

# 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 April, 2019 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, R. Harris, J. Higginson, G. Howard, P. Murphy, M. Powell  
and A. Webb

County Councillors A. Watts and S. Woodhouse attended the  
meeting by invitation of the Chair.

County Councillor J. Higginson left the meeting following determination of application  
DM/2018/01909 and did not return.

County Councillor R. Harris left the meeting following determination of application  
DM/2018/01784 and did not return.

County Councillor P. Clarke left the meeting during consideration of application  
DM/2019/00003 and did not return.

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Craig O'Connor	Development Management Area Team Manager
Andrew Jones	Development Management Area Team Manager
Shirley Wiggam	Senior Strategy & Policy Officer
Louise Corbett	Strategy & Policy Officer - Affordable Housing
Roger Hoggins	Head of Operations
Huw Owen	Specialist Environment Health Officer
John Rogers	Legal Officer
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillor M. Feakins

#### **1. Declarations of Interest**

County Councillor R. Edwards declared a personal and prejudicial interest, pursuant to the Members' Code of Conduct, in respect of applications DM/2018/01741, DM/2018/01777 and DM/2019/00168 as she has family members with an involvement in all three applications. She left the meeting taking no part in the discussion or voting thereon.

County Councillor D. Evans declared a personal and prejudicial interest, pursuant to the Members' Code of Conduct, in respect of applications DM/2018/01741 and

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DM/2019/00030 as he is a member of the Monmouthshire Housing Association Committee. He left the meeting taking no part in the discussion or voting thereon.

County Councillor R. Harris declared a personal and prejudicial interest, pursuant to the Members' Code of Conduct, in respect of application DM/2018/01909, although not taking part in any planning consideration of this item and actively supported the Town Council allotting £30,000 to this project. He therefore left the meeting taking no part in the discussion or voting thereon.

County Councillor R.J. Higginson declared a personal and prejudicial interest, pursuant to the Members' Code of Conduct, in respect of application DM/2018/01741, as he knows and is a former colleague of an objector of the proposed development. He left the meeting taking no part in the discussion or voting thereon.

County Councillor A. Webb declared a personal and prejudicial interest, pursuant to the Members' Code of Conduct, in respect of applications DM/2018/01741 and DM/2019/00030 as she sits on the Monmouthshire Housing Association Board. She left the meeting taking no part in the discussion or voting thereon.

#### **2. To confirm for accuracy the following minutes:**

##### **2.1. Planning Committee dated 5th March 2019**

The minutes of the Planning Committee meeting held on 5<sup>th</sup> March 2019 were confirmed and signed by the Chair subject to the following amendment to Minute 13 - Draft Infill Development Supplementary Planning Guidance (SPG). Bullet point 3 be amended to read:

There is a need to ensure that the affordable housing provision of either 60%, 35% or 25% (depending on the location) is adhered to and that would not be subject to viability.

##### **2.2. Special Meeting - Planning Committee dated 19th March 2019**

The minutes of the special meeting of Planning Committee held on 19<sup>th</sup> March 2019 were confirmed and signed by the Chair.

#### **3. Application DM/2018/01741 - Proposed development of 15 dwellings and associated works - Land Off Well Lane For Development Of 15 Houses Cwm-fagor Road, Devauden**

We considered the report of the application and late correspondence which was recommended for approval subject to the 21 conditions as outlined in the report and subject to a Section 106 Legal Agreement.

The local Member for Devauden, was unable to attend the meeting. However, he had produced a statement and the Vice-Chair agreed for County Councillor P. Murphy to read it to the Committee, as follows:

"Unfortunately I will not be able to attend the Planning Committee on Tuesday, but I would like to comment on the application. There can be no doubt of the need for more affordable housing provision throughout the County. The Strategy and Policy Officer has

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confirmed that within the Devauden area there are 214 households in housing need, far more than can be provided by this 60% affordable development. Good housing should not be a privilege, it should be a right for every British citizen. I do not believe there is a potential housing site left within the County that does not have some disadvantages so if we are to meet the pressing need, especially for people on lower incomes, we are going to have to consider the merits against the disadvantages of every application that comes before the planning authority.

The site is included in the current Local Development Plan (LDP) and so even if this application was unsuccessful, in time another proposal would undoubtedly come forward. I have been part of many public discussions about this site from the time of the original LDP proposals and there have been many objections put forward against allowing development on the site. In my view one or two of the points raised have been very compelling and needed satisfactory solutions to make the development acceptable. Devauden Community Council has discussed the development on a number of occasions and their concerns encapsulate the issues raised by members of the community. So in reaching my own conclusion on the application I will address their points of objection.

A small part of the development is outside the area allocated in the LDP; true but the additional land enhances the public green amenity offered by the development. I welcome that.

It is important that any new development does not exacerbate existing drainage issues. They cannot necessarily be expected to cure existing shortcomings within the area as well. What I was looking for here was confirmation from Welsh Water that the drainage proposals were sustainable. This is met by condition 6.9.1. They have also confirmed that foul drainage can be accommodated adequately within the nearby Welsh Water sewage plant by the use of small tankers. Neither would there be an appreciable increase in the number of times vehicles would need to visit the sewage plant.

For me, the major issue of this site has been around road safety; traffic and pedestrians. The junction adjacent to the site between Well Lane, the B4293 and the village green has very poor visibility for traffic emerging from Well Lane towards Chepstow. The latest proposal in this application to close Well Lane to traffic and use the new road through the development will improve the situation markedly. For pedestrians the ideal solution would be to provide a footway to modern standards. As the report explains that is not possible. The use of the top of Well Lane for pedestrians only will help. As suggested pedestrians could cross the road. Accompanied by suitable road markings that warn motorists of the shared space would be an acceptable solution. Highway, who are always cautious in these circumstances, are confident such a scheme can come forward. I would also suggest that advisory 20mph signs be placed approaching point on the highway from both directions of the B4293. In addition I would like to see the 30mph restriction extended for traffic coming from the Chepstow direction, leading to lower speeds around the top of Well Lane. It should also be noted that there are hundreds if not thousands of examples in the UK of safe developments in villages where no pavements can be provided.

