

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th
April, 2017 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, R. Harris, B. Hayward, J. Higginson, P. Murphy,
M. Powell, B. Strong and A. Wintle

County Councillor R. Hayward left the meeting following determination of application DC/2017/00030 and did not return.

OFFICERS IN ATTENDANCE:

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

APOLOGIES:

County Councillors D. Evans, P. Watts and A. Webb

1. Declarations of Interest

County Councillor P.R. Clarke declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DC/2015/00970 as he is a Director of the Three Salmons Hotel. He left the meeting taking no part in the discussion or voting thereon.

County Councillor B. Strong declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DC/2015/00970 as his son is a Director of the Three Salmons Hotel. He left the meeting taking no part in the discussion or voting thereon.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 7th March 2017 were confirmed and signed by the Chair.

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3. **APPLICATION DC/2017/00196 - EXTEND THE EXISTING BUILDING (TO THE SOUTH ELEVATION) WITH A TWO STOREY BUILDING TO HOUSE CHILDREN'S ACTIVITY ZONE AND EXTERNAL MECHANICAL PLANT TO THE ROOF. THE EXISTING LEISURE CENTRE IS TO RECEIVE A MAJOR INTERNAL REFURBISHMENT WITH A SWIMMING POOL AND ASSOCIATED FACILITIES REPLACING THE SPORTS HALL. EXISTING MAIN ENTRANCE TO BE RELOCATED TO EAST ELEVATION WITH MINOR EXTERNAL WORKS TO EXISTING CAR PARK AND HARD LANDSCAPING. MONMOUTH LEISURE CENTRE, OLD DIXTON ROAD, MONMOUTH, NP25 3DP**

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

Councillor C. Munslow, representing Monmouth Town Council, attended the meeting by invitation of the Chair and outlined the following points:

- 50% of the cost of building the original swimming pool, which has now been demolished to make way for the new comprehensive school, was provided by public subscription.
- It is important for the users in the Monmouth area that the new swimming pool is the very best that can be achieved.
- The Town Council is not aware that any public consultation has been held in respect of the design.
- The swimming pool, as previously designed in the comprehensive school, was to have six lanes. However, the new swimming pool, to be located in the leisure centre, will only have five lanes, possibly only four, which is a concern,
- The proposed width of the swimming pool lanes is being reduced to 2.1 metres. The national recommended preferred width is 2.5 metres.
- Having measured the sports hall, the Town Council is confident that there is sufficient room to have six lanes at 2.5 metres wide, leaving a 2 metre wide perimeter.
- There are concerns regarding the lack of spectator viewing facilities. There are no viewing facilities proposed to accommodate a swimming gala or generally for parents to view their children during swimming lessons.
- A viewing area could be provided by moving the pool within the gymnasium by about 1 metre north-west towards the plant room enabling a first floor viewing area to be built across the end of the swimming pool. This could be accessed via the first floor corridor.
- The use of solar panels could be used to heat the swimming pool which would reduce energy costs.

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- Before the application is approved, the Town Council has requested that further public consultation be undertaken, as this is an opportunity to ensure that the best solution is found.

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

- The remodelling of the leisure facility on the Monmouth site is in keeping with a new model leisure facility.
- It is cost effective and relevant to the population that it serves. Efforts have been made to maximise space and improved swimming pool facilities.
- The swimming pool will be 25 metres in length with five lanes which is in accordance with all sports' governing body requirements.
- Future play, fitness and wellbeing needs for the community of Monmouth is being provided.
- The new facilities are in line with feasibility studies completed over the previous year.
- The width of the swimming pool is 10.5 metres in total with five lanes. This is in line with Sports' Governing Body use for community and local competition.
- British swimming guidelines state a lane width of 2 metres and a minimum width of 0.2 metres outside the first and last lanes. The 10.5 metre pool provides this.
- There are free areas available to view the activities taking place within the swimming pool on the ground and first floors.
- Regarding sustainability and energy use, a number of measures that address these issues have been included in the proposals. An important aspect being the re-use of the existing building and minimising new building footprint. Upgrading to LED lighting, energy efficient lighting controls, improvements to the environmental building management systems to improve boiler efficiencies and heating control and the provision of new energy efficient air handling and cooling plant.

The local Member for Dixton with Osbaston, also a Planning Committee Member, outlined the following points:

- At a previous meeting of Full Council it had been agreed that Monmouth would receive a better swimming pool compared to the original pool that has now been demolished.
- The original pool was removed to allow the comprehensive school to be located within the required site. There was consideration given to providing a 50 metre

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swimming pool suitable for international swimming. However, it was noted that this would not be affordable. Instead, a swimming pool would be provided that would be suitable to accommodate swimming galas and one that the town would be proud of.

