

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th
February, 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,
R. Harris, J. Higginson, G. Howard, P. Murphy, M. Powell and
A. Webb

County Councillor R. John attended the meeting by invitation of the
Chair.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Craig O'Connor	Development Management Area Manager
Amy Longford	Heritage Manager
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors D. Evans and M. Feakins

1. Declarations of Interest

County Councillor J. Becker declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DC/2017/01116, as he is a member of Chepstow Town Council which currently leases the Drill Hall from Monmouthshire County Council.

County Councillor D. Dovey declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DC/2017/01116, as he is a member of Chepstow Town Council which currently leases the Drill Hall from Monmouthshire County Council.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting held on 9th January 2018 were confirmed and signed by the Chairman.

3. APPLICATION DC/2008/00723 - CONVERSION OF PRE-1700 BUILDING INTO 19 APARTMENTS, DEMOLITION OF POST 1900 STRUCTURES AND BUILDING OF 31 NEW APARTMENTS AND GATEHOUSE. TROY HOUSE, MITCHELL TROY, MONMOUTH, NP25 4HX

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

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

- Troy House has great historical importance to the surrounding area and has sympathy with the desire to save the house.
- However, a number of concerns have been raised by local residents and town and community councillors expressing concern regarding a range of issues.
- This application, if approved, will affect an organic dairy farm and the agricultural industry in Monmouthshire could suffer.
- There are environmental concerns, flood risk issues and also concerns about the integrity and heritage of the building.
- Access to the property - There is a history of traffic using the junction. However, over the past 30 years, traffic volumes have increased considerably in the Monmouth area.
- Concern was expressed regarding the volume of traffic using the road with traffic exiting the Troy Farm junction, as it is located on a blind bend.
- Whilst there have not been many reported road traffic accidents, the chevron signs indicate that there have been road traffic accidents at this location.
- This junction is currently not being heavily used. However, approval of the application will generate a considerable increase in traffic using this junction and the lane, mixing with cattle movements which occur twice a day along the lane. There is a risk of damage to vehicles.
- If luxury apartments are being created, the access route, in its current location, is inadequate. A better, more appropriate access route should be considered.
- The local Member would like the Committee to consider refusing the application to allow an amended planning application to be put forward with a new access route that is safe for all road users.
- The local Member expressed disappointment that there is no Section 106 Agreement with the application.
- There is a strength of local feeling that whilst there is sympathy and recognition that there is a need to save Troy House and its character be protected, there are a considerable number of objections to the application that have been received. Local knowledge is important.

Mr. B. Thomas, representing objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

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- The application was made in December 2008 and has been subject to significant delay.
- The application is akin to a mini village in the open countryside within an area of outstanding natural beauty. The development cannot be considered in keeping with that setting.
- The application is a departure from the Local Development Plan (LDP), as it proposes a new build development in the open countryside and is contrary to local and national planning policies.
- The overriding concern is the preservation of the historic asset, namely, the building itself. Preservation at all cost and contrary to many other material considerations is not fundamental to heritage preservation.
- Detailed discussions have failed to acknowledge or remedy fundamental flaws in the application in relation to highways. The Highways audit compares the likely traffic of the development to a school, whereas the school run from these premises produced less traffic as it had been a boarding school. Nearly 30 years have passed since the building was last used as a school.
- The property is in a poor state of repair and notice had recently been issued for urgent works to be undertaken. Where there is an abandoned use there is nothing in law or policy which determines abandoned use must, or should be revived.
- The viability study was presented in December 2008. The study is 10 years out of date. Therefore, to argue that the proposal is viable is irrational. Costs have increased during this period.
- The conditions proposed in the report of the application should be addressed prior to determination of the application.
- A key concern is that little consideration has been given to the issue of traffic safety linked to Troy Farm, as it is a commercial dairy. Milking of cows is undertaken twice daily. The cows use the lane to access and leave the milking parlour for a period of between four to six hours per day for a period of eight months per annum. Heavy goods vehicles and milk tankers also visit the farm on a daily basis.
- The area is located in Flood Zone C in an undefended flood plain. It is regarded as being a highly vulnerable development within TAN 15. Such residential development should not be permitted.
- The application should therefore be refused.

