

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 2nd February, 2021 at 2.00 pm

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

County Councillors: J. Becker, L. Brown, A. Davies, A. Easson, M. Feakins, R. Harris, J. Higginson, P. Murphy, M. Powell, A. Webb and S. Woodhouse

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Amy Longford	Development Management Area Team Manager
Denzil – John Turbervill	Commercial Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors: D. Evans and G. Howard

1. County Councillor David Dovey

Before commencing proceedings the Chair, on behalf of the Planning Committee, paid tribute to the late County Councillor David Dovey who had recently passed away. As a mark of respect, the Planning Committee held a minute's silence.

2. Declarations of Interest

None received.

3. Confirmation of Minutes

The minutes of the Planning Committee meeting held on 5th January 2021 were confirmed and signed by the Chair.

4. Application DM/2019/02079 - Construction of two detached dwellings and external works (relocation plot 12). Land adjacent to former Ifton Manor Farm, Chestnut Drive, Rogiet

We considered the report of the application and late correspondence which was recommended for approval subject to the 10 conditions outlined in the report and subject to a Section 106 Agreement.

The application was originally reported to the Council's Delegation Panel on the 22nd July 2020. Following consideration of the report the Panel resolved to approve the application subject to the applicant entering into a Section 106 Agreement to secure a commuted sum to be used for affordable housing.

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During the processing of the legal agreement, a public objection had been received. This related to construction works which had already commenced and raised concerns that the development was not being built in accordance with the proposed plans and was closer than that specified as part of the original report. The objector stated that this resulted in an increased level of overshadowing and overlooking to the detriment of amenity.

During discussions the objector had specified that they had not been made aware of the application. Based on the records kept it was noted that a direct neighbour notification was sent to the objector's property and a site notice was erected on the lamppost closest to their dwelling on the 7th January 2020. The objector has maintained that the letter had not been received.

As a result of the objection, site visits were conducted on 11th and 22nd December 2020 where measurements were taken between the property under construction and the objector's dwelling. During these inspections it was noted that the dwelling under construction maintains a distance in excess of 21m between habitable room windows and that a close boarded, timber fence 1.8m in height has been erected between the objector's property and the dwellings under construction. However, it was also noted that vegetation within the development site, adjacent to the boundary with the objector, had been removed.

In light of the new objection being received prior to the Section 106 Agreement being completed, the application was returned to the Council's Delegation Panel on 13th January 2021 for consideration. At that meeting Members resolved that the application should be presented to the Planning Committee for ultimate determination.

In noting the detail of the application the following points were identified:

- Concern was expressed that the building was close to completion before consideration by Planning Committee.
- Initially, it had been agreed to put one property on the site.
- The site has a mixture of properties crammed onto a site that is not amenable to local residents.
- There is a distance of 21 metres between two of the properties. However, at another location within the site one of the properties is too close to another property being eight metres away.
- The frontage, where the car parking provision is located, does not provide space for a footpath, with a 13 metre gap between a property and another property opposite.
- Concern was expressed that the application did not fit within the street scene and there were overlooking issues within the site. It was also considered that the site was being overdeveloped.

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- In response to the comments raised, the Development Management Area Team Manager informed the Committee that the previous application for the residential scheme had been approved. This application was to consider the three properties. The application for three dwellings in this location had been considered by the Delegation Panel and had agreed the proposal could be approved subject to the Section 106 Agreement.
- It was considered that the site was subject to overdevelopment under Planning Policy DES1 and was out of line with the street scene.
- The application has plenty of amenity space and the plots are large enough.
- The Development Management Area Team Manager informed the Committee that the intervening distance is 21 metres and complies with the infill guidance 2019 Supplementary Planning Guidance. The application also complies with the Planning Parking Standards Guidance. The application fully complies with the Authority's Supplementary Planning Guidance.
- The Head of Planning stated that the impact on the street scene is very limited.
- There are no reasons to refuse the application.
- In response to a question raised regarding Supplementary Planning Guidance rules in respect of the front elevations of the property in relation to the ones that have already been constructed, the Development Management Area Team Manager informed the Committee that these properties have been built and a scheme for three dwellings had been considered to be acceptable by the Delegation Panel subject to a Section 106 agreement. The rules have been complied with and applied consistently in this instance. There are no overbearing or overlooking issues arising from the development. Supplementary Planning Guidance measures have been adhered to.

