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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, 28th
May, 2019 at 2.00 pm**

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

County Councillors: A. Davies, D. Dovey, D. Evans, M. Feakins,
R. Harris, J. Higginson, P. Murphy, M. Powell and A. Webb

County Councillor V. Smith attended the meeting by invitation of the
Chair.

County Councillor R. Harris left the meeting following determination of application
DM/2018/01899 and did not return.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Matthew Phillips	Head of Law/ Monitoring Officer
Louise Corbett	Strategy & Policy Officer - Affordable Housing
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors: J. Becker, L. Brown and G. Howard

1. Election of Chair

We elected County Councillor R. Edwards as Chair.

2. Appointment of Vice-Chair

We appointed County Councillor P. Clarke as Vice-Chair.

3. Declarations of Interest

County Councillor P. Clarke declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01899, as he is a Director of Capsel which is a subsidiary of Monmouthshire Housing Association. He left the meeting taking no part in the discussion or voting thereon.

County Councillor P. Clarke declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01963, 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 D. Evans declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01899, as he is a

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Member of Monmouthshire Housing Association Board. He left the meeting taking no part in the discussion or voting thereon.

County Councillor M. Feakins declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01363, as he knows the applicant. He 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/2018/02053, as he is a friend of a family member of the applicant. 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 application DM/2018/01899, as she is a member of Monmouthshire Housing Association Board. She left the meeting taking no part in the discussion or voting thereon.

4. Application DM/2018/01899 - New parking area with new footpaths, sitting and clothes drying areas. The Lawns, West End, Magor

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.

In noting the detail of the application, the new scheme was considered to be a better solution. It was considered that an informative should be added to replace the dead tree in the northern corner of the site, immediately north of the proposed access.

It was proposed that application DM/2018/01899 be approved subject to the six conditions, as outlined in the report and that an informative be added to replace the dead tree in the northern corner of the site, immediately north of the proposed access.

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

For approval	-	8
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01899 be approved subject to the six conditions, as outlined in the report and that an informative be added to replace the dead tree in the northern corner of the site, immediately north of the proposed access.

5. Confirmation of Minutes

The minutes of the Planning Committee meeting held on 7th May 2019 were confirmed and signed by the Chair.

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6. Application DM/2018/01591 - Use of single dwelling as two dwelling-houses. 1 Chapel Road Abergavenny, NP7 7DN

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

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

- With regard to the Section 106 agreement, the reason for refusal was a safeguard for any subsequent appeal. If this was not attached to the application and the decision was overturned on appeal then the community sum of money could not be clawed back at a later date.
- With regard to the amenity space issue, the property has been lived in by two separate families since 2003 and live entirely separately from each other. There is no shared space other than the turning and parking areas. There is no sharing of amenity space.
- The amenity space to the rear of number one, whilst not ideal, is comparable to some of the small garden backyard spaces as seen on some new housing development sites. Therefore, it was considered that the backyard area was suitable for this property.
- The source of the flooding stems from the Cibi Brook which is approximately one kilometre to the north of the site. This is identified on the Natural Resources Wales (NRW) maps and covers in the region of 85% of the western side of Abergavenny. On a recent site that the agent had been working on, the flood consequences assessment highlighted a worst case scenario of a 1 in 1000 year event taking into account a 30% increase for climate change and had the flood water flowing at approximately 8cm in depth. The standard curb edge is 12.5cm in depth. It is believed that none of these properties would be affected because the highways network would control the flow of water. No exercise has been undertaken to look at the capture from the existing drainage. Therefore, it is believed that there is no immediate risk from flooding in this area. Monmouthshire County Council's flood engineers are in discussion with NRW regarding the diversion culverts of the Cibi Brook with a view that these flood maps be amended. Therefore, there is serious doubt regarding the accuracy of the flood maps provided by NRW.
- Based on the information presented, the applicant's agent asked the Planning Committee to consider approving the application.