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Condition 14 covers lighting restrictions for ecology reasons. No doubt that will also protect neighbours to an extent. However, it is impossible for any residential development not to include lighting visible from adjoining properties. That is a downside of development. Lighting from this development will be seen from neighbouring properties. I believe it can be controlled to make it acceptable.

There is one further point that I would like to raise. Despite the poor access onto Well Lane, it has been used inappropriately by heavy vehicles, sometimes becoming stuck further along the lane. The improved access through the development onto Well Lane might further entice heavy vehicles, especially using satnav to use it as a short cut. I would like to see warning signs, including those for satnav users at the entrance to the development and at the lower end of Well Lane.

In conclusion I feel that following the lengthy negotiations with planning officers, what has emerged is a development that meets the exacting standards required and I support the application.”

Councillor A. Williams, representing Devauden Community Council, attended the meeting by invitation of the Chair and outlined the following points:

- Devauden Community Council is opposed to the proposed development in its current form.
- The Highways Department considers that it is unfortunate that the site is unable to comply with the sustainable transport hierarchy as specified in Planning Policy Wales edition 10 nor can footways be provided in accordance with the Design Guidance Active Travel (Wales) Act 2013. The Community Council considers that this is not unfortunate but is inexcusable. Concern was expressed that approval of the application would result in the community becoming split by a major road.
- There is no provision for any safe access for pedestrians or cyclists. It was left to a private discussion between the Highways Department and the developer before it is known which measures can or cannot be taken. The community was excluded from the discussion.
- Concern was expressed that families might be required to drive a distance of 40m in order to take their children to the local playground due to road safety concerns. Provisions need to be discussed and addressed in respect of this matter should the development be approved.
- The waste treatment plant in Devauden is currently not working properly and is at capacity. The proposed 15 dwellings will place the waste treatment plant at over capacity. The solution by Welsh Water is to schedule more tankers, potentially an additional three tankers per month. Access to the waste treatment plant is currently through the proposed new development. A more sustainable sewage solution needs to be created and the proposed development should not go forward until such a solution is addressed.

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- With regard to surface water drainage, a SUDS compliant proposal has been put forward. However, Welsh Water, on numerous occasions, has stated that it does not want surface water run-off connected to this sewage system. In the current proposal, Welsh Water is the level 4 SUDS option and the drainage supplier of last resort.

Mr. H. Williams, representing objectors, attended the meeting by invitation of the Chair and outlined the following points:

- The site has been rejected for development by Monmouthshire County Council on three occasions in the past, a view substantiated by the Planning Inspectorate on appeal.
- The site was one of five sites considered at the Local Development Plan (LDP) stage. It was deemed unsuitable by Monmouthshire County Council's Highways Department on the grounds that no adequate footpath could be provided. Also, the site had been deemed unsuitable from an aesthetic view.
- Despite this, the site has been favoured above alternative sites that had no traffic issues and were less visually intrusive.
- The Planning Inspector approved the site under the impression that the site was feasible in traffic and pedestrian access terms. However, The County Council now concedes that this is not the case.
- Two of the original four sites in the village have already been resubmitted for development. One of these sites was originally identified as the preferred site for inclusion in the current LDP establishing at least one other alternative to the Well Lane site.
- The current plan bears little resemblance to the plan presented for approval. The plan exceeds the approved area and its design differs significantly from the approved site. Therefore, it should not rely on LDP approval but be judged as a new site. There will be significant visual impact.
- Well Lane is a natural boundary to the village. The plans include a new road junction, the removal of 200 plus metres of hedgerow and the installation around the site of close boarded timber fencing. This will change the character of the site from rural to urban.
- Natural Resources Wales (NRW) has submitted a range of objections and conclude that the site should only go ahead if it can be demonstrated that the development cannot reasonably be located elsewhere. However, it is known that other sites are available.
- The ecology report states that the field was being managed to minimise biodiversity. Welsh Water has concerns regarding storm water which is not adequately covered.

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- The proposed development will take the local sewage plant capacity very close to its limit. Therefore, it might not be feasible to develop houses at the site.
- Well Lane is a through road with regular agricultural and heavy traffic including Welsh Water waste tankers travelling along this route. These vehicles will be travelling through a housing estate should the development be approved.
- Seven houses will share two exits directly onto Well Lane.
- A footway along the B4293 that satisfies current design standards cannot be provided. The Highways Department considers it inappropriate to provide a footway and associated engineering works for only an additional 15 dwellings.
- The proposed development is also unable to provide a clear pedestrian link and is unable to actively promote pedestrian links to the village.
- A new development of 15 houses will result in an increase in the number of pedestrians using the link, many being children walking to school buses or to local play areas.
- It was considered that the proposed development will isolate the residents from the safe passage to local amenities.
- Objectors asked that the Planning Committee considers refusal of the application as it did not comply with planning policies.
- If approved, the proposed development would cause unacceptable harm to the character, appearance, amenities and environment of the local area and fails to provide safe and convenient pedestrian access from the site to the village which contravenes local and planning policies.

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

- On balance, the proposed development is considered to be one that is suitable for support.
- The site is a housing allocation within the Local Development Plan (LDP). Subject to material considerations, proposals for the designated use should be supported.
- The principle of development of the site for residential use is firmly established.
- Objectors have made reference that the site has been subject to refusal for residential development in the past. Those refusals were in 2002 and 2004, prior to the current LDP. At that stage an independent inspector had decided to allocate the site for housing based on sound and balanced judgement.

