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MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd
October, 2018 at 2.00 pm**

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

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

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Craig O'Connor	Development Management Area Team Manager
Andrew Jones	Development Management Area Team Manager
John Rogers	Legal Officer
Wendy Barnard	Democratic Services Officer

APOLOGIES:

Councillors D. Blakebrough and A. Webb

1. Declarations of Interest.

County Councillor D. Dovey declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01028, as he is a personal friend of the applicant. He left the room and took no part in the discussion or voting thereon.

2. Application DM/2018/01092 - Four shepherd huts for holiday let use. Land At Bentra Farmhouse, Pentre Road, Llangovan, Monmouth.

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

An objector, having registered to speak, declined to do so other than to request and receive confirmation that all Members had received the late correspondence.

As the objector had declined to speak, the applicant's agent, who attended the meeting at the invitation of the Chair, decided not to exercise his right to respond.

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

- The site visit assisted understanding of the late correspondence. No particular detriment was seen and the positioning appeared satisfactory. No reason to refuse the application was identified.
- Officers advised that a condition suggested by MCC Environment Health that no amplified music be played after 9pm is not appropriate as Environmental Health have

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statutory powers under which action can be taken. Planning guidance discourages duplication of controls. A Member noted that the owner would wish to control noise as part of the site management to ensure other guests are not disturbed.

- The proposed development is well laid out and does not overlook other properties. The closest shepherd hut is some 85m from the neighbouring dwelling.
- It is a low impact proposal aligned to aims regarding diversification of the farm.
- There will be no fencing around the huts, in line with the low impact intention.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that planning application DM/2018/01092 be approved subject to the twelve conditions outlined in the report.

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

For Approval	-	13
Against Approval	-	0
Abstentions	-	0

The proposition was carried unanimously.

We resolved that application DM/2018/01092 be approved subject to the twelve conditions, as outlined in the report.

3. Application DC/2017/00994 - Construction of essential rural enterprise worker's dwelling and retention of two kennel blocks, small pets building, use of part of barn for dog and cat kennelling, two permanent isolation kennels, dog grooming parlour and dog walking area. Allt Farm, Llantrisant, Monmouthshire, NP15 1LG .

We considered the report of the application which was recommended for approval subject to the seven conditions outlined in the report. It was noted that the proposed dwelling is acceptable under the principles of justification of TAN 6 as a succession dwelling and it is raised above flood level. The proposed retrospective consent is acceptable due to the visual impact and the impact on the amenity.

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

- This is a departure from Local Development Plan policy and national planning policy, which does not permit residential building on C2 unprotected flood plains. However, the exceptional circumstances of this case were sufficient to justify departing from that policy. There is no other reasonable alternative for the dwelling to support the rural enterprise which is its purpose. The tests in TAN15 had been considered and were met, and the acceptability of the consequences of flooding has been agreed in consultation with Natural Resources Wales.
- It was not considered that the proposals would have a negative visual impact and a comprehensive landscaping scheme would soften the area.
- It was not considered that the special circumstances of this planning application would create a precedent.

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It was proposed by County Councillor M. Feakins and seconded by County Councillor A. Davies that application DC/2017/00994 be approved subject to the seven conditions outlined in the report.

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

For Approval	-	13
Against Approval	-	0
Abstentions	-	0

The Proposition was unanimously carried.

We resolved that application DC/2017/00994 be approved subject to the seven conditions outlined in the report.

4. Application DC/2018/00156 - Full Planning Application and Conservation Area Consent for refurbishment of existing structures to provide 12 units, new-build apartment block comprising 12 units, demolition of outbuildings, and associated works. Brecon Road, Abergavenny, Monmouthshire.

We considered the report of the application which was recommended for approval subject to the eight conditions outlined in the report and subject to a Section 106 Legal Agreement requiring the following:

S106 Heads of Terms

35% of the residential units must be affordable.

The new block shall not be constructed unless in conjunction with, or following the completion of the conversion and re-build of the existing buildings on the site.

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.

Having received the report of the application, the following points were noted:

- The view was expressed that, whilst there may be parking limitations, redevelopment is long overdue and single occupants might not own cars given the highly sustainable location of the site.
- Provision of housing is more important than parking. This is a long standing derelict site and it was suggested that more use of the site could be made if the whole site was demolished. Affordable units are a high priority.
- It is our role to preserve heritage sites such as these and there was no objection to refurbishment, redevelopment or new build. Concern was expressed about exacerbating existing parking problems and the assumption that prospective residents would not be car owners. The need for affordable housing is well understood but not at any cost.

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- The 2.5 storeys of the new build was questioned as it looks more like 3 storeys and is out of keeping with other properties on St. Michael's Rd. The outlook of properties opposite would be affected.