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

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- With regard to the issues raised in respect of flooding, the Planning Committee has to adhere to the findings as outlined in the report by Natural Resources Wales (NRW).
- The amenity to the rear of the property is very small.
- It was considered to be an unnecessary application as both families are currently living separately.
- The whole of the land and all of the amenity space is available to the one family. If the application is approved, each of the individual parts of the property could be sold off separately which would considerably alter the dynamic at this location.
- The application does not adhere to current planning policy.
- It was suggested that the first reason for refusal be amended to indicate that it is referring to an intensification of residential development in C2 by the introduction of a separate household. The detail to be agreed by the Delegation Panel.
- Planning history of the site indicated that there had been lawful development certificates applied on the site previously to establish the property as two separate households which had been refused. This application originally began as another certificate of lawfulness. However, Planning Officers' view was that there was not sufficient evidence, hence, it becoming a full planning application.

It was proposed by County Councillor M. Powell and seconded by County Councillor P. Murphy that application DM/2018/01591 be refused for the three reasons, as outlined in the report.

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

For refusal	-	10
Against refusal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01591 be refused for the three reasons, as outlined in the report.

7. Application DM/2018/00894 - Conversion of existing outbuilding into two new 3-bedroom dwelling houses. Hatcham Barn, Cwrt William Jones, Monmouth, NP25 3AE

We considered the report of the application which was recommended for approval subject to the 13 conditions, as outlined in the report and subject to a Section 106 legal agreement.

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Planning Committee had previously considered the application on 5th March 2019. After discussions about the merits of the application, the Committee had been broadly satisfied with the proposed development but had decided to defer the application to a future meeting of the Planning Committee to enable officers to review the affordable housing contribution with the applicant.

The applicant had submitted a detailed viability appraisal of the development and officers had considered the proposals against a contribution for two dwellings, as requested by the Planning Committee. The affordable housing contribution for two dwellings would be £51,626.

The appraisal had evidenced that the scheme would not be viable for the development to provide any financial contribution towards affordable housing. The information submitted by the applicant has been scrutinised by the Council's Senior Housing Strategy & Policy Officer and Planning Officers and it had been concluded that this particular site was not able to provide a financial contribution towards affordable housing.

In noting the detail of the application, it was identified that this was a redundant commercial building. The conversion to residential properties means that it is trading and would therefore be required to be registered with HMRC as a trading entity and would fall into the category of zero VAT rating. Notwithstanding this, the omission of the VAT that the applicant's viability report had suggested needed to be paid meant that the proposal was still not financially viable.

It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Davies that application DM/2018/00894 be approved subject to the 13 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	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00894 be approved subject to the 13 conditions, as outlined in the report and subject to a Section 106 legal agreement.

8. Application DM/2018/01963 - Ground floor change of use from A1 to A3 use. Part first floor change of use from flat to A3. Relocation of front entrance door. New sign above shop front. Penhowe Antiques, 37A Bridge Street, Usk, NP15 1BQ

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.

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The Planning Committee was informed that officers consult with directly adjoining properties and erect site notices. With regard to this application, some directly adjoining properties had not received a consultation letter from the County Council. Therefore, it was suggested that the Planning Committee considers making a resolution on the application for further consultation to be undertaken with the neighbours with a view to the application being referred back to the Delegation Panel to consider any new issues that might arise.

It was noted that the applicant had offered to provide obscured glazing to the upper floor windows to help mitigate any impact, which could be implemented via an additional condition.

County Councillor V. Smith (adjoining ward Member) attended the meeting by invitation of the Chair and outlined the following points raised by local residents:

- Consultation had not being undertaken adequately to make all residents aware of the implications of the application.
- The reasons for the objections to the application are:
 - The loss of privacy – The first floor of 37a Bridge Street looks directly into the lounge of property number 8 on the opposite side of the road and the bedroom of a child in number 10. However, this matter could be addressed via the applicant installing obscured glazing.
 - There should be no opening windows on the first floor, as sound travels significantly in that enclosed street at night.
 - Opening times should be restricted. An opening time until 1.00pm is unacceptable in a small community.
 - Change of use is not consistent with other public houses on Bridge Street.
 - People stepping out from the public house onto Bridge Street late at night is a safety concern.
 - A complaint has been made to the County Council regarding the lack of consultation. However, reference had been made regarding this matter and was being addressed.

