

# Public Document Pack

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote  
attendance on Tuesday, 6th June, 2023 at 2.00 pm**

**PRESENT:** County Councillor Phil Murphy (Chairman)  
County Councillor Dale Rooke (Vice Chairman)

County Councillors: Jill Bond, Fay Bromfield, Emma Bryn, Jan Butler,  
John Crook, Tony Easson, Steven Garratt, Meirion Howells,  
Jayne McKenna, Maureen Powell and Ann Webb

County Councillors: Martyn Groucutt and Ian Chandler attended the  
meeting by invitation of the Chair

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Place-making, Housing, Highways and Flood
Philip Thomas	Development Services Manager
Amy Longford	Development Management Area Team Manager
Mark Davies	Highway Development Manager
Anthony Davies	Specialist Environmental Health Officer
Paige Moseley	Solicitor
Richard Williams	Democratic Services Officer

County Councillor Tony Easson left the meeting and returned to the meeting during consideration of application DM/2021/00622. He therefore abstained from voting in respect of this application.

County Councillor John Crook left the meeting following determination of application DM/2022/01826 and did not return.

### **APOLOGIES:**

County Councillors: Ben Callard, Su McConnel and Sue Riley

#### **1. Election of Chair**

We elected County Councillor P. Murphy as Chair.

#### **2. Appointment of Vice-Chair**

We appointed County Councillor D. Rooke as Vice-Chair.

#### **3. Declarations of Interest**

None received.

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### **4. Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 2<sup>nd</sup> May 2023 were confirmed and signed by the Chair.

### **5. Application DM/2021/00528 - Proposed residential development of 2no. detached dwellings with private on-site parking. Holly Bush, 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 S106 Legal Agreement.

The local Member for Magor East with Undy, also a Planning Committee Member, outlined the following points:

- The application is for two properties but has poor access onto Vinegar Hill.
- The application has an officer recommendation for approval as it has a lower vehicle movement, and this is the main reason for the change of policy for the Highway approval.
- The junction of the B4245 at Vinegar Hill is signposted unsuitable for Heavy Goods Vehicles (HGVs).
- There are no footways for children to walk safely along this route.
- There is no access to residential developments. There are several issues that need to be addressed via conditions before this application is considered for approval.
- Details of the Sustainable Drainage System (SuDS) plan are not available.
- The access requires a wider splay and vegetation needs to be cut back on the owner's property and on the County Council owned hedgerow.
- The local Member expressed concern that children have to access this narrow road with no footway when walking to school. Additional vehicles and HGVs delivering to this site would exacerbate the situation. The current splay is not suitable to accommodate large vehicles.
- The local Member stated that he could not support this application due to the issues outlined in respect of the splay and access onto the road.

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In response, the Highway Development Manager informed the Committee:

- The application was originally for four dwellings accommodating four vehicles which was considered to be inappropriate for the site. However, two dwellings accommodating two vehicles with the existing dwelling is capable of accommodating the access movement to and from this development with the impact on Vinegar Hill being considerably less.
- Pedestrians in this area currently live with a considerable development already in existence. It was considered that two additional dwellings would not cause any material harm to the safety of highway users.
- A Construction Traffic Management Plan (CTMP) has been requested via Planning conditions. It will be for the builder to submit this plan to the Authority for approval.
- Large vehicles are able to access Vinegar Hill. If they cannot access a particular development, then they would be required to size their vehicles accordingly. This would be addressed via the CTMP for this development.

The Development Management Area Team Manager informed the Committee:

- An additional condition would be required to include a Construction Traffic Management Plan (CTMP) should the Committee consider approving the application.
- The SuDS application would be considered via a separate application.

The Head of Placemaking, Housing, Highways and Flood read out a statement to the Committee from the applicant's agent:

- The application was submitted in March 2021 and was originally for the construction of four dwellings. The proposal received a number of objections and in discussions with Planning and Highways officers it had been agreed to reduce the number of houses to two.
- Overlooking concerns are being addressed by ensuring that the development will not overlook adjacent properties.
- It is proposed that existing hedgerow and planting be kept and to further screen the developments. Any defective boundary fences owned by the applicant will be replaced or repaired on a like for like basis.
- The existing driveway is to be altered to improve manoeuvrability within the site and the proposed alterations are being discussed and agreed with the Highways Department.

