

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee County Hall, Usk - Remote Attendance Wednesday, 12th January, 2022 at 2.00 pm

PRESENT: County Councillor R. Edwards (Chairman)

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

County Councillors L. Dymock and F. Taylor attended the meeting by invitation of the Chair.

OFFICERS IN ATTENDANCE:

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

APOLOGIES:

County Councillor M. Feakins.

1. County Councillor Peter Clarke

Before commencing proceedings the Chair, on behalf of the Planning Committee, paid tribute to the late County Councillor Peter Clarke who had recently passed away. As a mark of respect, the Planning Committee held a minute's silence.

2. Declarations of Interest

None received.

3. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 7th December 2021 were confirmed and signed by the Chair.

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4. Application DM/2019/01937 - Hybrid planning application - Outline planning application for up to 155 dwellings, associated open space and infrastructure with all matters excluding access reserved, of which full planning permission is sought for 72 dwellings, associated open space and infrastructure. Land at Vinegar Hill, Undy, Monmouthshire

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 Legal Agreement.

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

- Magor and Undy have been overdeveloped over the years with the infrastructure not being developed at the same rate.
- The health and well-being of residents is important. Concern was expressed that local doctors' surgeries and dentists will not cope with the increase in population from the proposed development.
- Clarity was sought following an email from the local health board in February 2020. It had been assumed that due to no objection, the surgery had adequate space to accommodate additional numbers of patients.
- The local Member informed the Committee that the Environmental Health Officer had stated that the majority of the site would fall under TAN 11.
- Noise issues should be taken into account when determining planning applications with conditions being imposed to ensure an adequate level of protection. Planning permission should not be granted where it is considered that permission would be suited at a better quieter available location.
- Conditions should be imposed to ensure a commensurate level of protection against noise.
- The local Member asked whether there was evidence that there were no alternative sites that would be a more suitable location within the County and questioned whether the proposed site was the best site available given the constant noise and traffic pollution from the M4 motorway.
- The loss of green space will significantly impact on Undy residents. Green space is important for residents' health and well-being. There is no alternative usable green space in the area for residents.
- The local Member expressed concern regarding the exit and entrance onto the B4245 from Dancing Hill. The speed and volume of traffic has been a concern for Magor and Undy residents. An additional 155 properties will significantly

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increase the number of vehicles travelling along this route. The correct measures need to be installed to reduce the speed of vehicles along this route.

- Concern was expressed regarding road safety issues at Vinegar Hill. It was considered that a true reflection of residents' views had not been undertaken regarding Vinegar Hill. Further consultation should be considered regarding this matter. Most sections of the highway on Vinegar Hill are a single car width which can be dangerous for residents with sections of the highway having no footway. Heavy goods vehicles have become stuck blocking the road with some properties having been damaged by vehicles due to the narrowness of the road.
- When an accident occurs on the B4245 or the M4 motorway, Magor and Undy become congested immediately with Vinegar Hill being used as a 'rat run'.
- Traffic cameras had been set up in April 2019 but there were issues regarding the date that this took place.
- Undy School – complaints are being received from residents regarding vehicles parking on Penny Farthing Lane due to the congestion occurring around drop off and pick up times. Off road parking is required to eliminate the parking issues. However, the congestion issue will be exacerbated if the proposed development is approved.
- Public transport links for the area need to be addressed and improved. Walking and cycling need to be developed.
- Refuse vehicles are struggling to negotiate the Greystone site.
- Flooding has occurred in the area.

The Member for Mill Ward (adjacent ward) also attended the meeting by invitation of the Chair and outlined the following points:

- The conditions outlined in the report needed to be looked at in more detail.
- The site is not part of the County Council's Local Development Plan. It is a new allocation made by the Planning Inspector. The site has remained in abeyance for several years as it is a difficult site to develop.
- The Member concurs with the local Member regarding the refuse collection problems on the site. The configuration of the site has made it difficult for refuse vehicles to access certain areas of the new sites. This had resulted in smaller vehicles having to be despatched to address missed collections.
- Neither Grange Road nor the top of Dancing Hill are priority gritting routes.
- There is a need for off-site highway improvement but there is no clarity on the type of improvements required.