Regarding the retention and heritage value of the existing buildings and the new build, the Head of Planning, Housing and Place Shaping reminded Members that we have a statutory duty, as this is a conservation area, to protect or enhance the character or appearance of the area. The opinion of Officers is that the correct balance has been struck.

- It was confirmed that there should be 35% affordable housing. Melin will exceed this percentage and should deliver up to 50% from the new build block.
- A Committee Member questioned if a sympathetic modern building would be acceptable in legal terms as this may fit in better and still provide 24 units plus an opportunity to increase parking spaces. It was confirmed that the design had been considered at pre-application stages and various options have been considered trying to balance the preservation of heritage, the cost of conversion and sufficient parking.
- For 24 units, it was observed that there are insufficient parking places and suggested that the proposal was over-development.
- A Committee Member provided information that the Welsh Government parking space threshold, and that of other authorities, where one bedroom units are proposed, is lower than ours and suggested that our criteria is reviewed.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2018/00156 be approved subject to the eight conditions outlined in the report and subject to a Section 106 Legal Agreement requiring the following:

S106 Heads of Terms

35% of the residential units must be affordable.

The new block shall not be constructed unless in conjunction with, or following the completion of the conversion and re-build of the existing buildings on the site.

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.

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

For Approval	-	8
Against Approval	-	5
Abstentions:	-	0

The proposition was carried.

We resolved that application DC/2018/00156 be approved subject to the eight conditions outlined in the report and subject to a Section 106 Legal Agreement requiring the following:

S106 Heads of Terms

35% of the residential units must be affordable.

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The new block shall not be constructed unless in conjunction with, or following the completion of the conversion and re-build of the existing buildings on the site.

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.

5. Application DM/2018/00408 - Provision of a new cycle and pedestrian bridge spanning approximately 60m across the River Usk between Llanfoist and Abergavenny, provision of earthwork ramps to cater for disabled access, provision of a new footpath link and enhancement of an existing footpath. Proposed crossing across River Usk between Abergavenny And Llanfoist.

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

The local Member for Llanfoist Fawr, also a Planning Committee Member, County Councillor G. Howard outlined the following points:

- He agreed with the plain design and its low visual impact, which did not detract from the heritage of the existing bridge.
- It is a good opportunity to address highway safety issues such as the substandard footpath and danger to pedestrians crossing the existing bridge.
- It is not a perfect location as it will provide a slightly longer route into Town. A location closer to the existing bridge would be preferable.
- Concerns were raised regarding onward links to Llanfoist village which is pedestrian unfriendly especially at the point of the A465 crossing. The Head of Planning, housing and Place Shaping agreed to pass those concerns on to active Travel colleagues.
- Residents of Bridge Cottages have concerns about the 30m gap and regular use of the path already. The ground elevation by one storey will provide views of the private amenity space and longer views to the rear elevations. The local Member supported an amendment to condition 5 to include a small landscaping adjustment to provide screening.

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

- In safety terms, the proposed bridge will make a significant improvement to safety for pedestrians and cyclists. The proposal was supported.
- The proposal was considered to be a good scheme. Queries have been raised about whether or not the proposed bridge would be lit. It was acknowledged that there is considerable natural light and provision for some discreet lighting will be built in ready for use if required in the future.

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- Considering screening, it was agreed that there was limited protection and it is a valid point that improved landscaping would eventually resolve residents' concerns. Additional landscaping was supported
- A question was raised about the positioning of the bridge support. This design is to stop the support being in the water. Assurance was provided that the structure had been designed by suitably qualified professionals.
- It was queried who will replace shingles on the bridge in a few years' time and also commented that a more open design would have been preferred.
- The risk of possible vandalism was raised and also concerns about children walking across the parapet. The Head of Planning, Housing and Place Shaping explained that the design is suitable and is planned for the majority of users.
- The flood risk impact was noted.

It was proposed by County Councillor M. Powell and seconded by County Councillor P. Murphy that application DM/2018/00408 be approved subject to the eight conditions outlined in the report with amended landscaping to condition 5 as per the local Member's comments.

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

For Approval:	-	13
Against Approval:	-	0
Abstentions:	-	0

The proposition was carried unanimously.

We resolved that application DM/2018/00408 be approved subject to the eight conditions outlined in the report with amended landscaping to condition 5 as per the local Member's comments.

6. Application DM/2018/00858 - Four bedroom detached property, with integral garage, 100 Hereford Road Monmouth Monmouthshire NP25 3HH.

We considered the report of the application DM/2018/00858 that is recommended for approval subject to the six conditions outlined in the report.

