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**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 8th  
January, 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, M. Feakins, R. Harris, J. Higginson, G. Howard, M. Powell  
and A. Webb

**OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Joanne Chase	Solicitor
Richard Williams	Democratic Services Officer

**APOLOGIES:**

County Councillor P. Murphy

**1. Declarations of Interest**

There were no declarations of interest made by Members.

**2. Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 4th December 2018 were confirmed and signed by the Chair subject to the following amendment:

Top of page 7, second bullet point, first sentence reads as follows:

‘Other Members considered that the application does not comply with Policy DES1 and that the proposed development is not in keeping with the existing street scene.’

A Member had made reference to Policy DES1 (I), having read out a number of points within Policy DES1 at the meeting. Policy DES1 (I) had not been taken account of and needed to be referred to in the minute.

**3. APPLICATION DC/2018/01143 - OUTLINE PERMISSION FOR ONE BUILDING PLOT IN GARDEN OF BROOKSIDE, BROOKSIDE, WELL LANE, LLANVAIR DISCOED**

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 and subject to a Section 106 legal agreement.

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Consideration of the application had been deferred at the Planning Committee meeting on 4<sup>th</sup> December 2018, to ensure that public speaking at Committee takes place at the January 2019 meeting. The application is re-presented for consideration.

Subject to approval, officers had recommended that a further condition be added that foul drainage is considered at reserved matters stage.

Councillor M. Beattie, representing Caerwent Community Council, attended the meeting by invitation of the Chair and outlined the following points:

- 26 formal objections to the application have been received with zero support for the application from residents.
- The Community Council strongly disagrees with the Highways comment in the report which states that the creation of an additional dwelling off Well Lane would not represent a shortfall in highways standards that would lead to real deterioration in highways security or capacity.
- This is a narrow lane bordered on one side by a three to four foot culvert with a water course running along it and is a major feature of the village. If bridged by a new covered culvert, it would have to be of a substantial width splay in order to avoid vehicles trespassing onto other properties.
- Highways officers had indicated that the department would not agree to such a new access.
- Residents who use the existing shared access have indicated that they would not agree to additional traffic relating to construction or a new dwelling across their shared access. There is a major issue which would need to be addressed at reserved matters stage.
- The Community Council disagrees with the Highways Department and questions the data. It questioned whether a traffic and footfall survey had been undertaken, whether consideration had been taken regarding there being a care home business at the top of the lane which creates daily commercial and visitor traffic.
- A neighbouring property is stated to be 23 metres from the new building and is now nine metres high. The angle of sight from the neighbouring property will be 25 degrees in height which is considered to be overbearing. The Planning officer's summary states there will be no overbearing impact. The Community Council strongly disagrees.
- The Community Council requested that the Planning Committee considers refusing the application based on the information outlined.

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Having considered the views expressed, the following points were noted:

- Late correspondence confirmed that the maximum height parameter for the proposed dwelling had been amended from 12 metres to 9 metres.
- The concept of the parameters was explained in that legislation provides maximum and minimum parameters. Therefore, the proposed dwelling could be between 8m x 8m and 14m x 14m. Consideration of the application was for outline permission. Subject to approval, the design of the dwelling would be considered under reserved matters at a future Planning Committee meeting.
- In response to a question raised regarding the Committee's options in respect of the parameters, it was noted that if it was considered that the higher parameter was too large, a condition could be imposed to restrict the maximum parameter.
- The maximum parameter of 14m x 14m was 17% of the area of the plot.
- One additional property would not significantly increase traffic flow in the area.
- Some Members considered that the height parameters were too large. Scale parameters for the height of the building could be reduced to a maximum of 8 metres and a minimum of 7 metres.
- Some Members considered that a highways condition was required for a single access serving the two points. It was noted that the access would be a reserved matter. Therefore, a separate highways condition was not required at this stage.
- In terms of comments raised regarding the character of the area, it was noted that there is a mix of properties varying in size within the area.
- In response to a Member's question requesting a condition for a cesspit, it was noted that a condition was required for the approval of foul and surface water drainage as part of the reserved matters, which would incorporate the issues raised in respect of the cesspit.