It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Webb that application DM/2019/02079 be approved subject to the 10 conditions outlined in the report and subject to a Section 106 Agreement.

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

For approval	-	10
Against approval	-	2
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/02079 be approved subject to the 10 conditions outlined in the report and subject to a Section 106 Agreement.

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5. Application DM/2019/00800 - Demolition of existing bungalow and outbuildings and replacement with 2no. detached two storey dwelling houses with altered driveway access from highway. Homestead, Wainfield Lane, Gwehelog, Usk

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

The application was presented to Planning Committee on 3rd March 2020 with a recommendation for approval. At this meeting it was proposed that the application be approved subject to the six conditions outlined in the report and subject to a Section 106 Agreement. Also, that an additional condition be added to approve the details of foul drainage including the removal of the existing arrangement. It was subsequently considered that the drainage details should be made available prior to approval to allow scrutiny from the Sustainable Drainage Approving Body (SAB), Natural Resources Wales, local residents, the Community Council and Local Member.

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

- If the application is approved foul drainage issues need to be addressed.
- The proposed application is a better alignment with less overlooking of the adjacent property.
- The local Member would like the Planning Committee to consider lowering the ridge height slightly in line with surrounding properties.
- There has been concerns regarding drainage and the dimensions of the plot.
- The Section 106 funding is a modest contribution.
- The local Member asked for information on sprinkler systems being installed in newly built properties.
- Wainfield Lane had been recently resurfaced. The local Member asked if a bond could be agreed to ensure that any damage to the newly resurfaced road is made good.

Gwehelog Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

'The council responded to this application on 29 June 2020, when the members unanimously objected on the following grounds:

- *This is an attempt to fit two properties into one plot which itself has been subject of previous splitting. This will make inadequate sized plots and be out of character for what is essentially a rural setting.*

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- *The original plan for the houses to be built one in front of the other has been rejected by planning and new plans were submitted with the houses adjacent to each other to comply with 'the ribbon effect' of the rest of the lane. However, the point remains that there is insufficient land space for two houses on this tiny plot.*
- *Members were concerned that the proposed development would compromise the privacy of another adjacent house.*
- *The council were and are concerned with the proposals for drainage on this land which is predominantly Monmouthshire clay.*

The last point certainly has not been clarified by subsequent tests which were undertaken following a long period of dry weather. We remain very concerned by the proposals for foul drainage.

We are concerned by the apparent confusion over boundaries - there appears to be slight but significant inflation of the plot size, this could be important in respect of meeting the requirements for drainage run-off.

We feel that the development might run counter to policy LPD H3 because this is not an infill, a house will be demolished and substituted by two others. This extends the building boundary of Wainfield Lane into open country.'

Mr. G. Buckle, applicant's agent, had submitted a written statement in support of the application which was read to the Planning Committee by the Head of Planning, as follows:

'Thank you Chairman for the opportunity to respond to the issues raised relating to drainage at the above development.

The comments have made some assumptions; as at the time of writing we have not received any additional objections from The Community Council and have surmised that these are based on the adjoining neighbours' objections (Mrs. Backland), who I understand is now a Community Councillor.

The proposals submitted for the surface water drainage have been accepted and approved by Monmouthshire County Council SAB Officers, following extensive testing by our Clients Specialists.

The foul drainage proposals have been vetted and approved by Monmouthshire County Council Building Control Officers and Natural Resources Wales, who have no objections to the proposals.

The location of the sewage treatment plants and outfall drainage meet current Regulations and each dwelling will be served separately by a KLARGESTER BIOTEC 2, 7 person population tank, which meets with the new guidance.

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For the avoidance of doubt, the septic tank serving the existing bungalow will be grubbed up and removed. It is also confirmed that the foundations of the bungalow will also be removed.

The infiltration drainage proposed for the sewage treatment tanks fully complies with current Building Regulations and this is supported by Monmouthshire County Council Building Control Officers.

For the avoidance of doubt, and contrary to recent comments from the neighbour, the soakaways are located a minimum of 5.0m from the lane/road, which complies fully with Building Regulations. The soakaway will not have a detrimental impact on the lane, unlike the adjoining property, which allows surface water to drain freely from the driveway on to the highway surface.

