

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 10th
April, 2018 at 2.00 pm**

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

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

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Craig O'Connor	Development Management Area Manager
John Rogers	Legal Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declarations of Interest

There were no declarations of interest made by Members.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting held on 6th February 2018 were confirmed and signed by the Chairman subject to the following amendment to 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

Page 4, bullet point 11 be amended as follows:

Concern was expressed that the ground floor units would be most vulnerable to flooding. The ground floor could be used as a lounge / utility area / gym where there would be less of an impact if flooding occurred.

Page 5, bullet point 3 be amended as follows:

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. The Head of Planning Housing and Place Shaping stated that to change the proposal of the ground floor to accommodate a lounge / utility area / gym where there would be less of an impact if flooding occurred, this would have an impact

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on the inherent character of the building and some of the ground floor rooms would have to be retained as they currently are. A Member stated that the application did not include a swimming pool because a lounge / utility area / gym are facilities that could be installed without altering the character of the building.

3. APPLICATION DC/2017/01449 - VARIATION OF CONDITION 6 (ALL EXISTING HEDGEROWS SHALL BE MAINTAINED AT A MINIMUM HEIGHT OF 3 METRES) - INSTALLATION OF SOLAR PANELS (APPEAL REF: APP/E6840/A/14/2212987). MANOR FARM SOLAR PARK, FIRS ROAD, LLANVAPLEY, ABERGAVENNY

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

County Councillor S. Jones, local Member for Llanover, attended the meeting by invitation of the Chair and outlined the following points having been contacted by local residents and by Llanarth and Llanover Community Councils:

- The importance of Condition 6 was key given the visual impact of this development and the detriment it would have towards both neighbours and to visitors to the local area.
- The hedges play a key role in reducing the visual impact of the development.
- The Inspector had stated in his report in approving the original application that the scheme would have a major effect on the character of the site itself and on the setting and views from its surroundings but that detrimental effect would be partially mitigated by the boundary hedges which would significantly limit views from close to the site. Therefore, Condition 6 had been imposed and was fundamental to approval of the original application.
- The Inspector had visited the site and was aware of the highways impact and aware of the layout of the site.
- Monmouthshire County Council Officers had also stated that from a highways perspective the conditions did not relate to any highway concerns.
- Condition 6 is one of a number of conditions that had been agreed as part of the planning consent.
- If there are concerns regarding highway safety then options need to be looked at between the landowner and the Solar Farm tenants rather than amending a condition that was a fundamental part of the planning consent.

Mr. L. Taylor, objecting to the application, attended the meeting by invitation of the Chair and outlined the following points:

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- Visibility at the junction of Firs Road is very good. Cutting back the hedgerows on Firs Road would not make a difference at that location.
- There is no safety issue at the junction with Manor Farm, as the visibility splay is very wide.
- Very little traffic travels along this road. The Traffic Management statement, that had been undertaken, confirmed this.
- Condition 6 requires that the hedgerows be cut back to three metres. The Solar Farm came into operation in June 2016. On the 2nd February 2017 a complaint had been made to the County Council that the hedgerows had been cut. After an investigation this matter had been reported.
- Mr. Taylor had undertaken an investigation and had noted that though some hedges were above the three metre limit, the majority, especially along the access track, had been cut below three metres. Six months later the hedgerows were also cut. Following a complaint the Enforcement Officer stated that a breach of condition notice had been served on the owners of the site in relation to the cutting of the hedges giving the County Council the authority to prosecute the owners should they again cut the hedges below three metres.
- In light of this information, a modification of Condition 6 would not be sensible.
- Condition 6 was imposed to protect the interests of those people who can see the site. The site is highly visible from many places outside of the vicinity of the site.
- Local people feel strongly that the assurances that had been given regarding Condition 6 should be adhered to.