- The plans leave off the width of the swimming pool. Discussions had been held in which the required lane width should be 2.4 metres to bring the swimming pool up to competition standard, to hold swimming galas and to allow enough room for swimmers to be able to swim the butterfly stroke. The swimming pool in the school was altered to meet these requirements.
- Now, due to lack of funding, the swimming pool is being moved away from the comprehensive school to be located at the sports hall. Due to the size of the sports hall, the swimming pool will become a four lane pool.
- Promises to Monmouth town have been broken.
- There is no seating for viewing. Neither is there any seating for competitors.
- In order to accommodate the swimming pool, the sports hall has been taken away from the leisure centre and put into the comprehensive school. Therefore, this is only available to the public during out of school hours.

In noting the detail of the application, some Members expressed the following points in support of the application:

- The application makes the best use of what might be made of the facilities available.
- Affordability of a scheme is not a planning consideration.
- The requirements of the swimming bodies has been met by the size of the swimming pool.
- The additional facilities that will be afforded by this development will be a great benefit to Monmouthshire.
- The swimming pool will be 25 metres in length with five lanes which meets appropriate guidelines regarding the width of the pool.
- The pool depth ranges from 1 metre to 1.8 metres in line with governing body standards.

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However, other Members expressed their concerns regarding the application, as follows:

- The swimming pool has a reduction in the number of lanes, there is no viewing area and the swimming pool is shallow making it difficult to hold competitions and galas.
- The new plans are a simpler, more cost effective build contrary to what was originally proposed.
- The building is not fit for purpose with regard to its size.
- Further consultation should be undertaken as suggested by Monmouth Town Council.

Having considered the report of the application and the views expressed, it was proposed by County Councillor M. Powell and seconded by County Councillor B. Strong that application DC/2017/00196 be approved subject to the six conditions, as outlined in the report.

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

For approval	-	9
Against approval	-	3
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2017/00196 be approved subject to the six conditions, as outlined in the report.

4. APPLICATION DC/2017/00030 - ALTERATIONS TO THE APPROVED SCHEME, NAMELY REMOVAL OF SWIMMING POOL AND ADDITION OF SPORTS HALL FACILITY RELATING TO APPLICATION DC/2015/00261. YSGOL GYFUN TREFYNWY, OLD DIXTON ROAD, MONMOUTH NP25 3YT

We considered the report of the application, which was recommended for approval subject to the 17 conditions, as outlined in the report.

The local Member for Dixton with Osbaston, also a Planning Committee Member, expressed concern that due to overspends on the budget for the school, the building has been altered in that it is now to be built from a polycarbonate material and not the traditional buff brick that was a part of the original proposal for the school.

It was noted that only the sports hall would be constructed with polycarbonate material.

Another Committee Member expressed concern regarding the flat roof. However, it was noted that the scheme had already been approved with a flat roof.

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In noting the detail of the application, it was proposed by County Councillor M. Powell and seconded by County Councillor B. Strong that application DC/2017/00030 be approved subject to the 17 conditions, as outlined in the report.

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

For approval	-	10
Against approval	-	3
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00030 be approved subject to the 17 conditions, as outlined in the report.

5. APPLICATION DC/2016/01487 - ALTERATIONS TO APPROVED SCHEME FOR TWO DWELLINGS; ALTERATIONS INCLUDE THE ERECTION OF A SINGLE DETACHED GARAGE FOR EACH PLOT, THE REMOVAL OF REAR CANOPIES, THE REMOVAL OF CHIMNEYS AND THE REMOVAL OF HEADERS. LAND REAR OF 252 NEWPORT ROAD, CALDICOT

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

The Member for Dewstow Ward attended the meeting by invitation of the Chair and represented the local Member for the West End Ward. In doing so, the following points were noted:

- Over the previous three years, local Members and Caldicot Town Council had not supported the three house development, neither did they support the development when it had been reduced to a two house development. However, the development had been approved by Planning Committee.
- Within the recommendations of that application the Member did not believe that the developer had followed the spirit of the recommendations properly.
- The applicant has not sought access rights and had written to the residents stating that he would take legal action if access was not granted. The Member considered that this action was inappropriate.
- With regard to the terms of access in respect of the road, it was noted that the road was still unadopted and had been signed over by Mr. David Larner in 1986. The developer has not followed the spirit of the planning approval.
- The applicant's solicitor considers that the applicant has a right of access. However, there is evidence stating that the right of access is not for Ferneycross but for land to the south of Ferneycross which has been extinguished by a further removal of that access.

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- The applicant has not approached David Lerner with regard to access to cross the road. The Member considers that development of this site should stop until the residents, the applicant and Mr. Lerner are satisfied with the outcome of the right of access across the road.

