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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at Remote Meeting on Tuesday, 1st September, 2020 at 2.00 pm

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

County Councillors: L.Brown, D. Dovey, A. Easson, D. Evans,
R. Harris, J. Higginson, G. Howard, P. Murphy, M. Powell, A. Webb
and S. Woodhouse

OFFICERS IN ATTENDANCE:

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

APOLOGIES:

County Councillors: J.Becker and A.Davies

1. Declarations of Interest

None.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting held on 4th August 2020 were confirmed and signed by the Chair.

3. Application DM/2020/00234 - Erection of 2 x 4 no. detached residential dwellings. Pathways, Vinegar Hill, Undy

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

Mrs S. Lloyd, representing objectors to the application, had prepared a video which was presented to Planning Committee and the following points were outlined:

- Residents have public safety concerns regarding access to the site which they consider have not been satisfactorily addressed.
- The pathways site can only be accessed via a junction on an 's' bend approximately half way up Vinegar Hill, a busy narrow single track road with no pavements.
- The access is narrow, complex and hazardous with unique topographical features.

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- The site access road is a piece of unregistered land over which three properties, Firbank, Gwyn Royson and Pathways, currently have access rights.
- The onsite road is privately owned by Pathways and currently serves the existing Pathways house.
- All three houses were built before 1900.
- From the junction with Vinegar Hill, the site access road meets the onsite road and narrows considerably to 2.8m, constrained on either side by a high boundary wall to Firbank and Gwyn Royson.
- Beyond the Pathways gates there is a tight, blind bend with a steep drop to the south. The combination of the narrow width, high boundary walls and steep drop severely reduces the turning width for long wheelbase vehicles.
- The visibility splay is poor and there is no pavement or refuge for pedestrians.
- There are doubts as to whether a fire engine could navigate the blind bend in the road. Concern was expressed regarding safety issues if such a vehicle was required to navigate this section of the road.
- The Highways report does not assess the blind bend and analysis has not been conducted to determine the dimensions of the largest vehicle that can safely navigate the turn.
- There is no Fire Authority assessment to determine if a fire engine could access the new houses. A statement had been received from the Planning Authority stating that the proposal meets the general requirements of a shared private drive and provides adequate access for service vehicles including fire and rescue vehicles.
- Residents have provided measurements and video footage demonstrating the access is not adequate and does not meet the standards used by the County Council.
- It was considered that there was a highways safety issue in respect of the application. It was requested that the Planning Committee considers deferring the application until documented evidence against access standards is provided.

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

- A condition should be added that all roof lights should be low profile.
- A sand and cement render could be provided with a coloured coating.
- Highways and access issues had been raised by the objector. Concern was also expressed that the roof windows did not adhere to the current street scene and

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that there could be privacy issues and overlooking occurring as a result of the topography of the site. It was suggested that consideration of the application be deferred to allow the Committee to undertake a site inspection.

- It was considered that access to the highway and visibility was appropriate and that existing properties would have had to have been accessible for emergency vehicles.
- The additional properties would not create much more additional traffic.
- The Development Management Area Manager informed the Committee that the condition requires access improvement details to be provided to the Local Planning Authority. This would relate primarily to surfacing improvements. For larger vehicles, particularly through the construction phase, there is a construction traffic management plan condition attached to the application which would be subject to consultation with the Highways Department. The Highways Department considers that the cumulative impact is acceptable.

The local Member for the Elms ward attended the meeting by invitation of the Chair and outlined the following points.

- Concern was expressed regarding the safety issues on the highway, access and egress to the site.
- The local Member asked that consideration of the application be deferred for the Planning Committee to hold a site inspection. If this is not agreed, the local Member asked that a Fire Authority assessment be undertaken and the findings be shared with local residents.
- There is only a one track lane with no footway. It is used as a walkway from the Rockfield development, Vinegar Hill and the Bellway site to access Undy Primary School. Many children commute along the one track lane to access the school.
- A large volume of traffic travels along this road which raises concern for pedestrians accessing this route.
- Concern was expressed that large vehicles would not be able to access the 's' bend at the top of Vinegar Hill.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DM/2020/00234 be approved subject to the conditions outlined in the report and that an additional condition be added to ensure all roof lights are low profile. As well as being subject to a Section 106 Legal Agreement.

As part of the formal discharge of the condition application process the local Member would be consulted on this.

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

In favour of the proposal	-	8
Against the proposal	-	1
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2020/00234 be approved subject to the conditions outlined in the report and that an additional condition be added to ensure all roof lights are low profile. As well as being subject to a Section 106 Legal Agreement.

4. Application DM/2020/00537 - Two storey domestic extension. Rear Barn, Manor Farm, St Bride's Road, St Brides Netherwent, Caldicot

We received the report of the application which was presented for refusal for two reasons outlined in the report.

