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MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote
attendance on Tuesday, 6th December, 2022 at 2.00 pm**

PRESENT: County Councillor Phil Murphy (Chair)
County Councillor Dale Rooke (Vice Chair)

County Councillors: Jill Bond, Fay Bromfield, Emma Bryn, Jan Butler,
Ben Callard, John Crook, Tony Easson, Steven Garratt,
Meirion Howells, Su McConnel, Jayne McKenna, Maureen Powell
and Sue Riley

County Councillors Louise Brown and Tony Kear 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
Joanne Chase	Solicitor
Paige Moseley	Solicitor
Mark Davies	Highway Development Manager
Wendy Barnard	Democratic Services Officer

APOLOGIES:

County Councillor Ann Webb

1. Declarations of Interest

County Councillor P. Murphy declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01995, as there is a reference within the viability report to a company whereby his son is the contracts manager.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 1st November 2022 were confirmed and signed by the Chair. In doing so, the following points were noted:

- Applications DM/2020/00762 and DM/2020/00763 – Condition 10, a request had been made for the light spillage to be investigated.
- Application DM/2020/00763 - The total number of votes in respect of this application differed slightly to other applications, i.e., a total of 13 rather than 14.
- Application DM/2020/00763 – The Llanybi Community Council representative, bullet point 4 – 'In Planning Policy Wales 11 there is a presumption against development likely to damage a SSSI echoed by Julie James MS for Climate Change, who proposes that the policy protection afforded to the SSSI needs to

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be strengthened. The proposals will not enhance the SSSI.' A Planning Committee Member considered that the word 'proposes' should not have been used as reference was being made to the Ministerial Statement which is not a proposal. Also, the Planning Member considered that the reference 'The proposals will not enhance the SSSI' should be changed to 'the applications will not enhance and will further damage the SSSI.'

- Application DM/2020/00763, Page 7 - this should be amended to read: 'We resolved that application DM/2020/00763 be deferred to be refused.'

3. DM/2022/00484 Full planning application for the construction of 9 dwellings including means of access, drainage, landscaping, associated engineering and infrastructure works - Land at former Tythe House, Church Road, Undy, NP26 3EN

Application DM/2022/00484 had been withdrawn from the agenda following concern raised from local residents regarding the openness and transparency of the Planning Department with regard to this application. The application will therefore be reviewed for accuracy with a view to it being presented to a future meeting of the Planning Committee for determination.

4. DM/2018/01995 Outline application for a six dwelling residential development with primary access off Baron Street with some matters reserved - The Willows, 20 Baron Street, Usk, Monmouthshire, NP15 1AS

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report, with an additional two conditions, namely:

- Compliance with approved site levels (to manage flood issues).
- A Flood Action Plan to be submitted pursuant to the reserved matters.

The local Independent Member for Llanbadoc & Usk, also a Planning Committee Member, outlined the following points:

- The owners of the Willows Garden Centre would welcome the new development as this will provide an improvement to the access road to their business.
- There have been concerns from nearby residents mainly regarding an anticipated increase in traffic flow on the new development as well as flooding issues.
- Baron Street is a very narrow single lane road with narrow pavements. The road serves a retirement complex with 28 homes. Cottages along this road do not have foundations and have incurred cracks during constructions on previous sites in this area.

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- Restrictions on delivery vehicles will be required via a full Management Plan at the construction phase at the access point at Baron Street to ensure residents and pedestrian safety.
- Concern has been raised by residents of Mill Street regarding the increased risk of flooding to homes from the rivers Usk and Olway. It was considered that further information to address this issue needed to be included in the report of the application.
- Reference was made to the levels of phosphates being produced via the garden centre after the proposed properties are built. The local Member asked whether the report was still applicable as it had been written in October 2021.
- It was questioned whether the Graig Olway treatment works would be able to accommodate the extra six properties.
- The local Independent Member read out a statement from the local Conservative Member which was outlined in late correspondence.