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- Dancing Hill has been identified as having high speeding traffic due to its topography. If the application is approved this will generate further high-speed traffic movements.
- There will be 18 affordable homes but the layout is not compliant with Monmouthshire County Council's Affordable Housing Supplementary Planning Guidance (SPG), as this requires pepper potting of the affordable properties. All the affordable homes are located in the south west corner of the site but there should be clusters of no more than 6 to 15 units.
- Surface water and drainage issues currently exist on the site. However, Welsh Water has not agreed to a connection. Only an agreement in principle is in place.

Magor with Undy Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

'The proposal to partially close off the northern end of Vinegar Hill, and allow access through the new development onto Vinegar Hill could be a huge H&S risk, with the potential for it to become a 'rat-run' to the B4245. Planning Inspectorate described Vinegar Hill: 'narrow tortuous road – with no footways and a combination of restricted visibility, substandard accesses and volume of traffic giving rise to potential hazardous conditions for road uses' and refused an access point (DC/1997/00237). Planning has continued to allow in-fill along Vinegar Hill increasing traffic, despite it being a 'Safe Routes to School'.

Access to the development is via Grange Road. What plans are in place for construction traffic to mitigate accident/congestion on Grange Road, particularly at the narrow corner adjacent to Hillcrest? Dancing Hill is also very busy, feeding the existing estate.

Council presume that the proposed road that will connect the new development with Rockfield and the B4245 is to replace the 'bypass' planned for the area in excess of 30 years. Developers should be tasked with putting in this link/bypass road first to mitigate congestion on Vinegar Hill/Grange Road and Dancing Hill by construction traffic.

Drainage/SUDS at the new Greystone Meadows (Rockfield) is totally insufficient, with MUCC in talking to Matt Jeffes Flood Risk Engineer for Monmouthshire County Council. Attenuation ponds cannot cope with the run-off, causing flooding to adjacent allotments, and raising Manholes on the B4245 and site.

SUDS/drainage for the Vinegar Hill development must be more robust, and 'over the top'. Run-off from Grange Road and Vinegar Hill crest causes regular flooding on the lane at Gurn Hill Lodge – with soak-away drains inadequate. Two fields east of Vinegar Hill (phase two of the Vinegar Hill development) have deep seasonal flooding with run-off from Knollbury/Vinegar Hill/Gurn Hill.

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Monmouthshire County Council needs to ensure that SUDs/drainage proposals are robust and conditions are met to mitigate flooding.

Magor/Undy had problems connecting to the public sewer (with installation of private cesspits becoming the 'norm') because of capacity problems, despite a new rising main installation.

On the proposal to connect to the existing sewer system Dwr Cymru concluded it is unlikely to have sufficient capacity to accommodate the development without having a detriment to existing services. This must be resolved - the community cannot endure the problem of overloaded sewers again.

Is the developer providing children's play facilities? Is it covered by s.106 agreement that includes a contribution to community facilities? The Community Council provides the area's largest children's parks and would welcome funding to update/refurbish them.

Council note proposals to plant trees/small orchard areas and to maintain existing hedgerows.

It should be a condition that the developer plant only non-invasive native species which provide cover and food for birds, mammals.

The west/east green corridor is a flight path for bats, hunting raptors and barn owls. No allowance has been made for bats, nesting birds i.e. house martin nest cups or artificial nests for cavity nesting birds i.e. house-sparrows.

The Community Council's believes that conditions can be put in place by the authority to mitigate some concerns/problems but with a programme of checks to ensure that planning and the conditions are adhered to.'

Ms. K. Coventry, the applicant's agent, had prepared a video recording which was presented to Planning Committee and the following points were outlined:

- The report outlines comprehensively why the application should be approved.
- The site is allocated within the County Council's adopted Local Development Plan.
- It is located adjacent to the established built up urban area of Magor and Undy and connects the approved housing allocation of Rockfield Farm.
- Grant funding has been received from the Cardiff Capital Region in light of the viability matters on site.
- The scheme aims to deliver up to 155 homes across the two parcels of land divided by Vinegar Hill.