The Head of Planning, Housing and Place Shaping informed the Committee that in terms of the consultation, the legal requirement had been fulfilled in respect of this application, which is to either provide a site notice or consult adjacent neighbours. However, the Council's standard practice with regard to applications like this is to undertake both options. Therefore, additional letters will be sent as indicated, in addition to the site notice.

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

- It was promising to see re-investment returning to Usk high street and the Committee should support such re-investment.
- Support for the application was expressed subject to the conditions outlined in the report and by officers and subject to re-consultation via the Delegation Panel.
- Support was expressed for the obscured glazing as put forward by the applicant.
- The windows appear to be non-opening. However, if they were replaced, consideration would be required with regard to the wording of the condition in respect of the obscured glazing and the opening of the windows. Also, Building Regulations might be required for ventilation purposes and a means of escape. These matters could be addressed via the Delegation Panel.
- The issue regarding opening hours would be a Licensing and Regulatory Committee matter.

It was proposed by County Councillor M. Feakins and seconded by County Councillor P. Murphy that application DM/2018/01963 be approved subject to the six conditions, as outlined in the report and:

- Subject to additional consultation with adjoining properties that have not yet been consulted.
- Report to the Delegation Panel when the 21 days have expired.
- Add a further condition to ensure the first floor front windows are obscure glazed and are non-opening if Fire / Building Regulations allow.

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

In favour of the proposal	-	9
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01963 be approved subject to the six conditions, as outlined in the report and:

- Subject to additional consultation with adjoining properties that have not yet been consulted.
- Report to the Delegation Panel when the 21 days have expired.

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- Add a further condition to ensure the first floor front windows are obscure glazed and are non-opening if Fire / Building Regulations allow.

9. Application DM/2018/01984 - Erection of two detached, three-storey houses with integral garage, including access to highway, car parking and other associated works. Land Adjacent Severn Crescent, Chepstow, NP16 5EA

We considered the report of the application and late correspondence which was recommended for approval subject to the 12 conditions, as outlined in the report and subject to a Section 106 legal agreement.

In noting the detail of the application, the agent, in late correspondence had requested that the application be deferred to enable a financial viability appraisal to be undertaken and submitted to the Local Planning Authority.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that consideration of application DM/2018/01984 be deferred to a future meeting of the Planning Committee to enable a financial viability appraisal to be undertaken and submitted to the Local Planning Authority.

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

For deferral	-	10
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that consideration of application DM/2018/01984 be deferred to a future meeting of the Planning Committee to enable a financial viability appraisal to be undertaken and submitted to the Local Planning Authority.

10. Application DM/2018/02053 - Proposed detached dwelling. Green Acres Vinegar Hill, Undy

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

The application had originally been presented to the Planning Committee on the 7th May 2019. At this meeting, Planning Committee had resolved to defer determination of the application to allow the applicant to consider reducing the slab level of the dwelling by one metre, in order to reduce the impact of the proposal on the residential amenity of those living closest to the site.

Following consideration of the request, the Agent had declined to reduce the slab level for the reason outlined in the report.

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

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- This application was an improvement on the original drawing. However, concern was expressed regarding the height of the proposed dwelling. It was considered that the hip on the revised drawing could be further lowered and brought in closer to the dormer which would reduce the impact on the surrounding area. In response, if the ridge was lowered this would also reduce the roof pitch and therefore be reaching into the first floor accommodation.
- It was considered that the applicant had addressed the issues and that the application should be approved, as outlined in the report.
- The massing of the ridge was still at the same height as the original proposal and therefore the impact had not changed. Therefore, some reduction in the overall height of the ridge should be considered.
- Concern was expressed that altering the ridge height will significantly alter the first floor accommodation, affecting the amenity of the household.