It was proposed that application DC/2018/01143 be approved subject to the six conditions as outlined in the report and subject to a Section 106 legal agreement. Two additional conditions to be added, namely:

- To require approval of foul and surface water drainage as part of the reserved matters.
- That scale parameters for the height of the proposed dwelling are a maximum of 8 metres and a minimum 7 metres in height.

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

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

The proposition was carried.

We resolved that application DC/2018/01143 be approved subject to the six conditions as outlined in the report and subject to a Section 106 legal agreement. Two additional conditions to be added, namely:

- To require approval of foul and surface water drainage as part of the reserved matters.
- That scale parameters for the height of the proposed dwelling are a maximum of 8 metres and a minimum 7 metres in height.

#### **4. APPLICATION DM/2018/01801 - ERECTION OF ONE DWELLING. 12 ELM AVENUE, UNDY, NP26 3EX**

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

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

- The proposed property will overlook, impose upon and negatively impact on at least eight properties.
- The resident of 11 Elm Avenue considers that the development is disproportionately larger and located too close to her property. At the highest point of Elm Avenue, visual impact will impose on her house and garden removing any privacy that she currently has.
- The residents of 10 Elm Avenue share these views and consider the proposed building will be overbearing and negatively impact upon their garden taking away their privacy and sense of open space. Approval of the application will result in over development of the site.
- The residents of Carreg Goch chose to live in this property due to the property not being overlooked and provided high standards of privacy. They would not have purchased the property if the proposed development had been in place.

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- The main building will be a distance of approximately 13 metres window to window and will be parallel with the rear south facing of Carreg Goch. It is considered that this will be too close.
- There is doubt regarding how realistic the proposed development's location is. According to the plans there is a hedgerow growing through the north-west corner of the property. The main area of garden used in Carreg Goch is facing west and located directly opposite the proposed development. The proposed dwelling will be at an elevated position to Carreg Goch which is overbearing. The proposed building will remove the view of the landscape and sunlight from the west, casting a shadow over the patio and garden and blocking out daylight through the patio doors.
- Due to the elevated position of the proposed dwelling, all of the upper floor and ground floor windows and front door will face directly over the boundary fence and into the garden and living room of Carreg Goch.
- The two properties approved to be built at the Slades already intrude upon the privacy at Carreg Goch. The proposed development will result in there being no privacy in the garden or living room of Carreg Goch.
- The proposed dwelling does not comply with Policy DES1.
- Objectors consider that the application has not been assessed on its own merits.
- The proposed development will negatively impact on more people than will benefit from the development. Concern was expressed that the proposed development will have a negative impact upon the wellbeing of the residents of Carreg Goch.
- The objectors asked the Planning Committee to consider refusal of the application on the grounds of loss of privacy.

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

- The position of the proposed dwelling is directly opposite the car parking at the top end of the site.
- The application complies with planning provisions as outlined in planning policy.
- The plot is quite large. The plot that is left with the existing property is also quite large. The proposed dwelling covers 31% of the area of the plot. The proposed dwelling fits naturally within the plot.
- Privacy is achieved by distance, namely: The 12 metre garden boundary to number 11 Elm Avenue, the 15 metres distance to Carreg Goch and the provision of the 1.8 metre fence and hedge. There are no first floor windows on

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that elevation of Carreg Goch which looks over the site. Only one window on the right hand side of the garage can be seen.

- Parking policy allows for three spaces excluding the garage for a new dwelling. Parking provision also has to be provided for the new dwelling. Parking provision will be improved considerably in Elm Avenue.
- The proposed dwelling complies with all planning policies.