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- Electrical Charging points will be provided for each dwelling.
- Extensive ecological tree surveys have been undertaken with existing hedgerows and planting to remain to the side and rear boundaries.
- Highway concerns are acknowledged and being dealt with.
- The existing access from Vinegar Hill is acceptable and the entrance is only 160 metres from the B4245.
- There is good forward visibility with at least 10 passing places where pedestrians can stand off the highway.
- Traffic speeds are suppressed along Vinegar Hill due to the natural alignments and width of the roads.
- The existing access into the site has been used for at least 25 years and the Highway Authority has confirmed that it will not be detrimental to highway safety.
- The site lies within the Magor and Undy development boundary and provides a well-considered and sustainable development.
- The drainage proposals for foul and surface water have been accepted in principle and a separate Sustainable Drainage Approval Body (SAB) application will be submitted.
- The site layout addresses concerns raised by neighbours and is supported by Planning Officers.
- The street view from Vinegar Hill will remain unchanged as the new dwellings will be screened by existing topography.
- The applicant has provided an extensive amount of information to support the proposed scheme and asked the Committee to consider approval of the application.

Having considered the report of the application and the views expressed, the following information was noted:

- In response to a question raised, it was noted that the existing public right of way is located along Badgers Walk. There is no current public right of way that runs through the site. The existing public right of way would not be affected by the proposed development.

It was proposed by County Councillor M. Powell and seconded by County Councillor J. Butler that application DM/2021/00528 be approved subject to the conditions outlined in the report and subject to a S106 Legal Agreement. Also, that an additional condition be added to include a Construction Traffic Management Plan (CTMP).

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

For approval	-	9
Against approval	-	1
Abstentions	-	3

The proposition was carried.

We resolved that application DM/2021/00528 be approved subject to the conditions outlined in the report and subject to a S106 Legal Agreement. Also, that an additional condition be added to include a Construction Traffic Management Plan (CTMP).

#### **6. Application DM/2023/00592 - Erection of 1 x 2-bedroom detached dwelling, Pathways, Vinegar Hill, Undy, Caldicot**

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 S106 Legal Agreement.

This application is a duplicate of application DM/2022/01193 which was refused due to concerns over highway safety. The decision was subsequently appealed, and the application was considered by the Planning and Environment Decisions Wales (PEDW). The appeal was dismissed on the 18<sup>th</sup> April 2023. The Inspector considered the reason for refusal, highway safety, and concluded that while that issue would not have warranted refusal of permission, "the harm and policy conflict associated with the absence of a completed legal agreement to secure affordable housing provision" was sufficient reason to dismiss the appeal.

The local Member for Magor East with Undy, also a Planning Committee Member, expressed concern that the Planning Inspector had not been provided with the adopted Highway Design Standard Policy due to an oversight with the Local Planning Department. It was considered that if the Planning Inspector had received this information, then he would have been able to make a better assessment of the safety issues relating to the highway in respect of this application. It would have given more weight to local residents' case.

In response, the Head of Placemaking, Housing, Highways and Flooding informed the Committee:

- It was an oversight that the adopted Highway Design Standard Policy had not been provided to the Planning Inspector. However, it was noted that this document has never been requested by an Inspector. Significant advice had been provided to the Inspector by Highways Officers, as well as providing him with access to the Planning Committee's minutes and the recording of the Planning Committee meeting. The Inspector would have also undertaken a site inspection.

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- It was noted that the Inspector could request additional information during his proceedings but had not done so on this occasion.
- The guidance referred to is not Monmouthshire County Council Supplementary Planning Guidance (SPG) but is used by all authorities across Wales.

Mrs. S. Lloyd, objecting to the application, attended the meeting by invitation of the Chair and outlined the following points:

- This application is the third attempt to add another house onto the Green Infrastructure (GI) approved under a previous application on the wider site. That application originally included this third house but was removed due to overdevelopment concerns.
- The objector considered that this was gross abuse of the planning system and if approved will set an unacceptable precedent to developers that they can overcome over development concerns by putting green infrastructure on sites getting them approved then applying separately to build on that GI.
- The north elevation windows look directly onto a 2.5 metre retaining wall.
- The south elevation contains only two slit windows.
- The house is only 15 metres from the rear habitable rooms of Walnut House but due to the steep site the floor level is four metres higher and the ridge height 10 metres higher. It will have a grossly overbearing effect on the amenity of Walnut House.
- The garden has limited usable space mainly taken up by rain gardens and conifer trees. This was considered not to be place making.
- The access to the site narrows to only 2.8 metres bounded by high walls. The onsite road reduces to only 2 metres. There is a tight line bend at the entrance to the site with an unprotected drop of 2.5 metres.
- No Swept Path Analysis has been conducted and larger vehicles cannot negotiate the bend.
- Construction supplies are to be brought into the site by tractor and trailer which will be off loaded outside the property Firbank causing a risk to their safety.
- The Fire Authority has not undertaken a site visit and there are no footpaths in the area.
- The appeal Inspector concludes that the proposal does not give rise to the harmful effects on highway safety. It is unclear why the inspector states that it is acceptable for pedestrians with young children or wheelchair users to seek

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refuge on the steeply sloping rain gardens and small grass verges, with the swale on one side and a steep drop on the other side.

- There are no verges on the approach to the site.
- The local Planning Authority's reason for refusal on highways grounds was that it was non-compliant with Policy MV1 which states that development will not be permitted that fails to provide a safe and easy access for road users and that development will be expected to satisfy the adopted highway design guide.
- The local Planning Authority did not provide the Inspector with the adopted Highway Design Standard Policy; therefore, he was unable to support that statement. Also, the Inspector did not receive any information regarding the retaining wall.
- This site has major issues that have never been addressed. The objector asked the Committee not to compound these issues by approving another house on this unsuitable site.
- The application was considered to contribute to overdevelopment of the site, it has an overbearing effect on Walnut House and has an unsafe road. Concern was expressed that a fatal road traffic accident could occur at this location.
- It was considered that the application does not comply with many local and national policies.
- It was considered that there has been a catalogue of inadequacies. The original application was approved without a site visit from the Highways Authority or the Planning Committee. The objector stated that the reason provided was due to time and cost.
- The refusal notice for the first drop-in application was issued under delegated powers even though the ward member had requested that the matter be considered at Planning Committee. It was considered that this was a process breach and was unlawful.
- The appeal Inspector was not provided with the adopted Highways Design guidance to assess compliance of Policy MV1 due to an oversight. It was considered that it was unlikely that the Inspector would have supported the right of the local Planning Authority to use its own adoptive standards to assess compliance against its Local Development Plan (LDP) policies and upheld the refusal.
- The objector considered that the Local Planning Authority was confused as to what its adopted Highway design guide is. It was considered that the Local Planning Authority does not understand the fair dealing clause in copyright law resulting in the objector's objection to the application not being published on the planning portal for nine days.

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- Not all Planning Committee members attend site visits. Only half of the Committee attended the site visit for this application. It was considered that the Local Government Association states that a Member can only take part in the debate and voting if they have also attended the site visit so that all Members have access to all information to determine an application fairly.

In response, the Head of Placemaking, Housing, Highways and Flooding informed the Committee:

- There is no guidance that states Planning Committee Members are required to attend a site visit before they can vote on an application. Monmouthshire County Council holds a site visit for every planning application considered by Committee. However, most local authorities undertake site visits on request.
- The initial application had been determined in the correct manner.

The Development Services Manager informed the Committee:

- There should not be any overlooking onto Walnut House from windows due to the orientation of the proposed new dwelling away from Walnut House.
- There is also sufficient distance between the proposed new dwelling and Walnut House. There is in the region of 20 metres between the main elevations of each property and it is off set. There is also vegetation at the rear which will grow to add further screening. The lack of windows in this elevation would mean that any potential relationship between the two properties could be managed.
- The two proposed properties are fair and reasonable dwellings and the landscaping proposed has exceeded the Green Infrastructure requirements to serve these plots.

The applicant did not wish to exercise their right of reply.

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

- The impact of the development on Vinegar Hill will have no material effect on the road. The road safety issues raised go beyond this application which needs to be considered from a road safety / active travel aspect. This matter needs to be discussed separately from this application.
- Traffic vehicle movements can be complex and generally relate to large developments whereby National Guidance is used to assess trip movements. This data gives an indication of the number of movements likely to be generated. The South East Wales model also identifies traffic movements and where and when the peak movements are likely to be. With regard to this application, additional vehicle movements are likely to be relatively few.