Mr. G. Frecknall, applicant's agent, attended the meeting by invitation of the Chair and outlined the following points:

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- The applications have been scrutinised over a period of ten years and have been subject to requests for further information, supporting statements and reports from specialist consultants throughout that period.
- All of the information requested has been provided in agreement with the local Authority. All submitted information was subject to consultation, as required.
- In January 2009, the same scheme was presented to Mitchel Troy Community Council and the community council had supported the application, as presented.
- With regard to the access, the highways standards were subject to two independent reports by highway engineers. It had been concluded that there were no highway grounds on which the application should be refused.
- The report that has been presented to the Planning Committee is a fair and independent statement of fact and that the conclusions drawn and recommendations with conditions are reasonable and appropriate.
- A revised viability study was produced.

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

- It would be difficult to provide an alternative access to the site. A revised planning application with an alternative access route would make the whole scheme unviable. It was noted that an alternative access route was considered by the applicant. However, concerns had been identified in terms of land ownership and the cost of providing this access road. The applicant therefore decided not to proceed with an alternative access route.
- Buildings of this type, over the years, tended to be extended. Therefore, further development of this property would be in keeping with buildings of a similar nature.
- Approval of the application would restore an historic building.
- The cows will be milked at scheduled times of the day so residents will be aware of the times in which the cows are likely to be walking the lane.
- Concern was expressed that the ground floor units would be most vulnerable to flooding. The ground floor could be used as a utility area / gym where there would be less of an impact if flooding occurred.
- In terms of the viability of the scheme, viability is a material consideration when looking at restoring Troy House. An updated viability study had been undertaken. The Planning Department considers this acceptable to undertake the work that is required to restore and preserve the building.

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- Section 106 funding could not be requested in terms of this scheme.
- There are 63 parking spaces proposed and there will be at least one parking space per dwelling. The Highways Department, overall, considers that the proposed parking provision is acceptable. The site will be managed by a private management company ensuring that vehicles will be parking in the designated parking spaces.
- In terms of potential flooding of the ground floor properties, the new build development will be above the flood levels. Therefore, these ground floor units in the 1 in 100 year climate change will be flood free. The only building that would be affected by flooding would be Troy House. To change the proposal of the ground floor to accommodate a utility area / gym where there would be less of an impact if flooding occurred, this would have an impact on the inherent character of the building and some of the ground floor rooms would have to be retained as they currently are.
- Maintenance of the access track would be a civil matter for the applicant and the land owner to agree upon. In planning terms, the principle of the access is acceptable.
- Authorisation had been granted to serve an urgent works notice to the owner of Troy House. However, the Planning Department was keen to move the application forward which would address the works issues relating to Troy House. The option to serve an urgent works notice is still valid.
- Conditions should be amended to ensure vehicles delivering to the site should be accommodated from the highway during the construction period.
- The future of the building is the primary concern. This application might be the best opportunity to save Troy House.

It was proposed by County Councillor R.J. Higginson and seconded by County Councillor J. Becker that application DC/2008/00723 be approved subject to the conditions, as outlined in the report and subject to an amendment to the conditions that vehicles delivering to the site be accommodated from the highway during the construction period.

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

For approval	-	10
Against approval	-	0
Abstentions	-	2

The proposition was carried.

We resolved that application DC/2008/00723 be approved subject to the conditions, as outlined in the report and subject to an amendment to the conditions that vehicles

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delivering to the site be accommodated from the highway during the construction period.

The Head of Planning, Housing and Place Shaping will notify the Welsh Government of the Planning Committee's decision.