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

- The Planning Committee had visited the site at a quiet part of the day and had not witnessed the traffic issues that occur at this location.
- The garages in Ferneycross and Kipling Close are used for storage due to limited space in the rear gardens. This reduces street parking provision and increases on street parking and congestion.
- The proposed garages will likely be used for storage adding to the parking congestion.
- With regard to the access issue, residents would have had no objection if the land had been built on with access through Newport Road.
- The applicant does not have a right of access across the private road.
- Ferneycross is a private road.

The Head of Legal Services informed the Committee that if the residents of Ferneycross believe that the applicant does not have a right of access across the road, then it is in the gift of the residents to try to prevent access. However, this is a private matter between the developer and the residents at the site of development. It is not a consideration that the Planning Committee can take into account. It is a matter for the developer to ensure that they have access in order for the developer to build out this development. If there is a dispute then the residents would need to obtain their own legal advice with regard to how they should take action.

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

- The Developer has sympathy with the residents and has tried to work with them regarding their concerns
- This application was originally approved to develop two houses which was approved with parking provision.
- This application is to provide a garage for each property which will accommodate the parking spaces that have already been allocated.
- There is no gain or reduction in the parking provision for each property under the parking guidelines.

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- There are also some minor alterations proposed to the buildings due to construction which is nearing completion.
- The main issue is the addition of the two garages which is added sympathetically to the existing houses in materials, shape and size.
- The agent asks that the Planning Committee considers the application in line with the recommendation, as outlined in the report.

The Head of Planning, Housing and Place-Shaping informed the Committee that the garages are parking spaces as per the Supplementary Planning Guidance (SPG) and as per the Authority's standards. They also comply with National Planning Policy. There is sufficient off street parking provision.

In noting the detail of the application and the views expressed, Members were sympathetic towards the residents' views. However, in planning terms, there were no reasons to refuse the application.

The Chair allowed the Member for Dewstow to sum up. In doing so, Members were asked to defer consideration of the application until the matter relating to the access to the development had been resolved.

It was therefore proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2016/01487 be approved subject to the three conditions, as outlined in the report.

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

For approval	-	11
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2016/01487 be approved subject to the three conditions, as outlined in the report.

6. APPLICATION DC/2015/00970 - PROPOSED DEMOLITION OF DETACHED BUILDINGS, CONVERSION OF HOTEL BEDROOM ANNEX INTO 5 NO. RESIDENTIAL UNITS, ERECTION OF 3 LINKED DWELLINGS WITH CAR PARKING AND ALTERED SITE ACCESS. ANNEX TO THE THREE SALMONS HOTEL, PORTHYCARNE STREET, USK

We considered the report of the application, which was recommended for approval subject to the 11 conditions, as outlined in the report.

The application was re-presented to Planning Committee following amendments. The application had been resolved to be approved by the Committee in January 2016

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subject to a Section 106 Agreement in relation to the provision of affordable housing and an off-site contribution towards adult recreation.

The original application had proposed the conversion of the hotel annex to seven dwellings units but this had now been reduced to five. All other elements of the proposal remained as originally submitted and included demolition of adjacent workshops and the erection of three new single storey dwellings. The application also included the construction of an access road to adoptable standards, car parking for 17 cars and associated landscaped areas.

Notwithstanding the reduction in the number of proposed units, the applicant had now demonstrated that the development would not be economically viable with any affordable housing or any other Section 106 contributions. The applicant's viability assessment had been verified by the Council's Housing Strategy & Policy Officer and this position had been accepted by officers. The Officer recommendation considered that the application should be approved with no requirement for a Section 106 Agreement.

Having considered the report, Members agreed with the officer recommendation but were disappointed that there would not be any affordable housing or Section 106 contributions due to the site no longer being economically viable to provide these issues.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Edwards that application DC/2015/00970 be approved subject to the 11 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 DC/2015/00970 be approved subject to the 11 conditions, as outlined in the report.

7. APPLICATION DC/2016/01206 -CONSTRUCTION OF A NEW GARDEN STORAGE BUILDING IN ASSOCIATION WITH UPPER LLANANANT, PENALLT INCLUDING CHANGE OF USE OF WOODLAND TO BE INCLUDED WITHIN THE GARDEN CURTILAGE. UPPER LLANANANT FARM, PENTWYN LANE, PENALLT, NP25 4AP

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

The local Member for Trellech United, also a Planning Committee Member, expressed concern regarding the materials and the size of the proposed garden storage building.

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Having considered the report of the application and the views expressed by the local Member, Members also expressed concern regarding the excessive size of the proposed garden shed and that it was not located appropriately for domestic use.