The application was previously considered and approved by Planning Committee on 3rd July 2018 subject to the applicant signing a section 106 Legal Agreement requiring a commuted sum of £26,068.00 for a contribution towards affordable housing provision in the locality. The application is re-presented for consideration as the applicant has provided information to confirm that it would not be viable for the development to be constructed with the financial contribution sought. The information submitted by the applicant has been scrutinised by the Council's Senior Housing Strategy & Policy Officer who has concluded that this particular site is not able to provide a financial contribution towards affordable housing.

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

- Members raised concerns about the number of applications re-presented to Planning Committee where it is sought to remove the affordable housing contribution and the

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issue of viability needs to be addressed. It was suggested that viability statements could be published.

- The view was expressed that the applicant lives in the residence and would not have purchased the land therefore it was reasonable to expect a contribution as the properties in the area hold a good value when sold.

The Head of Planning Housing and Place Shaping understood the concerns and explained that there is a seminar before the December meeting to consider this matter in more depth to include viability reports. The Committee were reminded that the Local Development Plan is reliant on small sites coming forward and there is a need to get the balance right. Consideration is being given to publishing viability reports and it was agreed they could be shared with Committee Members confidentially in the interim. It was agreed that what is presented to Committee in the future must be agreed with the applicant in advance.

- It was questioned if the devaluation of the principle property was included in the viability report and confirmed that devaluation is accounted for.

The Head of Planning, Housing and Place shaping explained that if the Section 106 is not agreed within 6 months, it is delegated to Officers to refuse planning permission. It was added that this case should now be considered as a new application.

- Access to the property has been revised to be separate; originally the application was for shared access. A separate driveway would be more valuable than shared access and it was questioned if this had been taken into account.
- Changes are needed to the criteria via supplementary planning guidance.
- There appeared to be no basis to overturn the application, but there is a need to urgently discuss viability criteria.

It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Davies that application DM/2018/00858 is approved subject to the six conditions outlined in the report.

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

For Approval:	-	5
Against Approval:	-	8
Abstentions:	-	0

The motion to approve was defeated.

The Committee was minded to refuse application DM/2018/00858. Planning Committee Members made clear that the decision was no reflection on Council's Senior Housing Strategy & Policy Officer and looked forward to a seminar in December to include review of contributions for affordable housing and viability reports.

Upon being put to the vote, it was unanimously agreed to defer consideration of the application until the next meeting and to draft reasons for consideration. The Head of Planning, Housing and Place Shaping advised that the viability information would be shared with Committee Members on a confidential basis to aid their decision making.

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7. Application DM/2018/00950 - Conversion of dwelling at first and second floor levels to four flats. Extension to rear at second floor level. 9 - 13 St Thomas's Square, Monmouth, NP25 5ES.

We considered the report of application DM/2018/00950 which was recommended for approval subject to the four conditions as outlined in the report.

The local Member, County Councillor M. Feakins, also a Planning Committee Member, highlighted that our car parking policy in town centres is not appropriate and needs to be reviewed as there are ample parking options citing the example of this development proposal which is in close proximity to three town car parks. He supported the application.

In response, the Development Management Area Team Manager stated that internal discussions are in progress with the Highways Department suggesting that this level of objection could be considered by Panel and then escalated to Planning Committee as necessary within the scheme of delegation.

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

- We need to progress more properties above shops. The residents would be aware there is no allotted parking spaces and this could be an acceptable exception to the policy in a town centre location.
- It was suggested that such development could inject life into neglected town centre areas and is welcomed.
- The non-viability of S106 contribution towards affordable housing was raised and the need for a consistent approach was raised. It was explained that there is a specific difference related to the conversion of upper floors incurring additional overheads. There are other relevant circumstances and assurance was provided that the viability has been checked and is in order.

It was proposed by County Councillor M. Feakins and seconded by County Councillor P. Murphy that application DM/2018/00950 be approved subject to the four conditions outlined in the report.

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

For Approval	-	13
Against Approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00950 be approved subject to the four conditions as outlined in the report.

8. Application DM/2018/01028 - Erection of detached two bedroom bungalow. 62 Caldicot Road Rogiet Caldicot Monmouthshire NP26 3SG.

[County Councillor D. Dovey declared an interest and left the meeting at 4.13pm]

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We considered the report of the application which was recommended for approval subject to the three conditions outlined in the report and subject to Section 106 financial contribution of £9982.00 for affordable housing.

The Local Member was not present at the meeting but made the following comment:

“May I provide my objection for the following planning application for an erection of a detached 2 bedroom bungalow. My objections are in respect to the unsuitable site of a back garden development. The design will not fit in with the local houses in the area and it will increase the amount of traffic to the existing property which resides on one of the busiest roads in the area (B4245 Caldicot Road, Rogiet). I ask that this application is brought to full planning committee for the above reasons.”

