

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 2.00 pm**

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

County Councillors: D. Blakebrough, R. Chapman, D. Dovey,  
D. Edwards, D. Evans, R. Harris, B. Hayward, J. Higginson,  
P. Murphy, M. Powell, B. Strong and A. Wintle.

County Councillors P. Farley, E. Hackett Pain, P. Jones and V. Smith  
attended the meeting by invitation of the Chairman.

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Planning, Housing and Place-Shaping
Paula Clarke	Planning Applications and Enforcement Manager
Craig O'Connor	Senior Development Management Officer
Jim Keech	Tree Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillor A. Webb

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

There were no declarations of interest raised by Members.

#### **2. Confirmation of minutes**

The minutes of the Planning Committee dated 6<sup>th</sup> September 2016 were confirmed and signed by the Chairman.

#### **3. APPLICATION DC/2015/01431 - DEMOLITION OF EXISTING INDUSTRIAL SHEDS AND THE ERECTION OF 60 NO. SERVICED HOTEL APARTMENTS, 3,700 SQM DESTINATION SPA, ANCILLARY MIXED USE DEVELOPMENT (UP TO 3,000 SQM), ENERGY CENTRE, LANDSCAPING, CAR PARKING AND OTHER ANCILLARY DEVELOPMENT. ALSO, RESERVED MATTERS FOR ACCESS APPROVAL. VALLEY ENTERPRISE PARK, HADNOCK ROAD, MONMOUTH, NP25 3NQ**

We considered the application and late correspondence, which was recommended for approval subject to the 22 conditions, as outlined in the report and subject to a Section 106 Agreement.

The application had been presented to the Planning Committee held on 3<sup>rd</sup> May 2016 with a recommendation for refusal. At this meeting Members weighed up and considered the flood risk implications of the development against the economic benefits

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of constructing a hotel and spa at the site. The proposed development would provide significant employment and tourism benefits to the area and improve the visual appearance of the site.

As a result of the particularly significant benefits of the proposed development, the recommendation to refuse the application on flooding grounds was not accepted.

Members were informed that there still remains an objection from Natural Resources Wales (NRW). The details are outlined in late correspondence.

The options available to Planning Committee are:

- Grant consent along the lines of the previous resolution with an extra condition to require the details of the flood management plan.
- Refuse the application as per the officer report.
- Defer to undertake further modelling.

The local Member for Wyesham, attending the meeting by invitation of the Chair, outlined the following points:

- The application decision has been delayed for six months.
- The balance is weighing up the potential flood risk against the economic benefits of the proposal.
- As ward Member, the economic benefits overrides the potential flood risk.
- There is a great need for jobs in Monmouth and this proposal will bring jobs into the area. Other benefits to the area such as tourism and the promotion of Monmouthshire will be achieved.
- The local Member asked the Planning committee to consider approving the application to enable the positive benefits to the town to be generated.

The Head of Planning, Housing and Place Management informed Members that if the Planning Committee were minded to approve the scheme, we, as an Authority, would have to refer it to the Welsh Minister to consider whether or not she wishes to call the application in due to the nature of the development and flood risk.

The Chair has allowed for additional public speaking in respect of this application. The applicant and NRW had been invited to address the Committee. NRW had declined the invitation but the applicant had accepted the invitation to address the Planning Committee.

Ms. J. Kitcher, Project Development Lead for the Hotel and Spa, attended the meeting by invitation of the Chair and outlined the following points:

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- The unanimous approval of the application by Planning Committee in May 2016 was looked upon very favourably by the applicant.
- The flood risk modelling has indicated that there would be no detrimental effects elsewhere and were confident that the flood modelling would confirm this.
- The Applicant considered that NRW's response had been unreasonable. Whilst the applicant accepts that the role that NRW plays in providing technical advice regarding flooding and flood risk, NRW has gone beyond the clarification that Committee requested and are playing both judge and jury on the issue. NRW makes it clear in their correspondence that it is for the Planning Authority to determine whether the application is approved but by continuing to query the applicant's flood modelling and failing to confirm that the flooding will not be increased elsewhere, NRW leave the Planning Officers with little or no option to recommend refusal. However, if the Planning Committee still feels that it is unable to approve the application, the applicant has asked if the application could be deferred again and clarify how the answers to any further NRW questions or requests would be assessed and that a time frame be set for this process in order to avoid even further delays which could put the project at risk.
- The economic benefits of the hotel and spa development have been well documented throughout the extensive public consultation period and the planning process. The flood modelling consultants have answered the Planning Committee's question and confirmed that flooding will not be increased elsewhere.
- The derelict site has been largely redundant for the previous nine years. The site requires significant repair in order to create a more positive and sustainable use for the area. The hotel and spa offers a significant regeneration opportunity for Monmouth and a compelling opportunity for Hadnock Road to move away from its industrial past.
- The hotel and spa would help to deliver the Welsh Government's Strategy for luxury hotels with spa and wellbeing facilities and will create a unique and outstanding tourism destination for Monmouth and the County.