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- In response to the highways based objections to the proposed development, various options have been offered for the access route into the village including the version that the LDP inspector favoured. The solution that has been reached was in conjunction with the Highways Department and has its support. This solution does not rely upon the use of third party land.
- The Highways Department's comments conclude that for only 15 units it would be unreasonable to require more onerous measures than those currently proposed.
- The developer's proposal includes a safer route into the village via a new pedestrianised area at the head of Well Lane on a route that already serves existing properties.
- In addition, vehicle tracking has been undertaken that demonstrates the new route through the site and on to Well Lane is usable by vehicles measuring up to 16.5m in length.
- In terms of the foul sewage treatment works, Welsh Water has also commented that the proposed development will not result in a substantial increase in the number of visits to the treatment plant.
- There are limited opportunities to provide new social housing in Monmouthshire's rural towns and villages which is why allocations such as this proposal are included within the LDP.
- There are 214 households in need of accommodation in the Devauden area.
- The need for social housing is a material planning consideration. The site layout and house types have been designed with engagement with the Planning Department. A high quality design solution is being offered.
- Through the allocation of the site within the LDP there was going to be an impact on the existing hedgerow but the mitigation proposed has been supported by the County Council's ecologist.
- The proposed communal orchard and meadow will enhance the area providing public access to a previously private field parcel.
- A balanced assessment has been reached after a long period of careful consideration. The applicant's agent therefore asked the Planning Committee to grant approval of the application.

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

- The issues relating to the site have been mitigated.

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- The site is allocated within the LDP and is contributing to providing towards the shortage of affordable housing across the County.
- Approval of the application will broaden the character and diversity of the village.
- Planning Policy Wales (PPW) states that it is the key role of the planning system to support sustainable transport by facilitating developments which are sited in the right locations where they can be easily accessed by sustainable modes of travel without the need for a car that make it possible for all short journeys within and beyond the development to be easily made by walking and cycling. Welsh Government requires the use of the sustainable transport hierarchy which priorities walking, cycling and public transport. Paragraph 4.1.16 of the report of the application suggests that in rural areas one can consider the sustainable transport hierarchy differently. However, the whole paragraph states that local authorities could apply the transport hierarchy by first considering how the location and design of new development could encourage walking and cycling.
- Reference was made to TAN 18, Paragraph 6.2 - in determining planning applications, the Authority should ensure new development encourages walking as a prime means for local journeys. Pedestrian routes provide a safe and fully inclusive pedestrian environment, particularly for routes to primary schools.
- Reference was made to the LDP policies S16 where development should propose sustainable safe forms of transport which reduce the need to travel increase provision for walking and cycling.
- Reference was made to Policy MV2 in which developments of sites dependent on their location, size and local need, include provision for an integration of appropriate sustainable transport links including walking and cycling.
- Reference was made to Policy DES1 – to ensure a safe, secure, pleasant and convenient environment that is accessible and encourages walking and cycling.
- It was considered that the proposed development does not address any of the aims of the Active Travel Bill and there was conflict with national Planning Policy.
- The pedestrian access is dangerous and it is inappropriate to encourage pedestrians as the only walking route to the village enters a busy classified road and into conflict with traffic.
- It has been considered that low cost housing residents have lower levels of car ownership and will rely more on public transport where the bus stop and the school bus stop is on the opposite side of the village green. The route is dangerous to walk especially for children.
- It was considered that the inspector's report had been interpreted incorrectly as it suggests that the inspector came to the view that walking access to the site could be dealt with. A Member's interpretation of this is that the inspector allowed the

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site to form part of the LDP on the basis that a pedestrian route seemed feasible by the normal means.

- If the Committee was minded to approve the application, a Member asked that consideration of the application be deferred to ensure whether the scheme can be safely provided and that work on the access be provided up front.
- In response, the Development Management Area Team Manager informed the Committee that rural villages are not designed to be fully accessible for pedestrians. There are numerous villages and settlements across Monmouthshire which do not have pedestrian links. There are different circumstances depending on the development. It is frustrating that there is no scope to produce a pedestrian link for this proposed development. However, the applicant has agreed to a Section 278 Agreement. Also, enhancements are being proposed with mitigation that could be established on the site. Therefore, the proposed development is considered to be acceptable, on balance.
- In response to a question raised regarding drainage, it was noted that Welsh Water has stated that it has no objections to the proposed drainage and to the number of tankers, if there are any additional tankers required in the area.
- The application would not be subject to Welsh Government Call In as it is allocated within the LDP.
- Condition 18 of the report of the application outlines that no development shall commence until detailed design, safety audits and technical approval for the re-location of the Well Lane junction and associated works on the B4293 have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- In response to the road layout, how the speed limit will be controlled through the village to ensure pedestrian safety and the quality of materials that are to be used, it was noted that in relation to the highway matters officers will receive the amended plans from the developer. It is anticipated that there would be footways minimising the amount of time that a pedestrian would be within the carriageway and there would be further features in terms of signage and road features to highlight awareness that there will be pedestrians in the carriageway.
- In terms of materials, condition 7 of the report of the application covers this matter and officers would ensure that the materials used are appropriate for the edge of a village settlement.
- The site is already located within a 30mph speed limit. However, signage will be improved to highlight further the shared space element of the scheme.
- There have been a number of different variations to the layout. If Well Lane was kept open, this would result in two points of conflict onto the B4293. Therefore, the scheme is attempting to reduce this issue as much as possible. A number of

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different designs have come forward. However, the proposed scheme, as outlined in the report, is considered to be appropriate for the type of development proposed.