The Development Management Area Manager responded, as follows:

- A Traffic Management Plan will be established during the course of the works. The additional six properties are not considered to be excessive in terms of the volume of traffic on the highway network at this location.
- The Flood Consequence Assessment was undertaken in line with Natural Resources Wales (NRW), as the technical experts in this matter. It was noted that works are required to ensure that future occupiers of these dwellings, as well as surrounding neighbouring properties, are safeguarded. The development itself does not contribute to an existing problem. Officers consider that the application accords with National Planning Policy.
- The rising of the ground levels is a paramount mitigation measure.
- The garden centre phosphates levels (within the area that is outside the application site) are not known and is outside the remit of this planning application.
- Foul water will connect to Welsh Water's assets and it has been confirmed that the capacity exists to take the additional amount.

The local Conservative Member for Llanbadoc & Usk attended the meeting by invitation of the Chair and outlined the following points:

- Concern was expressed regarding the raising of the land and the effect that it might have on nearby residents.

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- It was considered that the report of the application should detail the flood risks as shown during storm Dennis and that this risk could then be covered off.

The Development Management Area Manager responded, as follows:

- Officers are satisfied that by mitigating the flooding impacts for the future occupiers the neighbouring properties that surround the development site are not being prejudiced.
- Storm Dennis occurred prior to the final Flood Consequence Assessment (FCA) being completed. However, it was noted that there was no additional risk created by allowing this development according to Natural Resources Wales.

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

- The Action Plan would be submitted at the reserved matters stage. This would be in place and agreed subject to consultation with the Authority's Flood Team and Natural Resources Wales and would need to be agreed before any development takes place.
- With regard to the Local Development Plan, all planning consents will be put into the calculation regarding predictions of future growth as part of the replacement Local Development Plan.
- Landscaping will be addressed via reserved matters, as well as any biodiversity enhancements.
- An informative could be added to encourage sustainable demolition of building material on the site.

The local Independent Member summed up as follows:

- Requested that officers check with Natural Resources Wales (NRW) that it has taken into account the impacts of flooding associated with the Olway Brook when assessing the flood information submitted by the applicant.
- He supports the establishment of a Traffic Management Plan.

The local Conservative Member summed up as follows:

- The flooding risk from the river Olway has not been fully identified within the report of the application and he supported the request made by the local Independent Member that officers check with Natural Resources Wales (NRW) that it has taken into account the impacts of flooding associated with the Olway Brook when assessing the flood information submitted by the applicant.

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The Head of Planning agreed that officers would check with Natural Resources Wales (NRW) that it has taken into account the impacts of flooding associated with the Olway Brook when assessing the flood information submitted by the applicant and that this matter be agreed via the Delegation Panel.

It was proposed by County Councillor J. Butler and seconded by County Councillor S. McConnel that application DM/2018/01995 be approved subject to the conditions outlined in the report, with an additional two conditions, namely:

- Compliance with approved site levels (to manage flood issues).
- A Flood Action Plan to be submitted pursuant to the reserved matters.

Also, that officers would check with Natural Resources Wales (NRW) that it has taken into account the impacts of flooding associated with the Olway Brook when assessing the flood information submitted by the applicant and that this matter be agreed via the Delegation Panel.

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

In favour of the proposal	-	14
Against the proposal	-	1
Abstentions	-	0

The proposition was carried:

We resolved that application DM/2018/01995 be approved subject to the conditions outlined in the report, with an additional two conditions, namely:

- Compliance with approved site levels (to manage flood issues).
- A Flood Action Plan to be submitted pursuant to the reserved matters.

Also, that officers would check with Natural Resources Wales (NRW) that it has taken into account the impacts of flooding associated with the Olway Brook when assessing the flood information submitted by the applicant and that this matter be agreed via the Delegation Panel.

5. DM/2022/00263 Extension and change of use of existing garage into dog day care facility. Change of use of field to dog walking paddock - Rhewl Cottage, Shirenewton To Rhewl Farm, Shirenewton, Monmouthshire, NP16 6AG

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

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

- The Highways Department had originally objected to the application in view of the capacity of the road network and the need for a transport plan.