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- With regard to the potential for vehicles dropping onto the property it was noted that there is a retaining wall to be built between the driveway and the new property. However, the road is relatively narrow so vehicles are likely to be travelling at no more than 20mph so should be able to avoid driving over the sloping ground. A private drive will be constructed to facilitate access for the private dwellings. It is the responsibility for all users to ensure that they drive to the appropriate environment.
- An additional condition could be added requiring boundary treatments with a view to containing the slope.

The local Member summed up as follows:

- The access is too narrow to allow the delivery of materials for the proposed development.
- A heavy goods vehicle would be unable to make deliveries via the narrow entrance.
- The narrow entrance needs to be improved along Vinegar Hill, going forward.
- The local Members for this area receive the concerns of local residents regarding road safety issues on a daily basis.
- The safety of children travelling to school along this route is paramount. Therefore, the local Member would not be able to support this application.

The Head of Placemaking, Housing, Highways and Flooding informed the Committee that the Traffic and Road Safety Team was looking at this area in terms of the potential for providing a weight or width limit along this route which would limit certain vehicles travelling through this area. However, access to properties for such vehicles would still be permitted. Residents access only could also be looked at by the Traffic and Road Safety Team.

It was proposed by County Councillor J. Butler and seconded by County Councillor M. Powell that application DM/2023/00592 be approved subject to the conditions outlined in the report and subject to a S106 Legal Agreement. Also, that an additional condition be added requiring boundary treatments with a view to containing the slope.

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

For approval	-	8
Against approval	-	4
Abstentions	-	1

The proposition was carried.

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We resolved that application DM/2023/00592 be approved subject to the conditions outlined in the report and subject to a S106 Legal Agreement. Also, that an additional condition be added requiring boundary treatments with a view to containing the slope.

#### **7. Application DM/2021/00622 - Retention of the 4 small fans and removal and replacement of the 6 larger fans. Atherstone, B4347 Turners Wood To Porthygaelod Farm, St Maughan's, Monmouthshire, NP25 5QF**

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 Llantilio Crossenny attended the meeting by invitation of the Chair and outlined the following points on behalf of local residents who are affected by the application:

- Local residents are not objecting to the revised application as long as the result is a reduction in noise from the fans.
- Local residents had expressed concern that the report of the application did not express the extent to what they have endured for the last five years whereby the noise has been a 24-hour problem that ebbs and flows throughout the day.
- However, they welcome the measures being put in place to ameliorate the problem but consider this application to not be a perfect solution for them. Even with the replacement fans, residents will still be disturbed at various times throughout the day.
- Enjoyment of their property will not return to how it was before 2018.
- If planning permission is granted, residents are keen for checks to be made by appropriate professionals to ensure that the equipment, as specified in the application, is installed.
- In terms of the follow up noise verification checks outlined in the report of the application, residents would like to be given notice of when the noise assessments at their properties are to be undertaken. As the degree of noise disturbance is greatly influenced by the weather, residents asked that those checks be undertaken in appropriate weather conditions and on different days to provide certainty that the stated noise reduction has been achieved.
- The noise is worse on a warm dry day with a southerly wind. Residents are likely to be outside and have windows open on these days.
- The fans were introduced in 2018 as this was the best available technique. However, it was also because of the increasing numbers of birds that were being held in the poultry shed. Residents are concerned that the stocking levels have not been addressed.

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The Specialist Environmental Health Officer responded as follows:

- With regard to the first assessment undertaken having regard to British Standard methods provided the levels of noise that would be predicted at nearby premises. Queries raised at this stage were answered.
- The main reason why the acoustic housing was not progressed was due to ventilation issues.
- The subsequent application report provided is a better option and anticipated to produce a lower level of noise by using a six bladed fan instead of a three bladed fan. It is anticipated that this type of fan will eliminate the pulse currently generated from the existing fan.
- A decibel chart was provided to illustrate noise levels. When the 12 gable end fans are in use, the noise at the nearest noise sensitive property will be 30 decibels. There will be times when the background levels will drop to 25 decibels. Therefore, the Environmental Health Department is not in a position to object to the application.
- Guidance on sound insulation and noise reduction for buildings looks at the impact internally.
- Appropriate conditions have been suggested.

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

- The earth bund has been removed which may have been suppressing the noise from the fans. Discussions have been held with the applicant and the noise consultant and if needed the bund will be reinstated.