The Local Member for the Elms ward, County Councillor L. Dymock, was unable to attend the meeting. However, she did present a statement which was read out to the Committee by County Councillor M. Powell, as follows:

'Whilst I appreciate this is a desirable location and there is a demand for houses. I will have to object to this application on behalf of my constituents because the development will have a negative impact on the amenity of surrounding homes by overlooking, overshadowing, loss of daylight and loss of privacy, which will be incredibly distressing for our existing Undy residents.

The proposed dwelling is not in keeping with the stylistic contexts or scale of the Elms Avenue which Members would have seen on their visit. As raised by other residents, this is at the highest point of Elm Avenue and the semi-detached properties surrounding this application will be overshadowed by this property that will stand at eight metres. Whilst this house is in Elm Avenue, it will also impact residents on Tump Lane, especially Carreg House, greatly. I would welcome a more modest design to ensure that those living in close proximity continue to enjoy their homes and most importantly retain their privacy.

Points that I raised on the portal dated 6<sup>th</sup> January 2019 that I would like to be taken into consideration:

I note that Welsh Water has made compulsory conditions. I also believe the advisory note should be considered as compulsory requirements should permission be granted.

The Committee report dated 8<sup>th</sup> January 2019 stated Magor and Undy's Community Council decision was not received. However, it was uploaded to the portal on 21<sup>st</sup> December 2018. I would like to clarify this misunderstanding which has resulted in the Community Council decision not being taken in consideration by the appointed Planning officer for this application. If so, I ask that the Committee now takes the Community Council's letter into consideration when deliberating this application, as Community Council members are familiar with the location and highly knowledgeable of the impact the proposed dwelling will have on neighbouring houses.

Whilst I appreciate housing is sought after in desirable locations such as this, none the less, if granted, it will be an exceptionally large dwelling on the plot that will incur a negative impact on neighbouring residents due to the scale of the build and the number of new builds and pending applications in the area.'

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

- Some Members considered that the proposed development would severely impact upon the neighbours and that it was too large for the site. It was considered that the proposed development did not comply with Policy DES1, as it did not fit in with the surrounding area. Policy EP1 might also have a bearing on whether this development was suitable on this plot. The issues regarding residents' privacy were also relevant.
- Some Members considered that the application did comply with planning policies and supported the officer recommendation.
- Other Members considered that the proposed development might be too large for the plot. A way forward might be to consider deferral of the application to allow officers to liaise with the developer to discuss reducing the scale and height of the proposed dwelling.
- The Head of Planning, Housing and Place Shaping informed the Committee that the parking proposals would provide all the off street parking required for the current property plus over and above what the policy requires. In terms of the style of the property and the character of the area, there is a mix of properties with varying plot sizes. There is a minimal overshadowing impact on the neighbours as this is to the north of the properties and the gardens are reasonably sized. The key points for the Committee to consider are issues relating to overbearing and overlooking.
- The principal elevation of Carreg Goch is 13m – 15m from the front elevation of the proposed dwelling.
- Redesign of first floor accommodation could be undertaken to remove any first floor windows from overlooking Carreg Goch.
- The layout of the proposed development has been determined by the constraints of the plot. Due to the proximity to the highway and other dwellings, the proposed dwelling is detrimental to the street scene and the amenity of residents.
- Under Policy DES1, the mass and scale of the proposed development is a concern. The height is also a concern as the property opposite the proposed development is at a lower height which leads to issues of overbearing.

It was proposed by County Councillor M. Feakins and seconded by County Councillor R. Harris that we be minded to defer consideration of application DM/2018/01801 to a future meeting of the Planning Committee 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 overbearing and overlooking of Carreg Goch and dwellings at numbers 11 and 12 Elm Avenue.

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

In favour of deferral	-	13
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to defer consideration of application DM/2018/01801 to a future meeting of the Planning Committee 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 overbearing and overlooking of Carreg Goch and dwellings at numbers 11 and 12 Elm Avenue.

#### **5. New Appeals - 24th October 2018 to 18th December 2018**

We noted the new appeals received between 24<sup>th</sup> October and 18<sup>th</sup> December 2018.

**The meeting ended at 3.20 pm.**