4. APPLICATION DC/2017/01336 - PROPOSED DEVELOPMENT OF 2 no. FOUR BEDROOM DETACHED HOUSES WITH ONE GARDEN STUDIO. PEN-Y-BRYN, OAKFIELD ROAD, MONMOUTH NP25 3JJ

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

Mr. N. Tait, representing objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

- All of the surrounding properties and the Town Council object to the application on the grounds of loss of privacy and the development being overbearing.
- Local residents have been frustrated with regard to how the process has been undertaken without consideration of the existing substantial screening in the form of hedges and trees being cut down without consultation, as well as not being allowed to view the plans of the development before submission.
- Privacy and amenity – The outline planning permission did not have windows facing existing properties. Whilst the Planning Department has conditioned opaque glass on the eastern side bathrooms on the first floor, the bathroom windows on the west elevation overlooking Mr. Tait's property look directly into children's bedrooms and have not been recommended to receive opaque glass.
- The hedgerow on the western boundary with the Falstaff property is very sparse, which will affect the privacy for this property. There is an established hedge on the eastern boundary with the White Gable property that has been removed.
- Fencing should be erected, or extended to provide the White Gables and Falstaff properties with some reasonable privacy.
- Flood risk – The area is prone to flash flooding, as the geology of the area is unsuitable to provide soakaways. Any soakaways should be subject to independent testing and be connected to mains drains.
- The Summer House – At 3.3 metres in height, it will be 1.5 metres above the fence line and with the fall of the land it will be overbearing on Mr. Tait's property.
- The Welsh Government's planning guidelines for home owners indicates that any flat roof building on land around a main house must be a maximum of 2.5 metres in height. Mr. Tait asked that a condition be added to the application that the

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Summer House is two metres from the boundary and no more than 2.5 metres in height.

The applicant, Mrs. R. Sully, attended the meeting by invitation of the Chair and outlined the following points:

- Having liaised with Monmouthshire County Council's Tree Officer, work has only been carried out on vegetation that was overgrown with the approval of the Tree Officer.
- The applicant has worked to retain the trees that were valued by the Tree Officer and has agreed to supplement the area with more trees.
- The applicant has tried to address all of the objections raised at the outline planning permission stage, positioning the properties as far away as possible to the southern and western boundaries lining them up with blank elevations of neighbouring properties and garages where possible.
- The properties are significantly further away than the houses shown on the approved site plan approved under the outline planning application.
- The applicant did consult with neighbours and invited them to view the drawings. Fences were erected at the request of the neighbours with a view to allaying some of the concerns.
- The houses have been broken down into smaller elements in order to keep the impact of them to a minimum. The overall height being lower if they have smaller spans.
- The applicant has avoided putting first floor windows on the west elevation of property number 2, with the exception of one which overlooks a garage roof.
- Detailed design of drainage will be undertaken within Building Regulation guidelines.
- The Summer House is included to help with privacy screening. It is approximately 1.5 metres from the boundary and due to the angle, Mr. Tait is unlikely to see it from behind the fence.
- The applicant has done everything she can to reduce the impact on neighbouring properties.

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

- With regard to the first floor windows on property number 2, it would not be essential to provide opaque glazing at this property and this has not been conditioned to provide opaque glazing.

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- In terms of the flash flooding, the site is not located in a flood zone. The drainage issues would be a matter for Building Control to address.
- With regard to the height of the Summer House and its location to the boundary, the owner of the neighbouring property has outlined issues that relate to permitted development rights. The Planning Department considers that the height of the Summer House is acceptable and would not be significantly overbearing given the intervening distance with the rear of the property.
- There will be some impact to the neighbouring properties but it is regarded as being acceptable.
- It was considered that the conditions be amended to include all first floor side elevation windows to have opaque glazing.
- With regard to the surface water drainage, the site is not located within a flood zone. However, it was acknowledged that there can be a high level of surface water run off at the site. There is a query regarding the strata of the area and whether the rock ground conditions would allow for a surface water soakaway to work. This matter would be addressed by Building Regulations.
- Members discussed whether an additional condition be added in which drainage details should be addressed before the development takes place.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2017/01336 be approved subject to the conditions, as outlined in the report and that a condition be added regarding landscaping and the side elevation first floor windows to have opaque glazing.