The properties on the opposite side of the development will not be affected, as the drainage for the development will be contained on site as approved by Natural Resources Wales and Building Control.

It is agreed that surface water should not be allowed to drain from the site and affect other properties, which is an existing problem caused by recently constructed properties on the Northern side of Wainfield Lane.

Members should be made aware that the drainage proposals for this site will not impact on the properties at lower level or on the lane itself and this is fully supported by Natural Resources Wales and Monmouthshire County Council Building Control.

B.R.E. 365 is a standard method of testing, to ensure that the ground is suitable for natural drainage, allowing natural dissipation and attenuation. The tests have been undertaken and approved by Natural Resources Wales.

Members should be made aware, contrary to the Community Council and neighbour comments, that the scheme has been adjusted to meet Local Authority Building Control Approval and also undergone vigorous scrutiny and approval by Natural Resources Wales.

Again, contrary to comments raised by the adjoining neighbour and the Community Council, the boundaries have not been falsified. The original Topographical Survey indicated the face of hedgerow. The hedgerow has been thinned recently and the stock fence exposed, which corresponds exactly to our Clients land ownership boundary. This has been clearly identified on the amended Site Plan, which was surveyed and prepared by a Professional Land Surveyor (Usk Land Survey) and therefore, there is no falsification what so ever of the site boundaries.

The proposal is wholly within our Clients ownership and the drainage field fits well within our Clients site boundaries, verified and approved by Natural Resources Wales and the Local Authority Building Control Officers.

Natural Resources Wales require the foul drainage field to be at least 2.0m from boundaries and not 2.5m as stated by objectors.

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In summary, we would confirm the following:

- *The position of the foul treatment plant complies fully with current Building Regulations Part H, and this is supported by Monmouthshire County Council Building Control Officers.*
- *The percolation testing method has been approved by Natural Resources Wales in accordance with B.R.E. 365.*
- *Building Regulations state that the treatment plant can be 7.0m from the property and not 10.0m as stated by objectors.*

As requested by members at the Planning Committee on 03 March 2020, details of the drainage were to be provided prior to the issue of the Approval Notice. The drainage details have been provided and approved by Natural Resources Wales and Monmouthshire County Council Building Control and SAB Officers, therefore there is no reason why the Planning Permission should not be issued.

The Section 106 Agreement was signed on 04 August 2020 in respect of Affordable Housing Contribution.

Our Clients would like to conclude with this final statement:

As can be seen, all of these issues arise from Mrs. Backland who became a member of the Community Council 3 months ago. It is evident that her own personal opinions aren't represented by the community which has been stated throughout. As a new family to the area, we are very quickly losing confidence in our Community Council and the work they do may be subsequently devalued. As stated by the Local Government Act 2000, the task of any Community Council is to identify the needs and aspirations of its community and to make decisions that will lead to appropriate action. At some point this might involve setting priorities on the competing or conflicting needs of different sections of the community. We have gathered results from professionals in the relevant fields, with approval from all the relevant bodies yet we are still being vilified by our neighbour/Community Councillor whose opinion has no factual grounds.'

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

- The application was approved in March 2020 and the details of the scheme have not changed apart from the submission of foul drainage details.
- A Section 106 Agreement had also been secured at this time which equated to £8,491.
- Building regulations will ensure that the properties will require the installation of a sprinkler system.

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- In response to the request for a bond to protect the road surface of Wainfield Lane, this would be a matter for the Highways Department to address, as this matter falls outside of the scope of the planning application.
- It was considered that there were no reasons to refuse the application.

It was proposed by County Councillor A. Davies and seconded by County Councillor P. Murphy that application DM/2019/00800 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement. An additional condition also be added, as outlined in the report, to address foul drainage issues.

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

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00800 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement. An additional condition also be added, as outlined in the report, to address foul drainage issues.

6. Application DM/2020/01438 - Development of 15 dwellings (9 affordable and 6 open market) and other associated development and infrastructure. Land off Ty Gwyn Road, Little Mill, NP4 0HU

This application had been withdrawn by officers before commencement of the meeting.

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

7.1. Appeal Decision - 30 Maple Avenue, Bulwark, Chepstow

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at 30 Maple Avenue, Bulwark, Chepstow on 5th January 2021.

We noted that the appeal had been dismissed.

The meeting ended at 3.05 pm.