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- Paragraph 6.2 of the report of the application states that there will be a maximum of six dogs on site each day with four being collected and dropped off each day by the applicant therefore reducing the number of vehicular trips each day.
- The Highways report dated 13th October 2022 recommended a maximum of six dogs per day rather than at any time. The local Member informed the Committee that the Planning Officer and applicant had no objection to following the Highways Department's recommendation. The local Member asked that the Planning Committee considers amending the condition accordingly. Therefore, condition 8 would state the day care element of the proposal hereby approved is limited to a maximum of six dogs per day rather than six dogs at any time.
- The conditions cover the fencing and landscaping and are of interest with regard to visual amenity.
- The public has expressed concern regarding agricultural fields being turned into car parking areas with long high fencing. The rear of another field looks unsightly with high level fencing and the rural background of St. Pierre Woods opposite.
- The Council's Landscape and Green Infrastructure officer had a provisional objection to the proposed dog walking area due to insufficient information.
- The site and fields are located within the Wye Valley Area of Outstanding Natural Beauty, as well as being in open countryside. Current Local Development Plan (LDP) Policy LC4 highlights that any developments to the area of natural beauty must be subservient to the primary purpose to ensure and enhance the natural beauty of the area, hence the reason for the condition on fencing and landscaping are so important.
- The local Member asked that the Planning Committee considers supporting the change to condition 8 to fall in line with the Highways recommendation as proposed in the latest Highways report in order to reduce the vehicular movements along this rural highway.

In response, the Development Services Manager informed the Committee as follows:

- The Planning Case officer does not consider the need to change the condition, as outlined by the local Member. It would therefore be for the Planning Committee to decide this matter.
- If the condition is restricted to up to six dogs per day, that would reduce the applicant's flexibility.

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

- It was considered that there were no reasons to object to the application as outlined in the report.

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- The land remains agricultural and could easily be converted to its original use, if required.

The local Member summed up as follows:

- Objections to the application had been received from Shirenewton Community Council.
- The delay in considering the application related to a delay in information coming forward from the applicant.
- The local Member reiterated her request for Planning Committee to consider supporting the change to condition 8 to fall in line with the Highways recommendation as proposed in the latest Highways report in order to reduce the vehicular movements along this rural highway.

It was proposed by County Councillor J. McKenna and seconded by County Councillor E. Bryn that application DM/2022/00263 be approved subject to the conditions outlined in the report with no amendment to condition 8.

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

For approval	-	15
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2022/00263 be approved subject to the conditions outlined in the report with no amendment to condition 8.

6. DM/2022/01146 Retention of an outbuilding - 3 Hollybush Cottages, Gwent Road, Llantilio Pertholey, Monmouthshire, NP7 6NH

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 points were identified:

- In response to a point raised, the Development Management Area Manager informed the Committee that planning permissions are clearly conditioned and the development is to be carried out in accordance with approved plans. It is clear within the decision notice what has been approved and which drawings have been approved. In respect of this application, it was understood by the applicant that the works would fall within permitted development rights. However, this was not the case.

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- The proposed development is smaller than the original proposal and is set to the rear of the property. Trees are to be planted in front of the development which will reduce visibility of the proposed development from the roadside.
- Concern was expressed that the development had been built without checking whether there was a need to obtain planning permission. In response, the Head of Planning informed the Committee that the application needs to be considered on its merits, as presented to the Committee. This would be the case for any retrospective planning application presented to Planning Committee.

It was proposed by County Councillor E. Bryn and seconded by County Councillor S. McConnel that application DM/2022/01146 be approved subject to the conditions outlined in the report.

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

For approval	-	14
Against approval	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2022/01146 be approved subject to the conditions outlined in the report.

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

7.1. 17 Grove Gardens, Caldicot, Monmouthshire NP26 4HN

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at 17 Grove Gardens, Caldicot on 2nd November 2022.

We noted that the appeal had been dismissed.

The meeting ended at 3.28 pm.