- Concern was expressed that there was no commitment to reduce the speed limit through the village.
- It was noted that there was a number of villages across Monmouthshire with similar issues to this site. It was acknowledged that all risk could not be eliminated at this location. However, it was considered that measures had been put in place to mitigate the concerns that had been raised. The benefits of the proposed scheme outweigh the negative elements that have been identified.
- There will remain two lanes of traffic and the speed of the two lanes will be managed.
- Headers and cills are required to the rear of the proposed dwellings as well as to the front of the dwellings.
- In response to a question raised regarding the need for a reduction in the speed limit to 20mph, it was noted that the mandatory traffic speeds will be considered as part of the safety audit. There is a 30mph speed limit currently in place through the village. However, the local Member had suggested a 20mph advisory speed limit for the village. If this forms part of the scheme, than that could be considered.

It was proposed by County Councillor G. Howard and seconded by County Councillor L. Brown that we be minded to defer consideration of application DM/2018/01741 to allow time to see all of the highway details.

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

In favour of deferral	-	3
Against deferral	-	5
Abstentions	-	1

The proposition was not carried.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DM/2018/01741 be approved subject to the 21 conditions as outlined in the report and subject to a Section 106 Legal Agreement. Also that headers and cills are required to the rear and front of the proposed dwellings

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

In favour of the proposal	-	5
Against the proposal	-	3
Abstentions	-	1

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The proposition was carried.

We resolved that application DM/2018/01741 be approved subject to the 21 conditions as outlined in the report and subject to a Section 106 Legal Agreement. Also that headers and cills are required to the rear and front of the proposed dwellings.

#### **4. Application DC/2018/01801 - Erection of one Dwelling - 12 Elm Avenue, Undy**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions as outlined in the report and subject to a Section 106 Legal Agreement.

The application had been presented to Planning Committee at the meeting on 8<sup>th</sup> January 2019 with a recommendation for approval. However, the Committee had deferred consideration of the application to a future meeting to allow officers to liaise with the applicant with a view to reducing the proposed dwelling's scale and height and to address issues of the overlooking of Carreg Goch and dwellings at numbers 11 and 12 Elm Avenue, and any overbearing impact on those properties.

Following negotiations with officers, the applicant had submitted amended plans and all interested parties had been re-consulted. The application is now re-presented to Planning Committee with a recommendation for approval subject to conditions as outlined in the report and a Section 106 legal agreement for the provision of affordable housing in the local area.

Also, two additional conditions to be added, as follows:

- The bedroom window on the front elevation as shown on plan 2273/3c dated 18/02/19 shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.
- The hedgerow to the side and rear elevation to be retained.

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

- The objector lives in the property directly opposite the proposed development.
- Objections to the initial proposal were submitted as the objector would be overlooked and would suffer a huge loss of privacy.
- The revised plans have not addressed the objector's initial concerns and objections.
- Located at a noticeably elevated plot of land, the two upper floor bedroom windows of the development will look into the main living room area of the objector's home through the double patio doors and will overlook the garden. All privacy within the main living room and garden will be lost.

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- To address the issue of privacy and overlooking, the application proposes that the bedroom window closest to the objector's property is to be fitted with obscured glass. This will look out of place and was considered to be a token gesture in an attempt to address the loss of privacy and overlooking. The obscured glass window is to be conditioned with a perpetuity clause. However, the residents of the new dwelling will still be able to open the window and look into the objector's garden.
- Installing obscured glass admits that there is a problem with privacy and overlooking but is an inappropriate way to address these issues.
- The view from the objector's main living room will be of a wide, tall and imposing structure with windows positioned close enough to see into the main living room.
- It is not acceptable to have a two storey house 15 metres away from the objector's property.
- Tump Lane has a spacious, peaceful and private feel to it. Approval of this application will remove these features.
- The application has received objections from five neighbouring properties closest to the development.
- Magor with Undy Community Council recommends that the application be refused.
- It was considered that all objections have been ignored.
- The revised plans offer very little in the way of alterations for the objector and his family to feel that the applicant has addressed the objections raised.
- It was considered that the application did not comply with Planning Policy DES1.
- There are many houses being built in the area and the need for more houses is not a legitimate reason for approving this back garden development. A better solution would be to build a dormer bungalow with roof lights.

The applicant's agent, Mr. R. Liddell, attended the meeting by invitation of the Chair and outlined the following points:

- The size, scale and height of the dwelling has been reduced. It has been reduced from a four bedroomed house to a three bedroomed property. The garage has been removed.
- The proposed dwelling has been moved further away from the objector's property and reduced in height by 1.4m.

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- The proposed dwelling has the design appearance of a cottage including sloping ceilings to the first floor.
- The proposed dwelling now occupies 16.3% of the site area.
- The distance to the objector's property has been increased from 13m to 15m to 17.9m.
- The objector had expressed concern that the position of his property had not been shown accurately on the site plan. A meeting had been requested on site with a Planning Officer and the applicant's agent attended the meeting to discuss only the accuracy of the site plan. On undertaking measurements, it had transpired that the site plan was accurate. Further measures had been taken to check the accuracy of the site plan with a specialist professional topographical survey company returning to the site to re-measure the objector's property and other nearby properties. The measurements were superimposed on the survey plan and the plan was found to be accurate.
- The original distance from the bedroom window to the objector's lounge window has been increased from about 13m on the original application to 17.9m on the revised application.
- The applicant has agreed to the provision of obscured glass.
- The length of garden of the objector's property varies from 7.5m to 9m, not 10m. The distance now from the house window to the objector's fence is 10.2m.
- The distance to the hedge comprising the rear boundary of the proposed dwelling with Elm Avenue varies from 11m to 14m.
- The distance of the proposed dwelling windows to the windows of the 11Elm Avenue is above 20m.
- All distances comply with planning requirements.