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- The application site does not extend over the entirety of the allocation. The scheme design ensures that it does not prejudice this area of land should it come forward in the future.
- The scheme, via the grant funding, is able to deliver 25% affordable housing on site and will aid in the shortfall across the County.
- There has already been a pre-application enquiry undertaken for the detailed design of Parcel B and it is considered that an application will be submitted on receipt of the planning permission.
- Through consultation with the County Council the scheme has evolved into one designed around green infrastructure including two key corridors running north to south and east to west across the two parcels of land. The site delivers a net biodiversity gain overall.
- There is a net gain in hedgerows across the site with the delivery of the community orchard and public open space.
- A scheme has been designed to provide safe travel across the local highway network and prevent inappropriate levels of traffic on unsuitable roads.
- In July 2021, a new scheme was submitted which closes the top of Vinegar Hill with some access remaining to the south. This design still enables the east to west link road to connect from Rockfield Farm through this site and onto Grange Road, as required through policy.
- This scheme is the most practical and sustainable solution which also provides emergency access.
- Drainage officers have confirmed that the scheme has an appropriate drainage strategy.
- This is the last remaining strategic allocation in the County Council's adopted Local Development Plan. It accords with both national and local policy.
- The scheme will provide an important contribution to both market and affordable housing numbers and is not subject to the constraints experienced elsewhere in the County.
- The developer is keen to deliver this site as soon as possible.
- The applicant's agent asked the Committee to consider approval of the application.

The Development Services Manager responded as follows:

- Conditions have been put in place to avoid any unacceptable noise impacts.

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- High levels of insulation can be secured, as well as upgraded acoustic glazing and mechanical ventilation whereby windows would be non-opening facing out towards the north and the motorway. This would allow the plots to achieve acceptable internal noise levels. The gardens would be located at the rear of these properties.
- The loss of green space is implicit in terms of the allocation of the site. However, across the site there is green infrastructure and public open space provision which is multifunctional in providing surface water drainage measures, the trim trail and the community orchard, as examples.

The Head of Planning responded as follows:

- Local GPs have been consulted on the application with no objections or concerns being raised regarding the developments.
- This is an allocated site within the Local Development Plan (LDP). As part of that process consultation would have been undertaken with the local Health Board to allow capacity to be built into its models.
- With regard to the replacement LDP, the local Authority is working with Aneurin Bevan University Health Board (ABUHB) to create a formula to address contributions in relation to health infrastructure.
- This development is one of the first large scale developments to go through the Surface Water Drainage legislation. A sustainable drainage application has been submitted to the Drainage Board and is compliant with the requirements.
- Parcel A complies with Affordable Housing Supplementary Planning Guidance (SPG) whereby there are 12 units located within the south west corner of the site and a further six units located within the central location of the site.
- There is an east to west link which has been designed to the correct standards. It is anticipated that a bus service will be able to access this route in the future and that refuse vehicles will also be able to access this highway link.

The Highways Officer responded as follows:

- This is an allocated site and extensive assessments were undertaken in order to put it forward as a candidate site.
- The assessments identified that no mitigation was required for this development on the local network and specific junctions on the B4245.

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- The Highway Authority considers that the proposed development will cause no material harm in terms of safety and capacity on the network.
- 20mph speed limits are to be rolled out across the County and the region.
- All internal layouts of the proposed development accord with current design criteria which is Manual for Streets.

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

- Vinegar Hill is not being closed to through traffic. Eventually, it will be linked into the estate road and the future east-west link road. When the development is completed, at some point in the future, the northern section of Vinegar Hill will be closed to traffic and will be turned into a green way for use by pedestrians and cyclists.
- There is no direct policy in the LDP for the provision of electric vehicle charging points on the development. However, this is being looked at within the replacement LDP. Discussions have been held with the developer regarding the provision of charging points and the developer has agreed to put in the cabling and infrastructure for a three point plug on 85% of the plots on Parcel A of the site. This could be delivered via condition should the application be approved.
- In response to questions raised regarding biodiversity and GI Infrastructure, it was noted that concerns had been raised regarding seasonal flooding in the attenuation pond in Parcel A. It was noted that this is a modern design and provides green open space in terms of surface water drainage. It is a multi-functional area of land.
- A Green Infrastructure Management Plan has been established to maintain green infrastructure on the site. The site has been designed with significant tree planting located within the streets, the provision of a trim trail and a public open space within the south east of the site.
- The layout of the affordable housing provision in the south east of the site provides benefits in terms of how the properties are managed. 25% of the site will be affordable housing provision.
- The area of the site on Grange Road is close to the motorway. A Member suggested providing acoustic fencing at the top of the site to help reduce noise levels from the motorway. The area to the north was not originally a part of the LDP, providing scope for the extra measures of acoustic fencing to be considered in zone C via conditions. It was also suggested that conditions be added to accommodate electric charging points for Parcels A and B. In response, the Head of Planning informed the Committee that the Developer had looked at providing electric charging points across the whole of the site

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(Parcels A&B). Therefore, a condition could be added requesting a plan to indicate details of electric charging facilities for the site prior to commencement of work on the development.