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

- Turning out of Manor Farm entrance, particularly to the south, with a tractor and trailer has become dangerous because of the lack of visibility over the hedges. The bonnet of a tractor is much further out in the road than a car before the driver can see any approaching vehicles.
- Approval of the application to apply a variation to Condition 6 would alleviate this issue.
- The proposal is to reduce the height of the hedge by one metre leaving a two metre high barrier neither walker nor car driver could see over. This will be for a distance slightly longer than that of a football pitch.
- This is a minor variation to a planning condition based on experience acquired since its introduction.

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Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins to defer consideration of application DC/2017/01449 to a future Planning Committee meeting to allow officers to negotiate with the applicant that there be no reduction of hedge height to the north side of the access and agree to the reduction of the existing hedge to two metres to the south side of the access on the proviso that there is a second hedge planted behind for the length of the reduced hedge height in front of the compound fence which can be maintained at three metres high, once matured.

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

For deferral	-	14
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved to defer consideration of application DC/2017/01449 to a future Planning Committee meeting to allow officers to negotiate with the applicant that there be no reduction of hedge height to the north side of the access and agree to the reduction of the existing hedge to two metres to the south side of the access on the proviso that there is a second hedge planted behind for the length of the reduced hedge height in front of the compound fence which can be maintained at three metres high, once matured.

4. APPLICATION DC/2016/01146 - AMENDMENT TO PHYSICAL BOUNDARY LOCATION AND CHANGE OF USE FROM AGRICULTURAL USE TO RESIDENTIAL CURTILAGE - PLOTS D6 - D10. 7-11 JAMES JONES CLOSE, LLANFOIST

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

The local Member for Llanfoist, also a Planning Committee Member, outlined the following points:

- Having looked at previous planning applications in respect of this site made in 2009 and 2011, the need to extend the garden curtilage is not an issue for the local Member. However, the matter of the views towards the site from Castle Meadows and the conservation area has been and remains a key consideration.
- The outward appearance of the site is no less important now.
- The issue here is how to enable the boundary of the residential development to best assimilate with a sensitive riverside location.

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- Fences and walls of an overly domestic appearance and scale contrary to the original approval would not be appropriate whereas railings, post and wire or planting would be more suitable.
- Screening of a native species of hedging is helpful to some degree but for a short isolated length of linear planting, this would look incongruous. It would take some time to reach a height where it could achieve its purpose. Maintenance of the hedge would be required to ensure that it remained at a suitable height.
- The application, as it currently stands, will cause visual harm and is unacceptable.
- With regard to the landscaping condition, the hedge will be on third party land and outside the ownership and boundary of the application property.

Having considered the report of the application and the views expressed by the local Member it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins that we defer consideration of application DC/2016/01146 to a future meeting of the Committee to allow officers to explore the applicant's ability to plant up the proposed native species hedge. It appears to be proposed on third party land owned by Monmouthshire County Council so it would not be in the control of the applicant at this stage. The application would be re-presented to the Committee once this is clarified / agreed, either with the planting or without. If it cannot be planted up, investigations be made with the applicant to ascertain if agreement can be reached to remove the rear trellis.

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

For deferral	-	14
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved to defer consideration of application DC/2016/01146 to a future meeting of the Committee to allow officers to explore the applicant's ability to plant up the proposed native species hedge. It appears to be proposed on third party land owned by Monmouthshire County Council so it would not be in the control of the applicant at this stage. The application would be re-presented to the Committee once this is clarified / agreed, either with the planting or without. If it cannot be planted up, investigations be made with the applicant to ascertain if agreement can be reached to remove the rear trellis.

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5. APPLICATION DC/2017/00829 - PROPOSED NEW DWELLING. 20 CROSSWAY, ROGIET

We considered the report of the application which was recommended for approval subject to the conditions, as outlined in the report (without an affordable housing contribution).

The application was approved by Planning Committee in December 2017 subject to the applicant entering into a Section 106 legal agreement to provide a financial contribution of £9,982 for affordable housing in the local area. However, the viability report submitted by the applicant indicated that it was not viable for this development of a small single dwelling to make any financial contribution towards affordable housing and the Senior Strategy & Policy Officer (Housing) had agreed with this assessment.