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

- In response to questions raised, it was noted that this site is slightly more elevated than Carreg Goch. The site is being reduced in height by 200mm with the new property being set further back into the site.
- In terms of overlooking and distances between windows, the standard distance between directly facing habitable room windows is 21m, or a distance of 10m between a window or a side elevation in a house and a garden's boundary. At this site, the distance is in excess of 10m between the front elevation of the house and the garden of Carreg Goch and a distance of 17.9m between the main frontage of the house where there are habitable room windows and the side

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elevation of Carreg Goch where there is a large patio window. Therefore, obscured glass had been suggested for one of the windows, as outlined in the report. This could be a fixed, non-opening window.

- It was considered that the re-design was better than the original proposal.
- In response to a question raised regarding whether there might be scope to reduce the height of the dwelling even further, the applicant's agent informed the Committee that there was scope to reduce the height a little further.

It was proposed by County Councillor A. Davies and seconded by County Councillor P. Murphy that application DC/2018/01801 be approved subject to the conditions as outlined in the report and subject to a Section 106 Legal Agreement for the provision of affordable housing in the local area.

Also, that additional conditions to be added, as follows:

- The bedroom window on the front elevation as shown on plan 2273/3c dated 18/02/19 shall not be capable of being opened and shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.
- The hedgerow to the side and rear elevation to be retained and maintained to be at least 1.8m high.
- Request plans from the applicant's agent to reduce the floor slab slightly more before issuing the decision (the centre of the new dwelling to be level with the adjoining lane).

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

In favour of the proposal	-	12
Against the proposal	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2018/01801 be approved subject to the conditions as outlined in the report and subject to a Section 106 Legal Agreement for the provision of affordable housing in the local area.

Also, that additional conditions to be added, as follows:

- The bedroom window on the front elevation as shown on plan 2273/3c dated 18/02/19 shall not be capable of being opened and shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

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- The hedgerow to the side and rear elevation to be retained and maintained to be at least 1.8m high.
- Request plans from the applicant's agent to reduce the floor slab slightly more before issuing the decision (the centre of the new dwelling to be level with the adjoining lane).

#### **5. Application DM/2018/01909 - Open sided, roofed pavilion with new hard surfacing. Abergavenny Museum & Castle, Castle Street, Abergavenny, NP7 5EE**

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

Mr. Horowskyj, representing objectors, attended the meeting by invitation of the Chair and outlined the following points:

- The objectors are not opposed to the pavilion being built in the Castle grounds but strongly object to the proposed location.
- The main objections are the noise from planned events, the pavilion will be located too close to residential properties and be too large for its chosen location, the lack of toilets for the new building, and the pavilion will encourage anti-social behaviour.
- Noise is the biggest concern to objectors. Although consultations had taken place with the applicants dating back to 2017, objectors concerns regarding noise had been ignored.
- A noise impact assessment had been commissioned by the Museums Service but only for natural speech. This report underestimated the anticipated noise levels and did not include any readings for music, weddings and private party events.
- The Environmental Health Department had accepted up to 17 such events per year which equates to loud music every weekend throughout the summer season. A request for a more thorough noise assessment was rejected. The objectors therefore commissioned their own report. Based on codes of practice, the predicted noise levels for music, wedding and party events will result in severe intrusion into local residents' properties. Residents will either have to close their windows or accept the excessive noise.
- The proposals do not satisfy the planning policies to protect the quiet enjoyment of residents' homes.
- Cadw maintains that the proposed pavilion will have an adverse impact on the park and garden.

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- There is only one toilet on the site to accommodate an expected 120 visitors to the pavilion. Toilet provision has not been properly addressed by the applicant.
- It is easy to gain access to the castle grounds at night with the pavilion likely to become a haven for anti-social behaviour. The use of shutters to close the sides will not be a sufficient deterrent to prevent vandalism.
- It was considered that the applicant should have obtained further information to ensure that the proposal would not cause an unreasonable impact on adjacent properties.
- Local Development Plan policies EP1, S17 and HE1 have not been satisfied and it was considered that Planning Committee should consider refusing the application.
- There are other sites within the Castle grounds that could be considered which are further away from neighbouring residential properties.

The applicant, Rachael Rogers, attended the meeting by invitation of the Chair and outlined the following points:

- The events pavilion will enhance cultural provision for residents and visitors to Monmouthshire.
- An events feasibility study was undertaken in 2017 which had concluded that a covered structure would be a unique community asset providing opportunities to bring arts and cultural life in partnership with community groups and local businesses and will contribute to the sustainability of the site.
- Deciding the best location for the structure demanded a careful balancing of issues, the historic nature of the site, the proximity of the neighbours and ability for all users to practically access the structure.
- The construction type considered would create a low impact on the site whilst potentially lasting for many years. The structure could also be dismantled leaving little trace of it having been there.
- New or radical use of the structure is not being proposed. Abergavenny Castle has been publicly accessible since the 19<sup>th</sup> Century. 21<sup>st</sup> century events include historical re-enactments, outdoor theatre and stargazing.
- The applicant understands the neighbours' concerns and it is not the applicant's intention to cause distress. It is important to be clear what the structure is not for. It is not a venue for large concerts.
- Its principal use will be for spoken events during the day, such as visiting schools or for community group hire. An addition for spoken evening events for audience cover, for outdoor theatre events in inclement weather, for learning and cultural

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events and food and drink events limited to four events annually. For this reason, the noise impact assessment considered speech only events.

- It is recognised that objectors have undertaken their own music assessment. However, the Authority's proposed music events are mainly smaller in scale. The approach has been in line with the Planning Department's recommendations to limit the frequency and timing of events. Therefore, small and medium music events up to four times a year, weddings also up to four times a year, but would not be evening wedding receptions. They would be limited to the formal ceremony and afternoon reception. Music would be limited. There would be limited formal receptions per year with music limited to accompaniment and background music. A one off school folk dance festival would only move to this area in case of inclement weather.
- A responsible person will be present during events, strictly enforced visiting times and a responsible person would be on the gate when the event concludes to ensure minimal exiting noise.
- Neighbours would be given advanced notice of events and a community forum established to monitor the events.
- In addition, an electricity supply to avoid noisy generators, additional toilets would be provided and working with the local youth service to prevent anti-social behaviour.
- The applicant takes its responsibilities seriously and any complaints received.
- The applicant is mindful of its role as a community focussed organisation and its responsibility as guardian of this historic site. Therefore, wide ranging consultation has been undertaken.
- Advice from Cadw had been sought with a view to ensuring the least impact to the Castle site. Compensatory measures will be made.
- 97% of the funding for this project has been secured from external sources.