Mr. P. Williams, representing the applicant's agent, had prepared a video which was presented to Planning Committee and the following points were outlined:

- The proposed scheme has been amended to reduce the volume percentage increase.
- Planning officers had indicated that the percentage increase threshold as identified in the Supplementary Planning Guidance (SPG) has been exceeded.
- SPG states that an increase of more than 50% in the volume of a rural dwelling would not normally be considered to comply with Policy H6.
- Policy H6 requires extensions to be subordinate to the existing building and respect its existing form.
- The SPG on replacement dwellings and extensions to dwellings in the countryside refers in paragraph 2.7 to it being not relevant to proposed extensions to dwellings that have been converted from other buildings such as barns. Such proposals would be subject to Policy H4 of the LDP, the criteria of which would be subject to buildings that have already been converted. This is the case that is being presented to Planning Committee today.
- As an example of policy interpretation, the Local Planning Authority had granted planning permission for over 70% volumetric increase for a two storey extension of a domestic dwelling, a former derelict farmhouse. The report had indicated that there was no harmful impact on the landscape. The agent considered that this was also the case for this application.
- The application site comprises of a large plot in which a modest dwelling is located. The dwelling is limited in its scale to accommodate sufficient space for family needs and an extension, which represents the form, bulk and design of the

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current building and has used sympathetic materials and complimentary roof form in its design.

- The application site is not in open countryside but forms an integral part of the hamlet with residential properties on both sides. Within 100 metres of the site is a large agricultural and commercial building that significantly impacts on the local landscape.
- The application site has a large curtilage, capable of accommodating the proposed extension and allows for the retention of an extensive garden and off-street parking facilities.
- The application has attracted local support in the form of a formal response from Caerwent Community Council which had recommended approval of the application, as well as receiving five letters of support from local residents. This demonstrates the acceptability of the proposal at the local level.
- Planning Committee needs to ensure that Local Development Plan (LDP) policies are used in an objective and flexible way recognising that each application should be determined on its merits and having regard to the development plan and all other material considerations.
- In this case there is no material harm to the landscape where the proposal is located and the grant of planning consent does not prejudice the LDP policy framework.
- There would be no harmful intrusive impact on the landscape.
- There are no material planning considerations that would warrant a refusal of planning consent.
- The agent asked that Planning Committee grants planning permission for a sensitively designed scheme, which is supported by the local community and provides much needed additional accommodation space for a local family to remain in the locality.

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

- The local Member shares the views expressed by the applicant's agent, as does Caerwent Community Council and local residents.
- The plot is large and located on a lane that has some large properties. It was considered that the plot could accommodate the extension with the street scene being unaffected.
- Though the application appears to go against Planning Policy, the local Member considers that this application could be an exception on this occasion.

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

- The site is outside of the settlement boundary and therefore located within the countryside.
- Policy H4 is an established policy and there is a need for the Planning Committee to be consistent in its decision making with regard to this policy.

It was proposed by County Councillor P. Murphy and seconded by County Councillor D. Evans that we be minded to approve application DM/2020/00537 with appropriate conditions.

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

For approval	-	3
Against approval	-	8
Abstentions	-	1

The proposition was not carried.

We resolved that application DM/2020/00537 be refused for the two reasons outlined in the report.

5. Application DM/2020/00616 - Retention of existing 1.65m high close boarded timber fence and reduction of existing ground level by circa 300mm. 21 Jasper Tudor Crescent, Llanfoist, Abergavenny, NP7 9AZ

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

Mrs. H. Trotman, objecting to the application, had prepared a written statement which was read out to the Planning Committee by the Head of Planning as follows:

'I write again in sheer frustration at the length of time this unauthorised building works has been allowed to remain. I cannot express how distressing it has been to be unable to obtain a resolution to this matter.

When I first contacted the local authority, I had expected that regulations relating to this matter would be stringently upheld. I have been dismayed to find this is not the case. I have now had to employ a civil litigation solicitor at extensive cost to pursue this matter. This out of respect to my tenant, a consultant doctor at Neville Hall, who has been left with the consequences of the applicant's actions. Her residential amenity destroyed for three years and putting a blight on my property. I should not have needed to employ a solicitor, the regulations on this matter are clear and I feel sorely let down by the planning department. Clearly, I was naive in the belief that the regulations were in place to prevent others doing harm to another person's property.

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This latest application doesn't change anything. It improves nothing from the previous one. Dropping the soil by 300mm on the applicant's side, leaves us with the same issues and the same regulations breached, which I have explained in detail in my objection letter. For example:

1. Fence height

This application again is merely replacing part of the height with a trellis.