The planning application was therefore re-presented to Planning Committee with a recommendation for approval as per the previous report but without a contribution for affordable housing.

Having considered the report of the application, some Members expressed their support for approving the application in light of the information provided.

However, other Members expressed the following concerns / issues:

- Often, affordable housing provision is reduced and it was considered that developers needed to be more flexible when assessing their profit margins to ensure that more affordable housing is provided.
- The Planning Committee would benefit from receiving a presentation by officers explaining the process that developers adhere to when assessing profit margins and when it is affordable to developers to provide a contribution towards affordable housing, in order to make the process clearer for Planning Committee Members.
- In response to a question raised regarding the viability report and whether there still might be enough profit being made by the developer to provide a contribution towards affordable housing provision, the Head of Planning, Housing and Place Shaping stated that the figures contained within the viability report had been rigorously scrutinised and it had been concluded that it would not be viable for the developer to provide a contribution towards affordable housing in this case.

It was proposed by County Councillor P. Murphy and seconded by County Councillor D. Evans that application DC/2017/00829 be approved subject to the conditions, as outlined in the report (without an affordable housing contribution).

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

For approval	-	8
Against	-	5

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Abstention - 1

The proposition was carried.

We resolved that application DC/2017/00829 be approved subject to the conditions, as outlined in the report (without an affordable housing contribution).

6. APPLICATION DC/2017/01405 - DEMOLITION OF HOUSE AND CONSTRUCTION OF A REPLACEMENT FAMILY HOME. RED HOUSE FARM, TAL Y COED, NP25 5HR

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

The local Member for Llantilio Crossenny, also a Planning Committee Member, informed the Committee that the existing property had not been modernised within the last 50 years.

In noting the detail of the application, some Members considered that the application should be refused and that the existing dwelling should remain for the following reasons:

- It is a traditional cottage located within a traditional farm setting that is common to Monmouthshire.
- The Landscape and Heritage Team's comments, outlined in the report, expressed their support for the retention of the existing dwelling and that a new dwelling would not be a suitable development for the area.
- It was considered that the design of the proposed new dwelling was not of a high quality and did not fit well within the surrounding area. Approval of the application would have a detrimental effect on the visual amenity of the area.
- The proposed dwelling does not reflect the heritage of Monmouthshire.
- It was considered that the application should be refused but the proposed development, in the form of a new application, should be presented to a future meeting of the Planning Committee at an alternative location on the site but near to the existing dwelling which would remain. Residential use of the existing dwelling could be removed or an agricultural tie could be placed on the new dwelling.

Other Members expressed their support for the application, for the following reasons:

- The existing dwelling was not considered to be a special dwelling that warranted retention. The proposed new dwelling does fit in with the landscape and is sympathetic to the surrounding area.

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- The proposed dwelling is an improvement in terms of landscape impact and overall design.

The Head of Planning, Housing and Place Shaping informed the Committee that, as Planning Officers, it was considered that there were no landscape or visual impact issues that would create a detrimental impact on the surrounding area. The design, context and setting of the proposed dwelling is good. The existing dwelling is not publicly prominent in this location.

Having considered the report of the application and the views expressed, it was proposed by County Councillor R. Harris and seconded by County Councillor A. Davies that application DC/2017/01405 be approved subject to the six conditions, as outlined in the report.

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

For approval	-	9
Against approval	-	5
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/01405 be approved subject to the six conditions, as outlined in the report.

7. Appeal decision 5 Welsh Street, Chepstow

We received the Planning Inspectorate report which related to the following appeal decisions Appeal A Ref: APP/E6840/E/17/3189971 and Appeal B Ref: APP/E6840/H/17/3190026 following a site visit that had been made on 20th February 2018. Site: 5 Welsh Street, Chepstow.

We noted that Appeals A and B were dismissed.

8. New Appeals 23rd February 2018 to 27th March 2018

We noted the new appeals received between 23rd February and 27th March 2018.

The meeting ended at 3.50 pm.