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

- Concern was expressed with regard to the detriment to the amenity of local people living in close proximity to the proposed structure.
- The proposed structure would detract from the setting of the Castle.
- There will be a significant negative impact upon the neighbours if the application is approved.

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- Should the application be approved, commencement times of events could be introduced via the Delegation Panel.
- Most of the outdoor events are likely to take place in the summer months when nearby residents are most likely to have their windows open, potentially affecting their quality of life.
- Residents had commissioned their own noise impact assessment report. However, the Authority has not undertaken a professional review of this report, which could have aided the Committee in the decision of the application.
- There is a concern regarding residents' amenity, which is valid. However, the proposed use of the space will be a benefit to the community as a whole. The structure will enhance the site.
- In response to a question raised regarding amplification of the music, the Principal Environmental Health Officer stated that the Environmental Health Department become involved in these types of applications to consider if a development is likely to give rise to an unacceptable risk of harm to amenity and health of nearby residents. In December 2018, the Department assessed a report submitted by the applicant. Whilst the Department did not object to speech only, it did raise concerns regarding the impact of the music events. No finish times had been proposed and no noise impact assessment had been provided. Subsequently, the applicant submitted further event details in January 2019. This had proposed significant changes on event finish times and the frequency and clarity regarding the management.
- If a music event was held at the proposed pavilion, the music would be audible to the nearby properties. The balance proposed by the applicant is to limit the number of those events. Therefore, The Environmental Health Department considered that it was not in a position to object to the application.
- With regard to the toilet facilities, there is an existing facility within the site that could be brought back into use, should the application be approved.
- Concern was expressed that the location would not be appropriate for the proposed structure.
- The proposed pavilion will receive community groups, school groups, outdoor theatre events, a maximum of four food and drink events per year, with other small scale events.
- Monmouthshire County Council is the applicant and would therefore establish which events are held at the proposed pavilion.
- It was noted that community events already occur in the Castle grounds which tend to be open air events. The premises licence covers anywhere in the Castle grounds until 11.00pm Monday to Sunday.

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It was proposed by County Councillor M. Powell and seconded by County Councillor A, Davies that we be minded to refuse application DM/2018/01909 on the grounds that the proposal would be detrimental to the amenity of local residents in relation to noise from the use of the facility and harmful to the setting of the ancient monument. The application would be re-presented to a future meeting of Planning Committee with appropriate reasons for refusal.

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

For refusal	-	8
Against refusal	-	4
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to refuse application DM/2018/01909 on the grounds that the proposal would be detrimental to the amenity of local residents in relation to noise from the use of the facility and harmful to the setting of the ancient monument. The application would be re-presented to a future meeting of Planning Committee with appropriate reasons for refusal.

#### **6. Application DM/2018/01777 - Erection of detached dwelling house. Proposed New Dwelling Adjacent To 6 Caestory Avenue, Raglan**

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 and subject to a Section 106 Legal Agreement.

In noting the detail of the application, it was proposed by County Councillor G. Howard and seconded by County Councillor R.G. Harris that application DM/2018/01777 be approved subject to the seven conditions as outlined in the report and subject to a Section 106 Legal Agreement.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01777 be approved subject to the seven conditions as outlined in the report and subject to a Section 106 Legal Agreement.

#### **7. Application DM/2019/00168 - Change of use from agricultural land to car park and agricultural. 4 Brook Farm Holdings, Chepstow Road, Raglan, Usk**

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

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It was noted that the Highways Department had objected to the application due to the lack of supporting information. However, this did not change the officer recommendation as it was considered that the existing access arrangement did not cause any harm to highway safety.

Having received the report it was noted that an informative could be added to advise that the trimming of lower branches of trees be undertaken on the site to avoid higher vehicles being damaged.

It was proposed by County Councillor A. Webb and seconded by County Councillor D. Evans that application DM/2019/00168 be approved subject to the one condition as outlined in the report and that an informative be added to advise that the trimming of lower branches of trees be undertaken on the site to avoid higher vehicles being damaged.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00168 be approved subject to the one condition as outlined in the report and that an informative be added to advise that the trimming of lower branches of trees be undertaken on the site to avoid higher vehicles being damaged.

**8. Application DM/2019/00030 - Change of use - upgrades to a residential property and relevant works to provide a house of multiple occupancy - works to include electrics, roof, kitchen and bathroom, internal upgrades to comply with relevant regulations. 30 Somerset Way, Bulwark, Chepstow, NP16 5NP**

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

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

- There has not been adequate consultation with the community in respect of this application.
- The proposed dwelling is for up to six people with the potential for office space also, which changes the proposal. The local Member has concerns regarding this matter and the effect that it might have on the community.
- The car parking provision is inadequate for six people.

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- The individuals who will be living at the proposed premises might have complex needs. Additional space should be available within the premises for individuals to go to in order to receive the required support.
- The local Member asked the Planning Committee to consider deferring the application to allow Monmouthshire Housing Association to consider reducing the number of occupants from six to five, as he considered that six occupants was excessive for this dwelling.
- These individuals will not know each other and will be forced to live together in difficult circumstances.
- The local community is concerned about the proposed change of use of the dwelling.