It was proposed by County Councillor D. Dovey and seconded by County Councillor A. Davies that application DM/2018/02053 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	-	6
Against approval	-	3
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/02053 be approved subject to the seven conditions, as outlined in the report and subject to a Section 106 legal agreement.

11. Application DM/2019/00075 - Addition of two extensions to existing waste transfer building to facilitate the storage of separately collected materials from household collections. Development of two covered bays in waste transfer area for tipping and storage of glass and plasterboard. No Proposed changes to civic amenity site. Five Lanes Transfer Station, A48 Tabernacle Church to Crick, Caerwent

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

In noting the detail of the application, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins that application DM/2019/00075 be approved subject to the two conditions, as outlined in the report.

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

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For approval	-	10
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00075 be approved subject to the two conditions, as outlined in the report.

- 12. Application DM/2019/00093 - Change of use for a section of the building from D1 to A1. To convert part of the internal floor space of Usk Community Hub, presently used as a staff office to use as a Post Office. This will not impact on the floor space used to provide services to the public. It will involve the installation of a counter and other shop-fittings. A walk-in safe will be installed at existing store cupboards and bars will be added to one small window for security purposes. An external sign will be installed facing Maryport Street. 35 Maryport Street, Usk, NP15 1AE**

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.

In noting the detail of the application the local Member for Llanybi Fawr thanked the Council for this provision. Monmouthshire County Council is the only council within the UK to put a post office into public use which is a much needed facility for the town and the surrounding area.

It was proposed by County Councillor P. Clarke and seconded by County Councillor M. Feakins that application DM/2019/00093 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/2019/00093 be approved subject to the two conditions, as outlined in the report.

- 13. Application DM/2019/00463 - Change of use of woodland to archery club including the erection of a timber building. Woodland to the east of Tredilion Market Garden and north of Elms Lane, Wernddu Road, Llantilio Pertholey, Monmouthshire**

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.

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In noting the detail of the application, the majority of the Committee expressed support for the application. However, concern was expressed regarding whether adequate safety precautions had been undertaken regarding the proposed change of use to incorporate archery facilities onto the site. In response, it was noted that safety was paramount with all precautions having been addressed.

It was proposed by County Councillor M. Powell and seconded by County Councillor P. Murphy that application DM/2019/00463 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	-	9
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/00463 be approved subject to the two conditions, as outlined in the report.

14. Appeal Decision - Ty Mymwent, 2 Denbury Mews, Usk

We received the Planning Inspectorate report which related to appeal decisions following a site visit that had been made on 14th January 2019.

- Appeal A - Ref: APP/E6840/C/18/3216211 - Site: Ty Mymwent, 2 Denbury Mews, Usk.
- Appeal B - Ref: APP/E6840/C/18/3216211 – Site: Ty Mymwent, 2 Denbury Mews, Usk

We noted that:

- Appeal A - The appeal was dismissed and the enforcement notice was upheld. Planning permission was refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
- Appeal B - The appeal was dismissed.

15. Appeal Decision - Land North East of Coedr off B4521, Llanvetherine

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 6th February 2019. Site address: Land North East of Coedr off B4521, Llanvetherine.

We noted that the appeal was dismissed.

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16. Appeal Decision - Severn Farm, B4245, Portskewett

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 17th April 2019. Site address: Severn Farm, B4245, Portskewett.

We noted that the appeal was allowed and planning permission was granted for a two storey rear / side extension at Severn Farm, B4245, Portskewett, NP26 5TY in accordance with the terms of the application DM/2018/01671, dated 5 June 2018, subject to the following conditions:

1. The development shall begin no later than five years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans: SK1000, SK001, SK002, SK003, SK004, SK005.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area and to comply with Policy DES1 of the LDP.

The meeting ended at 3.20 pm.