Having considered the report of the application and the views expressed, Members outlined their support for the application on the following grounds:

- The economic benefits for the town and the surrounding area were enormous.
- The development would have a positive effect on tourism in the area.
- The development was located sufficiently high enough to avoid any potential flooding. Adequate warning of any potential flooding would be identified early.
- Consultants have expressed support for the application.
- The economic benefits of the development makes good the redundant site.

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It was proposed by County Councillor D. Dovey and seconded by County Councillor A. Wintle that application DC/2015/01431 be approved subject to the 22 conditions, as outlined in the report, and subject to a Section 106 Agreement, also outlined in the report.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/01431 be approved subject to the 22 conditions, as outlined in the report, and subject to a Section 106 Agreement, also outlined in the report.

#### **4. APPLICATION DC/2016/00714 - TWO SEMI DETACHED DWELLINGS. LAND REAR OF 61 PARK CRESCENT, ABERGAVENNY**

We considered 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 Agreement to secure a financial contribution towards affordable housing in the area.

Ms. Y. Spencer, objecting to the application, attended the meeting by invitation of the Chair and outlined the following information:

- Local residents asked that new build housing densities not be applied to this infill development in an existing residential area. The case officer states that there is already a precedent in a locality relevant to this application. Local residents contend that there is not. The other application for two semi-detached dwellings in Park Crescent was never built and that permission has now expired.
- The cumulative effect of the proposal in this current application and the developers previously approved application is the creation of a mini housing estate on a site where there was one property. Other people are waiting for the Planning Committee's decision before submitting similar applications in established areas of the town. The Committee's decision will set a new precedent. The appeal of an older area is the space and character that it has.
- The case officer's report mentioned proposals to demolish a garage and shed. When the original property was purchased the two plots were registered under two separate title deeds. The garage and shed are situated within the boundary of the other plot where planning permission has already been given. This demolition should have been included when that application should have been considered. As the demolition relates to another property, residents request that it is subject to a separate application. If Planning Committee agrees to the demolition of these buildings, this will allow access from the south. The case

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officer states that the current application will be accessed from the north. However, residents have concerns that construction and other traffic will access from Park Crescent if this proposal is approved. This will present a danger to both pedestrians and traffic on a busy road.

- With regard to the access, the public right of way between Park Crescent and Ysguborwen will be traversed by vehicles using this access. A resident survey indicated that 154 pedestrians but no vehicles used this access between 8.00am and 9.00am on a busy Tuesday morning. Therefore, pedestrians are not used to encountering vehicles at this location.
- Residents welcome the condition to lower the hedge along the western edge of the application site. However, there are restricted areas to the land to the north which still presents a danger to pedestrians. Health and safety provisions should be established before any movement of traffic to and from the site is allowed given the types of vulnerable pedestrians that use this route.
- The land in question is owned by Monmouthshire Housing Association (MHA). The case officer states that the applicant might have to obtain consent from MHA. Residents assert that they must obtain consent. Advice received from a planning inspector states if MHA allows for vehicular right of way, it should be evidenced because the public right of way is a footpath and not for vehicles. If MHA has objected, and not granted a right for vehicles to pass, that would be a fundamental reason why any planning permission could not be implemented. It is understood that MHA has not commented on this application but their response to the outline application is known, .i.e., MHA had objected to it. There seems to be a need for a legal discussion to take place regarding this matter. Therefore, there is a fundamental issue that needs to be answered. Residents ask that Planning Committee does not make a recommendation on this application until the applicant can legally prove vehicular right of way granted by MHA.

The applicant, Mr. P. Thomas, attending the meeting by invitation of the Chair, outlined the following points:

- The principle of the development has already been established by virtue of outline planning consent.
- The proposed dwelling will be built in a sympathetic way to fit in with the vicinity and enhance the surrounding area to help meet the new houses in Abergavenny.
- The application does not contravene any planning policies.
- Regarding neighbours' objections to loss of privacy, the dwellings are located a sufficient distance from the neighbours' houses so does not contravene planning policy in any respect, or loss of privacy to first floor windows. Habitable rooms with windows will be facing the footpath.
- There have been no objections from the Highways Department and the application is supported by the Planning Department.

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- Therefore, the applicant asks the Planning Committee to consider granting planning permission for the application.

