty to provide an appropriate level of accommodation which meets the cultural heritage of the gypsy and traveller community. This is achieved via this planning application.

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- As a Council, we have allowed for two park homes to be located on this site for gypsy and traveller use. However, we have not allowed any touring caravans to be used on the site which is a part of the cultural heritage of the gypsy and traveller community.
- Evidence has been provided to show that the site can be justified to accommodate up to four touring caravans.
- In the south of the site there is a 10 metre by 28 metre area. In the top section of the site there is an 18 metre by 24 metre area. In the turning area there is a 16.7 metre by 14.65 metre area. Therefore, there is ample space to manoeuvre a caravan within the turning area and to move it within the application site without any harm to highway safety.
- In terms of the fire regulations, this is a private site. The applicant would be required to obtain a caravan licence from the Environmental Health Officer.
- The touring caravans would only be used by the family.

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

- This is a private site which is allowed to have touring caravans parked on it.
- It has been demonstrated that there is ample room to accommodate up to four touring caravans.

The local Member summed up as follows:

- Approval of the application would result in overdevelopment of the site.
- This would result in overflow parking with the cess pit tank located on a joint access to which the applicant only has access to. This could block access to the highway.
- In terms of the definition of a pitch, the Monmouthshire County Council Gypsy and Traveller Pitch allocation policy states that a pitch is an area described to accommodate one household and includes an amenity block, mobile home, spaces for parking and touring caravan. The Welsh Government designing gypsy and traveller sites provides a similar definition of a pitch but indicates that mobile home and static caravan are alternatives to each other. The Monmouthshire County Council definition of a pitch refers to a pitch of a single caravan for each mobile home, not two caravans per mobile home which is being asked for on this modest site. Therefore, Monmouthshire County Council has eight pitches that it needs. If two caravans were added to this site as opposed to four caravans then this would cover the normal standard for two pitches. The Council could still meet its obligations and deal with the issue of wanting caravans but without having four on the site.

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- Concern was expressed that the two caravans would be sited within one metre of the sloped embankment at the top of the site where the timber fencing is located.
- We as an Authority have a duty to consider the safety of residents who live on the site.
- It would be more appropriate to have two caravans on the site.
- The first report had indicated that the site should be limited to the two park homes and the site should not be used for touring caravans as more than two park homes on the site would intensify use and would constitute unjustified development relative to the identified demand facilities evidenced by the Council's Gypsy and Traveller accommodation assessment. The increase in development would be unacceptable with regard to visual impact on the character and appearance of the application site and wider area in compliance with Local Development Plan (LDP) policies S13, S17, EP1 and DES1.
- The local Member requested that the Committee refuses the application based on the grounds set out in report of the application.

The Head of Planning responded as follows:

- With regard to the pitches, the site has been given for gypsy and traveller use and the Authority has allowed for the provision of a three bedroomed unit and a two bedroomed unit park home to be located on the site for a family.
- This application is requesting for up to four touring caravans to be stored and used as auxiliary accommodation to the two mobile homes.
- By not allowing this site to accommodate any touring caravans the Authority would be going against the advice within the gypsy and traveller design guidance with regard to providing appropriate accommodation for the gypsy and traveller family.
- With regard to the pitches, the original planning application was for additional pitches for the extended family. This has been defined for the applicant and his son. The condition is being retained to ensure that it is kept for that purpose.
- The application is not for the provision of any additional pitches, neither is it for any additional family members.
- The site is significantly large enough to accommodate up to four touring caravans.
- The Highways Department has considered the highways safety elements of the site.
- There is no valid planning reason to refuse this application.

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It was proposed by the local Member, County Councillor L. Brown that application DM/2020/00883 be refused on the grounds set out in report of the application. However, this was not seconded.

It was proposed by County Councillor R. Harris and seconded by County Councillor M. Powell that application DM/2020/00883 be approved, as follows:

That the variation of condition 3 is approved to allow the site to accommodate up to four touring caravans at the site as outlined in the previous report of the application.

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

For approval	-	9
Against approval	-	2
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2020/00883 be approved, as follows:

That the variation of condition 3 is approved to allow the site to accommodate up to four touring caravans at the site as outlined in the previous report of the application.

8. The Planning Inspectorate - Appeal Decision: Land at Lower Cwm Farm, Brynderi Road, Brynderi, Llantilio Crossenny, Abergavenny, Monmouthshire

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Lower Cwm Farm, Brynderi Road, Brynderi, Llantilio Crossenny, Abergavenny on 10th August 2020.

We noted that the appeal had been dismissed.

9. New Appeals received - 1st July to 28th September 2020

We noted the new appeals received between 1st July and 28th September 2020.

The meeting ended at 4.32 pm.