Having received the report of the application and the view of the local Member, the following points were noted:

- The view was expressed that Members wishing to voice concerns about applications should attend the site visit and that the back garden was of sufficient size for the proposed development.
- Members commented that S106 contribution to affordable housing has been agreed, there is no problem with access and that there should not be any impact on traffic. The application was supported.
- Attention was drawn to Policy S4 of the LDP and the contribution to affordable housing and suggested that these terms and conditions are welcomed in reports.

The Development Management Area Team Manager explained that S4 is reliant on viability. It was also confirmed that the clause allowing Officers to refuse permission if a S106 contribution Legal Agreement has not been completed within 6 months is used as circumstances require.

- Clarity was requested why this application was different to the previous one. It was questioned if permission was granted and the plot was then sold, if we would encounter the same situation of the application being re-presented as not viable and therefore not make a contribution to affordable housing.

The Head of Planning, Housing and Place Shaping explained that if a S106 is not signed, then the permission does not exist. If the S106 has been signed, a new agreement can be refused. It may be possible to submit a new application.

- It was questioned if this application was deferred for the applicant to make a unilateral agreement, if that would stay with the land.

The Head of Planning, Housing and Place Shaping responded that it would as it is tied to the planning permission. Unallocated sites have an unilateral agreement to avoid delays. The downside is that the Legal Department will be preparing such agreements for schemes that may be refused by Committee or under delegated powers. His advice, in this instance, was to get the S106 agreed rather than apply a unilateral agreement.

It was proposed by County Councillor D. Evans and seconded by County Councillor J. Higginson that application DM/2018/01028 be approved subject to the three conditions, as outlined in the report.

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

For Approval	-	12
Against Approval	-	0
Abstentions	-	0

The proposition was unanimously carried.

We resolved that application DM/2018/01028 be approved subject to the three conditions, as outlined in the report and subject to Section 106 financial contribution of £9982.00 for affordable housing.

9. Application DM/2018/01279 - Agricultural building housing farm animals. Kemeys House Farm, Church Lane, Kemeys Commander, Usk.

[County Councillor D. Dovey returned to the meeting at 4.20pm]

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

Having considered the report, no points were made by Planning Committee Members.

County Councillor M. Feakins proposed and County Councillor J. Higginson seconded that application DM/2018/01279 be approved subject to the two conditions, as outlined in the report.

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

For Approval	-	13
Against Approval	-	0
Abstentions	-	0

The proposition was unanimously carried.

We resolved that application DM/2018/01279 be approved subject to the two conditions outlined in the report.

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

11. Appeal decision - Beaulieu Barn, 25 The Kymin, Monmouth.

[County Councillor R. Harris left the meeting at 4.23pm]

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 28th August 2018. Site: Beaulieu Barn, 25 The Kymin, Monmouth.

The appeal was allowed in part and planning permission is granted for Proposed conversion of redundant barn to provide new dwelling at Beaulieu Barn, 25 The Kymin, Monmouth NP25 3SE, in accordance with the terms of the application Ref DC/2018/00091, dated 22 January 2018, without compliance with condition numbers 1 and 2 previously imposed on planning permission Ref DC/2007/01144, dated 8 February 2008, and subject to the conditions:

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3) Before development commences details of the proposed means of enclosure shall be submitted to and approved in writing by the local planning authority. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order, 1995, as amended (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

4) The development shall be begun within 5 years from the date of this permission.

5) Where any species listed under Schedule 2 or 4 of the Conservation (Natural Habitats, & c.) Regulations 1994 (or any legislation revoking and re-enacting those Regulations with or without modifications) is present on site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

6) The development hereby approved shall be implemented in accordance with the scheme shown on drawing no 04A. The scheme shall be retained in perpetuity unless written consent is granted by the Local Planning Authority authorising changes to the approved scheme.

7) Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) lighting must be angled downwards and must not be placed above 2.3m above the ground level.

12. Costs decision - Beaulieu Barn, 25 The Kymin, Monmouth.

We received the Planning Inspectorate report which related to a cost decision following a hearing that had been made on 28th August 2018. Site: Beaulieu Barn, 25 The Kymin, Monmouth.

The application for an award of costs was refused.

13. To confirm for accuracy the minutes of the previous meeting.

The minutes of the previous meeting were confirmed and signed subject to the following addition to the final paragraph to read as follows:

Item 7 – DM/2018/01089: We resolved that we be minded to defer consideration of application DM/2018/01089 to a future meeting of Planning Committee to consider proposals against Policy H4 (business use) and to clarify future intentions for a nearby silage pit and an existing agricultural building that is to be retained having regard to the amenity of the occupiers of the proposed dwellings **and more thought be given to the residential/agricultural use of the site.**

The meeting ended at 4.30 pm

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