2. Land raising

The reduction of the earth level by circa 300mm the applicant's side, will do nothing to alleviate the damage this has caused and continues to cause on our side of the wall, it merely reduces the level of earth their side.

3. Misinformation by the architect

The applicant did not put in the drainage system drawn on the plans agreed. Ms. G. Hunt is incorrect in her comment on the applicant's letter dated 25th June 2020. A pipe was put in their side, but not the length of our side to prevent the pooling of water, failing to mitigate the harm being caused to my property.

4. Drainage outlet

The current pipe drains into our garden storm drain, which the applicant does not have permission to do. The applicant has failed to indicate where they now intend to drain?

5. Maintenance of the original fence

The new fence has been attached to the original fence. This does not allow any maintenance works to be carried out. This has not been addressed.

6. Raised sleeper bed

Should this new ground level be given approval and the fence reduced with trellis, there would still be a privacy issue. Replacing earth with a raised sleeper bed does not remove this problem. Any land raising consent causes overlooking and a breach of our privacy.

In conclusion, I implore the committee to reject this application once again and finally pursue enforcement to have the land put back to its original level. Allowing such works to remain, would open the floodgates for the public to do what they want on new build sites and make a mockery of the current building regulations.'

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

- Condition 6 alongside number 20 could be extended to the boundary with number 19 with a view to addressing the concerns raised by the objector.

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- The land would still be half a metre higher than the original lawn level. There would also be the raised sleeper bed, which is 300mm high. Therefore, from the top of the sleeper bed the fence would only be to a height of 1.3m.

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

- The work was undertaken without planning permission or guidance in 2017 and has negatively affected the neighbour's property and amenity.
- Consideration should be given to restoring the land to its original position and level.

The Head of Planning informed the Committee that with regard to the drainage, there is no evidence to suggest that this development has worsened the current drainage issues on the site. With regard to privacy and overbearing issues relating to the fence, this was not considered to be a reason to refuse the previous planning application and it was outlined that this was not a reason given to refuse the previous application considered by the Committee (DC/2018/00218).

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DM/2020/00616 be approved subject to the six conditions outlined in the report.

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

For approval	-	7
Against approval	-	6
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/00616 be approved subject to the six conditions outlined in the report.

6. Application DM/2018/02082 - Variation of condition 9 of previous application M/8467- Date of Decision: 11/06/2003 - to allow B1, B2 and B8 uses at the site. Gwent Euro Park, Bareland Street, Magor

We considered the report of the application which was recommended for approval subject to the 16 conditions outlined in the report with an additional condition as outlined in late correspondence.

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

- In response to a query raised in respect of Condition 14 which relates to noise levels, the Development Services Manager informed the Committee that an extant B8 use had been approved which would allow distribution use such as heavy goods vehicles accessing external parts of the site at all times within a 24

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hour period. It was noted that there is a travel plan which could be used to address how employees get to the site.

It was proposed by County Councillor J. Higginson and seconded by County Councillor A. Easson that application DM/2028/02082 be approved subject to the 16 conditions outlined in the report with an additional condition as outlined in late correspondence.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2028/02082 be approved subject to the 16 conditions outlined in the report with an additional condition as outlined in late correspondence.

7. Application DM/2019/00727 - Demolition of vehicle repair and storage garage, construction of two detached dwellings with garages and garden store. Works to also include realignment of existing access and creation of private driveway(s). Unit 1, New Barn Workshops, St Arvans

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

The local Member for St. Arvans ward, also a Planning Committee Member, expressed her support for the application and drew the Committee's attention to the views expressed in the report by Cadw.

In noting the detail of the application, it was requested that sand and cement render be used with a colour coated top.

It was proposed by County Councillor A. Webb and seconded by County Councillor G. Howard that application DM/2019/00727 be approved subject to the 12 conditions 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	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00727 be approved subject to the 12 conditions outlined in the report and subject to a Section 106 Legal Agreement.

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8. Application DM/2020/00883 - Variation of condition 3 of planning permission DM/2019/01480 to enable up to 4 touring caravans to be parked on site for the use permitted under planning permission DM/2019/01480, and removal of condition 4 (the limitation to a personal consent) from planning consent DM/2019/01480. Land Adjacent Sunnybank, A48 Crick to Parkwall Roundabout, Crick, Monmouthshire

We considered the report of the application and late correspondence. The officer recommendation was a split decision, namely:

- Approve the variation of condition number 3.
- Refuse the removal of condition number 4.