The Senior Strategy & Policy Officer informed the Committee that the County Council asked Monmouthshire Housing Association (MHA) to purchase the property with Social Housing Grant funding as the Authority is very short of shared accommodation for people aged under 25. Since April 2018 to February 2019, the Authority had 42 16 to 17 year olds who presented as potentially homeless and 178 18 to 24 year olds in a similar position. The premises will be managed by Monmouthshire County Council's Housing Options Team.

The Development Management Area Team Manager informed the Committee that the parking provision is sufficient for this dwelling and for its type of use. In terms of office space, the application is for a six bedroomed house of multiple occupancy with no additional office space. However, the local Member stated that he had been informed that one of the bedrooms may be used as ancillary office space instead.

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

- There is a similar premises operating in Bulwark previously which has been successful.
- In response to a question raised regarding management of the premises, it was noted that the County Council's Housing Options Team will be managing the premises. The Authority is mindful of the mix and what is in the locality when accommodating people.
- The County Council's Housing Options Team manages a number of these properties very well.
- It was noted that the people occupying these types of premises can be the most vulnerable people in the community and this accommodation is greatly needed.
- The occupiers will have tenancy agreements which they will have to adhere to.

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The local Member for Thornwell summed up as follows:

- The complexity and culture of the area has changed in recent years.
- Local residents are concerned regarding the proposed change of use of the dwelling.
- There will be no communal space available to the residents within the proposed dwelling.
- The Authority has a duty to consult with local residents in advance of the proposal and after the change of use of the dwelling. It is hoped that consultation will continue with local residents should the application be approved.

It was proposed by County Councillor J. Becker and seconded by County Councillor M. Powell that application DM/2019/00030 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	-	10
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00030 be approved subject to the two conditions as outlined in the report.

#### **9. Application DM/2018/01784 - Erection of two, two-bedroom semi-detached houses - 72, The Close, Portskewett, NP26 5SN**

We considered the report of the application which was presented for refusal for three reasons, as outlined in the report.

The application had been originally reported to the Council's Planning Application Delegation Panel on 13<sup>th</sup> February 2019. Following a site visit and consideration of the report, Members had resolved to refer the matter to the Planning Committee for further consideration. The application was presented to Planning Committee on 5<sup>th</sup> March 2019 and the Committee had resolved that it be minded to refuse the application on the basis of design and overdevelopment of the plot.

In noting the detail of the application, it was proposed by County Councillor P. Clarke and seconded by County Councillor D. Evans that application DM/2018/01784 be refused for the three reasons, as outlined in the report.

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

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For refusal	-	12
Against refusal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01784 be refused for the three reasons, as outlined in the report.

**10. Application DM/2018/02040 - Demolition of M block, green building and selected tree removal, to accommodate extension of existing car park, to provide additional parking spaces of 178. NB row 168-178 formed within existing parking spaces allocation. County Hall, The Rhadyr, Llanbadoc, Usk**

We considered the report of the application and late correspondence, which was recommended for approval subject to the nine conditions as outlined in the report and subject to the four conditions as outlined in late correspondence. Also, subject to flood modelling being resolved to the satisfaction of Natural Resources Wales (NRW).

Additional conditions were proposed, namely, electrical vehicle charging points to be added into the scheme, as well as additional parking stands to accord with sustainability criteria. These proposals to be added within 12 months of the scheme coming into use.

In response to a question raised regarding pressures on car parking at the site, the Head of Planning, Housing and Place Shaping informed the Committee that how the parking is allocated was not a planning consideration. This matter would be passed on to the Estates Team for consideration. The Chair of the Democratic Services Committee stated that he would raise this issue at the next meeting of that Committee.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DM/2018/02040 be approved subject to the nine conditions as outlined in the report and subject to the four conditions as outlined in late correspondence. Also, subject to flood modelling being resolved to the satisfaction of Natural Resources Wales (NRW). Additional conditions would also be added, namely, electrical vehicle charging points to be added into the scheme, as well as additional parking stands to accord with sustainability criteria. These proposals to be added within 12 months of the scheme coming into use.

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

For approval	-	10
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2018/02040 be approved subject to the nine conditions as outlined in the report and subject to the four conditions as outlined in late correspondence. Also, subject to flood modelling being resolved to the satisfaction of

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Natural Resources Wales (NRW). Additional conditions to be added, namely, electrical vehicle charging points to be added into the scheme, as well as additional parking stands to accord with sustainability criteria. These proposals to be added within 12 months of the scheme coming into use.

#### Democratic Service Officer's Note:

At the Planning Committee meeting on Tuesday 1<sup>st</sup> October 2019, the Head of Placemaking, Housing, Highways and Flood informed the Committee that there was a need to amend the Planning Committee minutes of the meeting held on 2<sup>nd</sup> April 2019, as follows:

The Planning Committee considered application DM/2018/02040 for the extension of the car park at County Hall, Usk on 2<sup>nd</sup> April 2019. The Committee considered the report with 9 conditions and late correspondence with an additional 4 conditions, in addition to two conditions that were verbally reported relating to electric vehicle charging points, to be installed within 12 months of first use of the car park, and provision of cycle stands. The application was approved subject to those conditions. However, while referring to the additional conditions, the minutes refer to only 13 conditions.

It was agreed that the minutes be corrected to refer to all 15 conditions.

11. **Application DM/2019/00003 - Conversion and extension of the former school building to create two residential units, new vehicular access on land to the east and the development of two, four bedroom detached dwelling on the land to the north with associated garages and parking. Former Llanfoist Primary School, Llanellen Road, Llanfoist**

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 and subject to a Section 106 Legal Agreement.

The local Member for Llanfoist Fawr, also a Planning Committee Member stated that he supported the scheme in principle. However, he requested that the application be deferred to allow officers to negotiate with the applicant with a view to making some small revisions to the application.