- In terms of noise pollution, the Head of Planning informed the Committee that there are conditions regarding the upgrading of the glazing and the ventilation of the properties to the north of the site. Regarding the area of the site outside of the LDP, Environmental Health has looked at this development proposal and suggested conditions 16 and 17 to ensure that there are higher standards for the plots at the top of the site.
- The traffic survey had been undertaken in April 2019 outside of school term time and on a Saturday, which did not take into account traffic levels from an average working day.
- In response to a query regarding developments and infrastructure requirements for the area, the Head of Planning informed the Committee that the Planning Authority had consulted with Aneurin Bevan University Health Board and GPs to obtain their opinion in respect of the development proposal. The numbers of people waiting for affordable housing are already located within the area. Conversations will continue with the local Health Board regarding the additional homes in the area and the impact that this might have for health infrastructure going forward. This scheme is providing a number of financial contributions towards community facilities such as community services, public open space and educational contributions in terms of school capacity with a view to ensuring that the development is sustainable.
- A Member expressed concern and considered that the development would be inappropriate for the site under the Future Well-being of Generations Act, as it was considered that it does not benefit the health of the local community.

The Development Services Manager informed the Committee:

- There will be acoustic screening along the frontage of the site with Grange Road with considerable planting being undertaken.
- The periphery of the development will have public maintenance areas which will be managed by the Council or a management company via the green infrastructure management plan.

The local Member summed up as follows:

- Concern was expressed that the proposed development will not provide good quality housing on this site.

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- The glazing might provide some noise mitigation but only when inside a property.
- The 25% affordable housing provision is a positive. However, the local Member expressed concern that these properties were not being adequately distributed across the site.
- The local Member supports the provision of electrical charging points.
- Concern was expressed regarding the lack of access to GP facilities in the area and that further development within the area would exacerbate this situation.
- It was considered that the development does not enhance the well-being of future generations.

It was proposed by County Councillor L. Brown and seconded by County Councillor A. Easson that application DM/2019/01937 be approved subject to the conditions outlined in the report and subject to a Section 106 Legal Agreement. Also, that the following additional condition be added:

- No development shall commence until details of acoustic fencing have been agreed with the local Planning Authority along the northern boundary of the site and shall be implemented in accordance with the approved details prior to any occupation of the dwellings.

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

In favour of the proposal	-	5
Against the proposal	-	9
Abstentions	-	0

The proposition was not carried.

It was proposed by County Councillor P. Murphy and seconded by County Councillor J. Higginson that application DM/2019/01937 be approved subject to the conditions outlined in the report and subject to a Section 106 Legal Agreement. Also, that the following additional condition be added:

- To secure electric charging points on the site.

In favour of the proposal	-	14
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

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We resolved that application DM/2019/01937 be approved subject to the conditions outlined in the report and subject to a Section 106 Legal Agreement. Also, that the following additional condition be added:

- To secure electric charging points on the site.

5. Application DM/2021/01376 - Proposed two storey rear extension with associated works. 2 Cae Capel, Great Oak, Bryngwyn, Usk

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

In noting the detail of the application, the following point was identified:

- In response to comments made regarding the loss of amenity impacting on the neighbouring property, the Development Management Area Manager informed the Committee that the application has been looked at on its own merits and it is acknowledged that there will be some degree of impact but the mitigating circumstances in terms of the distance from the boundary and the north facing orientation, on balance, indicates that there is insufficient grounds to recommend refusal.

It was proposed by County Councillor G. Howard and seconded by County Councillor P. Murphy that application DM/2021/01376 be approved subject to the conditions outlined in the report.

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

For approval	-	13
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2021/01376 be approved subject to the conditions outlined in the report.

The meeting ended at 4.27 pm.