The local Member summed up as follows:

- Condition 3(A) refers to noise monitoring and residents would like this to be undertaken when the noise levels are at their worst.
- Condition 3(B) is not considered to be an adequate mitigation if the fans don't reduce the noise levels.

The Development Services Manager informed the Committee that verification of noise levels will be undertaken in consultation with local residents as access to their properties will be required before monitoring can take place. Monitoring will be undertaken when Environmental Health Officers deem this appropriate.

It was proposed by County Councillor F. Bromfield and seconded by County Councillor M. Powell that application DM/2021/00622 be approved subject to the conditions outlined in the report.

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For approval	-	12
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2021/00622 be approved subject to the conditions outlined in the report.

#### **8. Application DM/2022/01826 - Retention and completion of domestic garage. 60 Old Barn Way, Abergavenny, NP7 6EA**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and that an additional condition be added that the scheme be completed in accordance with approved drawings within six months from the date of the permission.

It was noted that this latest application proposes a reduction in the ridge height by 0.763m which is now 0.5m higher than the originally approved scheme in 2019.

The local Member for Lansdown attended the meeting by invitation of the Chair and outlined the following points on behalf of local objectors to the application:

- The application had previously been refused by the Planning Committee and the local Member quoted the reasons for refusal, namely, the garage has a large footprint that was considered to be too large.
- The reasons that were formerly given for refusal for the previous application related to its unacceptable scale and mass. The proposal had failed to respect the existing form, scale, massing and layout of its setting and is contrary to the Local Development Plan.
- The local Member quoted from the report of the Inspector. Even with a reduction in height it would continue to be an imposing and visually dominant building out of keeping with the character and appearance of the area. Concerns have been raised by neighbouring residents that the garage has an overbearing impact on their properties and negatively impacts on their living conditions.
- From the rear facing garden and views from the rear facing 58 Old Barn Way, the outlook would be dominated by a mass of built form. The development is inappropriate to its context.
- The applicant has added a new document to the Planning Portal which states that the footprint has substantially been reduced. From the original permission granted in 2019, with the substantial cladding being added, the footprint has not reduced but has grown substantially to the point where the building cannot be

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completed correctly. It was considered that there would be insufficient room to complete the soakaways and guttering.

- The building is out of scale and dominates the surrounding area and is out of context with its neighbourhood. No other building nearby is higher than 2.4 metres.

In response the Development Services Manager informed the Committee:

- The building is 0.4 metres wider than the original approval.
- A garage with the same width could be built under permitted development rights.
- The length of the building remains the same as originally proposed.

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

- Some Members expressed concern regarding the over dominance of the proposed additional 0.5 metre ridge height and considered that the ridge height of 4 metres, outlined in the original plan, would be more appropriate. The building was considered to be out of character with the street scene.
- The Committee was asked to focus on the impacts of the building and whether the 4.5m proposed ridge height would be acceptable or not.
- Reducing the ridge height might mean that the roof needs to be rebuilt with different roofing materials required to cope with a shallower pitch.
- The soakaway requirements would be addressed via building regulations.

It was proposed by County Councillor D. Rooke and seconded by County Councillor M. Howells that application DM/2022/01826 be approved subject to the conditions outlined in the report and that an additional condition be added that the scheme be completed in accordance with approved drawings within six months from the date of the permission.

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

For approval	-	7
Against approval	-	3
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2022/01826 be approved subject to the conditions outlined in the report and that an additional condition be added that the scheme be completed in accordance with approved drawings within six months from the date of the permission.

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9. **Application DM/2023/00391 - Proposed building associated with existing agricultural land use. Agricultural Outbuilding, Llandenny Walks Road, Llandenny, Monmouthshire**

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:

- The internal flooring will be the choice of the applicant.
- A condition is outlined in the report of the application restricting the building to storage use only.
- The building will be sustainable using locally sourced materials where possible.
- Enforcement officers can check that the condition regarding use of the building is being complied with.

It was proposed by County Councillor J. Butler and seconded by County Councillor E. Bryn that application DM/2023/00391 be approved subject to the conditions outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2023/00391 be approved subject to the conditions outlined in the report.

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

10.1. **Land at Chepstow RFC, Burnt Barn Road, Bulwark, Chepstow**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Chepstow RFC, Burnt Barn Road, Bulwark, Chepstow on 16<sup>th</sup> May 2023.

We noted that the appeal had been dismissed.

**The meeting ended at 4.30 pm.**