In response, officers informed the Committee that a submission of the cross sections could be added to show the relationship of the proposed two new dwellings to adjacent existing dwellings. Also, relocation of the new plot and its garage could be investigated in the eastern corner of the site. However, if this is not feasible, the dwelling could be attached to the garage. The proposed amendments could be agreed via the Planning Delegation Panel with the local Member for Llanfoist Fawr being invited. The following conditions could also be added, namely, remove permitted development rights for dormer / alterations to roofs of the dwellings and remove permitted development rights to change boundary treatments.

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In response to a question raised by a Planning Committee Member regarding tandem garages, it was noted that the site allows for vehicle turning provision within it. Therefore, there would be no harm to highway safety within the site with regard to the shared garage. A condition could be added with regard to external finishes.

It was proposed by County Councillor G. Howard and seconded by County Councillor A. Webb that application DM/2019/00003 be approved subject to the seven conditions as outlined in the report and subject to a Section 106 Legal Agreement. Also that a submission of the cross sections would be added to show the relationship of the proposed two new dwellings to adjacent existing dwellings. The relocation of the new plot and its garage would be investigated in the eastern corner of the site. However, if this is not feasible, the dwelling would be attached to the garage. The proposed amendments would be agreed via the Planning Delegation Panel with the local Member for Llanfoist Fawr being invited to attend. The following conditions would also be added, namely, to include external finishes, remove permitted development rights for dormer / alterations to roofs of the dwellings and remove permitted development rights to change boundary treatments.

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

In favour of the proposal	-	10
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00003 be approved subject to the seven conditions as outlined in the report and subject to a Section 106 Legal Agreement. Also that a submission of the cross sections would be added to show the relationship of the proposed two new dwellings to adjacent existing dwellings. The relocation of the new plot and its garage would be investigated in the eastern corner of the site. However, if this is not feasible, the dwelling would be attached to the garage. The proposed amendments would be agreed via the Planning Delegation Panel with the local Member for Llanfoist Fawr being invited to attend. The following conditions would also be added, namely, to include external finishes, remove permitted development rights for dormer / alterations to roofs of the dwellings and remove permitted development rights to change boundary treatments.

#### **12. Monmouthshire Local Development Plan Revised Draft Affordable Housing Supplementary Planning Guidance**

We received a report regarding the revised draft Supplementary Planning Guidance (SPG) on Affordable Housing to support the policies of the Monmouthshire Local Development Plan (LDP), with a view to issuing for consultation purposes and to recommend to Single Cabinet Member accordingly.

The Planning Committee was informed that the options in relation to the Draft SPG were to:

- 1) Endorse the Draft SPG as attached to the report for consultation.

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- 2) Endorse the Draft SPG for consultation with amendments.
- 3) Do nothing in relation to the Draft SPG.

It was noted that officer recommendation was for Option 1 to be the preferred option.

Having considered the report, the following point was noted:

- In response to a question raised regarding potential implications for major developers, the Head of Planning, Housing and Place Shaping informed the Committee that this SPG would not affect major developers as the exemptions indicated and the way in which commuted sums are calculated apply to schemes of fewer than five dwellings. Therefore, the exemptions refer to one to four units. Any development that is bigger than five dwellings is expected to provide 25%, 35% or 60% on site as per the Local Development Plan (LDP) policies.

We resolved to endorse the Revised Draft Affordable Housing SPG with a view to issuing for consultation purposes and to recommend that an Individual Cabinet Member Decision be taken accordingly.

#### **13. Appeal Decision - Ravensnest Fishery, Ravensnest Wood Road, Tintern**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 9<sup>th</sup> January 2019. Site address: Ravensnest Fishery, Ravensnest Wood Road, Tintern.

We noted that:

- It was directed that the enforcement notice be varied in Schedule 4 by the deletion of requirement ii) "Cease the use of the land for residential purposes".
- Subject to this variation the appeal was dismissed, the enforcement notice was upheld.

#### **14. Appeal Decision - Wentwood Inn Site**

We received the Planning Inspectorate report which related to appeal decisions following a site visit that had been made on 12<sup>th</sup> December 2018.

- Appeal A - Ref: APP/E6840/C/18/3213586 - Site: Land at Unit 4 Former Redchillies Thai and Indian Restaurant, Five Lanes North, Five Lanes, Caerwent.
- Appeal B - Ref: APP/E6840/A/18/3213595 - Redchillies Thai and Indian Restaurant Residential Quarters, Five Lanes North, Five Lanes, Caerwent.

We noted that:

- Appeal A - The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made

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under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the construction of the garage not built in accordance with the plans approved under application DC2017/00728 at Land at Unit 4 Former Redchillies Thai and Indian Restaurant, Five Lanes North, Five Lanes, Caerwent, Monmouthshire, NP26 5PE.

- Appeal B - The appeal is allowed and planning permission is granted for the retention of amendments to approved application DC/2017/00728 at Redchillies Thai and Indian Restaurant Residential Quarters, Five Lanes North, Five Lanes, Caerwent, NP26 5PE in accordance with the terms of the application Ref: DM/2018/00707 dated 29 April 2018.

#### **15. Cost Decision - Wentwood Inn Site**

We received the Planning Inspectorate report which related to a costs decision following a site visit that had been made on 12<sup>th</sup> December 2018. Site address: Land at Unit 4 Former Redchillies Thai and Indian Restaurant, Five Lanes North, Five Lanes, Caerwent.

We noted that:

#### **Costs Application A - Appeal Ref: APP/E6840/C/18/3213586**

- The application for an award of costs is refused.

#### **Costs Application B - Appeal Ref: APP/E6840/A/18/3213595**

- The application for an award of costs is refused.

#### **16. New appeals received - 20th February 2019 to 22nd March 2019**

We noted the new appeals received between 20<sup>th</sup> February 2019 and 22<sup>nd</sup> March 2019.

**The meeting ended at 5.39 pm.**