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

- MHA is not the applicant and is not benefiting from the application. No comments have been received from MHA.
- Concern was expressed from one Member regarding the safety aspect of the entrance to the site.
- Other Members considered that the application allows for an improvement in safety for pedestrians as some trees / vegetation will be removed.
- Access from the north would improve the access to the site. This could be added as a condition to the application.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DC/2016/00714 be approved subject to the seven conditions, as outlined in the report, with the inclusion of an additional condition that the access should be located at the north of the site. Also, the application should be subject to a Section 106 Agreement to secure a financial contribution towards affordable housing in the area.

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

In favour of the proposal	13
Against the proposal	1
Abstentions	0

The proposition was carried.

We resolved that application DC/2016/00714 be approved subject to the seven conditions, as outlined in the report, with the inclusion of an additional condition that the access would be located at the north of the site. Also, the application would be subject to a Section 106 Agreement to secure a financial contribution towards affordable housing in the area.

#### **5. APPLICATION DC/2013/00349 - A CHANGE OF USE OF THE PUBLIC HOUSE GROUND FLOOR TO A RETAIL USE AND A CAFE. CONVERSION AND ALTERATION OF THE FIRST FLOOR OF EXISTING PUBLIC HOUSE TO PROVIDE A FLAT. AMENDMENT TO THE DESIGN OF THE PROPOSED NEW DWELLINGS IN THE CAR PARK TO FORM A PAIR OF DUPLEX APARTMENTS. THE BRIDGE INN, BRIDGE STREET, CHEPSTOW, NP16 5EZ**

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

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The local Member for St. Mary's, attending the meeting by invitation of the Chairman, outlined the following concerns in respect of the application:

- He has not received any correspondence or communication on this matter as a Chepstow Town Councillor.
- He has received a communication from a Chepstow Town Councillor pointing out that there have been a number of objections received in respect of this application. The proposal is not in keeping with the area and will cause inconvenience to residents local to the development.
- He urged the Planning Committee to consider seriously the views put forward by local residents and Chepstow Town Council.
- The local Member had received correspondence from a local resident, as follows:
  - The local resident had only found out about the application at the site inspection that was held on 3<sup>rd</sup> October 2016.
  - The local resident lives very close to the proposed development and his objections to the plans are:
    - The proposed properties will look out of character and size for the small plot and location and will block the light and view from the riverbank to his property.
    - There are already in excess of 600 properties being built at the lower end of Chepstow and asked whether there was any need for further houses to be built.
    - No objection to the public house being converted into a café and retail facility.
    - Concerns regarding parking provision. There is already limited parking facilities for residents and tourists on the riverbank and as the public House car park is to be developed, the lack of parking provision will be exacerbated.
    - The development of the car park will be detrimental to the future plans for the public house as the development of an antique shop and coffee shop at the lower end of the town would not be sustainable due to lack of parking facilities.
- The main objection to the traffic assessment is that it doesn't seem to take full account of the complete context. If there is a retail facility, café, parking for the residents on the new development, plus the use of land that is already used for various parking purposes, the local Member suggested that there are likely to be some serious consequences and at the very least, the highways assessment needs to be re-considered.

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- The local Member asked that all views expressed by local residents and Chepstow Town Council be considered by Planning Committee before making a decision regarding this application.

The Head of Planning, Housing and Place-Shaping informed the Committee that consultation regarding the application had taken place and that a notice had also been erected on site.

Having considered the report and the views expressed by the local Member, some Members felt that the form of the development was not suitable for the area and was not in keeping with the character of the surrounding area. The site was located within a conservation area where residents' views were protected. Approval of the application would lead to the views of residents being obscured by two modern buildings. Further parking facilities were required at this location.

Other Members considered that this was an historical site with a unique historical bridge at the heart of the site. Any potential development at the site needed to be sympathetic and in keeping with the surrounding area. Approval of the application would exacerbate the parking issues that already existed at this location. Deferral of the application to allow the applicant come up with a radical re-design of the proposed two new buildings should be considered.

It was therefore proposed by County Councillor R. Hayward and seconded by County Councillor R. Chapman that we be minded to refuse application DC/2013/00349 on the grounds of the form of the proposed building, the location within the conservation area and that it was not in keeping with the surrounding area.

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

For refusal	-	3
Against refusal	-	6
Abstentions	-	5

The proposition was not carried.

It was proposed by County Councillor R. Harris and seconded by County Councillor D. Blakebrough that consideration of application DC/2013/00349 be deferred to a future Planning Committee meeting to allow the applicant to come up with a radical re-design of the proposed two new buildings.

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

For deferral	11
Against deferral	3
Abstentions	0

The proposition was carried.