It was therefore proposed by County Councillor D. Blakebrough and seconded by County Councillor P. Murphy that we be minded to refuse application DC/2016/01206 on the grounds that the proposed garden storage building was not to domestic scale and the size would be harmful to the Wye Valley AONB and that the application be re-presented to the Planning Committee with appropriate reasons for refusal.

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

For refusal	-	10
Against refusal	-	0
Abstentions	-	2

The proposition was carried.

We resolved that we be minded to refuse application DC/2016/01206 on the grounds that the proposed garden storage building was not to domestic scale and the size would be harmful to the Wye Valley AONB and that the application be re-presented to the Planning Committee with appropriate reasons for refusal.

8. APPLICATION DC/2017/00035 - CONSTRUCTION OF A NEW VEHICULAR ACCESS FROM THE PUBLIC HIGHWAY INTO PART OF THE WOODSIDE TRADING ESTATE. WOODSIDE TRADING AND INDUSTRIAL ESTATE, WOODSIDE, LLANBADOC, USK, NP15 1SS

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

Members expressed concern regarding the highways issues in respect of this application. It was proposed by County Councillor B. Strong and seconded by County Councillor A. Wintle that we be minded to defer consideration of application DC/2017/00035 to the next Planning Committee meeting and invite a representative from the Highways Department to answer Members' questions regarding the highways issues in respect of this application.

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

For deferral	-	12
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to defer consideration of application DC/2017/00035 to the next Planning Committee meeting and invite a representative from the Highways

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Department to answer Members' questions regarding the highways issues in respect of this application.

9. APPLICATION DC/2017/00093 - CONVERSION WITH ALTERATIONS AND EXTENSIONS TO FORMER GALLERY TO PROVIDE 1 NO. DWELLING. THE OLD SMITHY, 34 MARYPORT STREET, USK, NP15 1AE

We considered the report of the application and late correspondence, which was recommended for approval subject to the 10 conditions, as outlined in the report and subject to a Section 106 Agreement relating to a financial contribution towards affordable housing in the local planning authority area in the sum of £27,685.

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

- Usk Town Council had opposed that application.
- The building will be intrusive to both neighbours with little space left between the proposed extension and the listed building next door.
- It will create overdevelopment of the site and needs to be reduced significantly.
- The Heritage Officer was opposed to the application.
- The dwelling at number 32 has a small window at the side of the property, the kitchen window, which is the only source of light into that room. The owner of number 32 has objected to the application in line with the right to light.
- The fence would be 1.2m in height which would help with regard to visibility.
- If the application is agreed today it will give the inspector of the inquiry permission to agree to the two dwellings.
- The application should be refused on the grounds of overdevelopment. If not refused, the application could be deferred to allow the neighbours a chance for recourse with regard to the right to light.

The Head of Planning, Housing and Place-Shaping outlined the following points:

- In terms of the right to light legislation, this is civil legislation. Planning decisions are not based on this legislation.
- The applicants may, via permitted development rights, erect a 2 metre high fence along the boundary.
- The last application was refused due to parking concerns of creating two units, and reducing the scheme to one unit overcomes this.

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Having considered the report of the application and the views expressed, it was proposed by County Councillor A. Wintle and seconded by County Councillor D. Edwards that application DC/2017/00093 be approved subject to the 10 conditions, as outlined in the report and subject to a Section 106 Agreement relating to a financial contribution towards affordable housing in the local planning authority area in the sum of £27,685.

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

For approval	-	9
Against approval	-	3
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00093 be approved subject to the 10 conditions, as outlined in the report and subject to a Section 106 Agreement relating to a financial contribution towards affordable housing in the local planning authority area in the sum of £27,685.

10. MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN RURAL CONVERSIONS TO A RESIDENTIAL OR TOURISM USE (POLICIES H4 & T2) SUPPLEMENTARY PLANNING GUIDANCE

We considered the draft Supplementary Planning Guidance (SPG) on Rural Conversions to a Residential or Tourism Use (Policies H4 and T2), with a view to issuing for consultation.

We resolved to endorse the draft Supplementary Planning Guidance (SPG) on Rural Conversions to a Residential or Tourism Use (Policies H4 and T2), with a view to issuing for consultation, and to recommend to the Cabinet Member for Innovation, Enterprise and Leisure accordingly.

11. Appeal decision: Orchard house, Llanbadoc

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 1st February 2017. Site: Orchard House, Llanbadoc, Usk.

The appeal had been allowed and planning permission had been granted for 'Demolition of existing dwelling and detached garage. Erection of replacement dwelling and detached garage. Relocation of existing vehicular access' in accordance with the terms of the application, Ref DC/2015/00938, dated 28th July 2015, subject to the conditions set out in the schedule to the decision letter.

The meeting ended at 4.20 pm.