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

- Nothing has changed since the original application and the decision made by the Planning Committee to keep as a personal consent and to exclude the four touring caravans.
- The local Member asked that the Committee to refuse both variations to the conditions and that the original Planning Committee decision should remain.
- The original application had been granted with permission for a shower utility block and for a two and three bedroomed park home. The four touring caravans had not been included in that permission. It had been accepted at a previous Planning Committee meeting that this would have been an overdevelopment of the site.
- The site slopes indicating that the main development area is only at the top of the site on a plateau.
- The local Member referred to Policy H8, paragraph C.
- Mathern Community Council commented that the site overall was not large enough to house the proposed two park homes, two amenity blocks, four traveller pitches plus the necessary vehicular parking and circular turning area. On that basis it was considered that the proposal represents overdevelopment of the site.
- The local Member stated that in the original Committee report for the site it had been commented that officers would echo concerns that the full use of the site would appear cramped.
- On the amended plan it is not clear where the four caravans (each over five metres long) will go. The amended plans and the turning circle conditions were based on the site without the four touring caravans.

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- The parking area in the flat plateau area at the top of the site has blotted out caravans on the plan. This is the parking area for the cars, which has an allowance for five car parking spaces for the two park homes.
- The highways condition was to cover the turning circle for a tanker to empty the cesspit. If the cars are parked at the top of the site indicated on the plan, this will leave only the sloped area at the bottom of the site for the caravans. This will block the turning circle for the caravans or the tanker.
- If the caravans are parked at the top end of the site, then the drive will be blocked not only for the tanker but for the caravans' turning circle with the cars parked on the slope. Concern was expressed that emergency services vehicles will not be able to access the site.
- Parked vehicles on a sloping access drive will create visual amenity concerns of an overdeveloped site. If vehicles cannot leave the site in a forward gear they will have to reverse onto the busy A48 causing safety concerns.
- Mathern Community Council considers that an alternative more appropriate site should have been found by the local Authority on safety grounds as the A48 is a busy commuter road.
- It is necessary to provide safe access and egress from the site for the residents and to ensure safe circulation within the site for residents using the highway.
- The local Member read from Page 65 of the report relating to condition 3 in respect of overdevelopment of the site.

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

- The Head of Planning informed the Committee that at the previous Planning Committee meeting in March 2020 in which this site was discussed, the discussion related to four additional pitches for the touring caravans. When the applicant agreed to remove the caravans from the site he was referring to the pitches rather than the touring caravans which would be used for his own purposes. This planning application is seeking to rectify that condition in relation to it not applying for any additional pitches for wider family members. These touring caravans would only be used for residential purposes of the applicant. There is a condition in the application to retain the use for the applicant and his son. Planning officers consider that there is sufficient space on the site for up to four touring caravans. Highways officers have also reviewed the planning application and consider that there is enough space on the site for caravans to turn, as well as safely access and egress onto the site. It was also considered that the visual amenity of the site would not be negatively impacted by having four touring caravans on the site. Approval for the septic tank has been granted which will be monitored by Building Control in the longer term.

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- Concern was expressed that approval of the application would lead to overdevelopment of the site.
- It was considered that having a scaled plan of the location of the touring caravans would be helpful.
- In response to questions raised, the Head of Planning informed the Committee that up to four touring caravans could be located anywhere within the red line indicated on the plan of the site. The size of the caravans would be determined by the caravan act.

The local Member for Shirenewton summed up as follows:

- If the Planning Committee is minded to approve the application, the local Member asked for a split decision, namely, to allow the officer recommendation on personal consent. With regard to the touring caravans, it was considered that this matter needs to be deferred to investigate the need for amended plans and also look at adding a highway condition to ensure that there is safe access and egress onto the site and that there will be a safe turning circle area in place.

The Head of Planning informed the Committee that with regard to highways safety there is no ambiguity in respect of the site. There are no highways objections to the proposal. However, the local Member disagreed with this statement.

It was proposed by County Councillor L. Brown and seconded by County Councillor A. Webb that the Planning Committee considers a split decision in respect of application DM/2020/00883, namely:

- That consideration of condition 3 be deferred to the next Planning Committee meeting to seek amended plans to demonstrate that up to four touring caravans can be accommodated on site plus space for parking and turning, as well as two park homes and utility blocks.
- That condition 4 not be approved and that it be re-worded to agree with the officer recommendation to retain the personal permission.

Proposal relating to condition 3:

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

In favour of the proposal	-	8
Against the proposal	-	4
Abstentions	-	0

The proposition was carried.

We resolved that consideration of condition 3 would be deferred to the next Planning Committee meeting to seek an amended layout plan to demonstrate that up to four

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touring caravans can be accommodated on site plus space for parking and turning, as well as two park homes and utility blocks.

Proposal relating to condition 4:

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

In favour of the proposal	-	11
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that condition 4 not be approved and that it be re-worded to agree with the officer recommendation to retain the personal permission.

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