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

For approval	-	11
Against approval	-	1
Abstentions	-	0

The proposition was carried.

It was also proposed by County Councillor G. Howard and seconded by County Councillor A. Webb that an additional condition be added in which drainage details should be addressed before the development takes place.

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

In favour of the proposal	-	3
Against the proposal	-	6
Abstentions	-	3

The proposition was not carried.

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We resolved that application DC/2017/01336 be approved subject to the conditions, as outlined in the report and that a condition be added regarding landscaping and the side elevation first floor windows to have opaque glazing.

5. APPLICATION DC/2015/00936 - WIDENING OF EXISTING TRACK FOR AGRICULTURAL USE. LAND AT CARROW HILL FARM, CARROW HILL, NP26 3AU

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

This is a retrospective planning application for an agricultural track on land at Carrow Hill Farm, Caerwent. Carrow Hill Farm is an existing, well established farm. The track is for agricultural use only and will facilitate the movement of farm machinery to land at the southern end of the farm without the need to travel along a section of narrow, steep public road.

The local member for Caerwent, also a Planning Committee Member, informed the Committee that it was necessary to create this internal access. However, regrettably, some trees were felled and some flora displaced during the process.

Having considered the report of the application and the views expressed by the local Member, it was proposed by County Councillor R.J. Higginson and seconded by County Councillor A. Webb that application DC/2015/00936 be approved subject to the two conditions, as 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 DC/2015/00936 be approved subject to the two conditions, as outlined in the report.

6. APPLICATION DC/2017/01116 - EXTENSION AND ALTERATIONS TO HALL WITH ASSOCIATED WORKS. CHEPSTOW DRILL HALL, LOWER CHURCH STREET, CHEPSTOW, NP16 5HJ

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

The local Member for St. Mary's, Chepstow, also a Planning Committee Member, informed the Committee that some issues regarding parking provision and access on the eastern edge of the plan have been raised by local residents. The front of the Drill Hall is currently inefficient and requires alteration. Lower Chepstow has considerable

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car parking issues. There is already considerable residents parking permit provision within the Drill Hall car park.

The Head of Planning, Housing and Place Shaping informed the Committee that car parking spaces would not be removed from the car park.

With regard to a question raised in respect of the bin store, it was noted that as long as this matter is managed correctly, there should be no adverse issues arising in the future.

Having considered the report of the application and the views expressed by the local Member, it was proposed by County Councillor J. Becker and seconded by County Councillor D. Dovey that application DC/2017/01116 be approved subject to the ten conditions, as 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 DC/2017/01116 be approved subject to the ten conditions, as outlined in the report.

7. Appeal Decision - Upper Llananant Farm Penallt

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 3rd January 2018. Site: Upper Llananant Farm, Pentwyn Lane, Penallt.

We noted that the appeal had been allowed and planning permission was granted for the construction of a new garden storage building at Upper Llananant Farm, Pentwyn Lane, Penallt, NP25 4AP, in accordance with the terms of the application, Ref DC/2016/01206, dated 18 October 2016, and the plan submitted with it (as subsequently amended), subject to the following conditions:

- 1) The development shall begin no later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plan: Drawing No. 16.761/100/01A.
- 3) Prior to the commencement of development, details of compensatory priority habitat shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with a timetable approved by the local planning authority, and confirmation of completion of planting shall be notified to the local planning authority.

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- 4) Prior to the commencement of development, detailed proposals for the protection of trees (comprising an arboricultural method statement and a tree protection plan) shall be submitted to and approved in writing by the local planning authority. The proposals shall be implemented as approved.
- 5) Notwithstanding the provisions of schedule 2, part 1, class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and shown on the plan.

8. New appeals received - 20th December 2017 to 20th January 2018

We noted the new appeals received between 20th December 2017 and 20th January 2018.

The meeting ended at 4.20 pm.