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We resolved that that consideration of application DC/2013/00349 be deferred to a future Planning Committee meeting to allow the applicant to come up with a radical re-design of the proposed two new buildings.

### **6. APPLICATION DC/2015/00938 - DEMOLITION OF EXISTING DWELLING AND DETACHED GARAGE. ERECTION OF REPLACEMENT DWELLING AND DETACHED GARAGE. RELOCATION OF EXISTING VEHICULAR ACCESS. ORCHARD HOUSE, LLANBADOC, USK**

We considered the report of the application and late correspondence, which was presented for refusal for the two reasons, as outlined in the report.

The application had been presented to Planning Committee on 6<sup>th</sup> September 2016 with a recommendation for approval. However, Members had not agreed with the recommendation and had been minded to refuse the application on the grounds of scale, design and highway safety.

The local Member for Llanbadoc, attending the meeting by invitation of the Chairman, outlined the following points:

- She clarified to the members of the public present that she takes no part in the decision making with regard to the Planning Committee process. She makes her representations having listened to and considered their opinions before making her decision. Planning application decisions are made by the Planning Committee. As the local Member, she will make representations on behalf of local residents.
- The residents do not consider that the minutes fully reflected the previous meeting.
- Residents continue to be concerned regarding the siting of the proposal, the design is unacceptable and they consider the proposed access to be dangerous.
- The local Member's concern regarding the safety of the highway continues. The new access, scrutinised by the highways officers, is acceptable to the site.
- Regarding the design, it has been negotiated between Monmouthshire's Planning Officers and the applicants and their agent. The local Member's opinion is that the design is innovative and environmentally sound.

Having considered the report of the application and the views expressed by the local Member, some Members expressed their support for the application as it was felt that the new access was an improvement to the existing access, the size was acceptable and the design was innovative. The Highways Department had reviewed the new access and had expressed its support in that it was safer than the existing access.

However, other Members expressed their concern regarding the application and considered that the proposed new dwelling would have a detrimental effect on the

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surrounding area and would not be in keeping with the design of other nearby properties.

It was therefore proposed that application DC/2015/00938 be refused on the grounds of the scale and design of the proposed new dwelling and that it would be out of keeping with the character and appearance of the surrounding area.

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

For refusal	9
Against refusal	5
Abstentions	0

The proposition was carried.

We resolved that application DC/2015/00938 be refused on the grounds of the scale and design of the proposed new dwelling and that it would be out of keeping with the character and appearance of the surrounding area.

#### **7. Confirmation report for Tree Preservation Order MCC264 - Cae Elga, Osbaston 2016**

We received a report to consider the confirmation of provisional Tree Preservation Order number MCC264 (2016) without modification.

Members were informed that the Council had received a pre-application enquiry from the owners of Cae Elga, Highfield Road, Osbaston. On 11th March 2016 the Case Officer made a site visit to discuss the possibility of infill to development in the large garden at the rear of the property. During the visit, it was noted that a mature Wellingtonia tree was situated on the northern boundary of the plot. The Case Officer advised the landowners that the tree would be a material consideration of a planning application as it adds character to the area and would need to be retained and protected during any proposed development

Prior to carrying out a site visit the Tree Officer discussed the tree with the case Officer and in light of the photographic evidence plus views of the tree on Google Street View, the opinion was formed that a tree preservation order (TPO) was expedient in the circumstances. A provisional TPO dated 12th April 2016 was prepared and served on the landowner and adjoining properties giving the recipients opportunity to submit written representations or objections (the notice period). Notice periods are required to be at least 28 days in length. The notice in this instance expired on 25th May 2016.

One letter of objection to the Order was received.

Having considered the report, it was proposed and seconded that Tree Preservation Order number MCC264 (2016) be confirmed without modification.

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

In favour of the proposal	-	14
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Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that Tree Preservation Order number MCC264 (2016) be confirmed without modification.

### **8. Appeal Decision - Palace Farm, St. Tewdric Church Lane, Mathern, Monmouthshire, NP16 6JA**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 17<sup>th</sup> August 2016. Site: Palace Farm, St. Tewdric Church Lane, Mathern, Monmouthshire, NP16 6JA.

The appeal had been dismissed.

### **9. Appeal Decision - 22 Punchbowl View, Llanfoist, Abergavenny, Monmouthshire, NP7 9FL**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 6<sup>th</sup> July 2016. Site: 22 Punchbowl View, Llanfoist, Abergavenny, Monmouthshire, NP7 9FL.

The appeal had been dismissed and the Enforcement Notice had been upheld.

### **10. Appeals received**

We noted the appeals received.

**The meeting ended at 4.01 pm**