

# Public Document Pack

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 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, A. Easson, D. Evans, M. Feakins, R. Harris, J. Higginson, G. Howard, P. Murphy, M. Powell, A. Webb and S. Woodhouse

County Councillors R.J.W. Greenland and V. Smith attended the meeting by invitation of the Chair.

#### **OFFICERS IN ATTENDANCE:**

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Mark Davies	Highway Development Manager
Denzil – John Turbevill	Commercial Solicitor
Richard Williams	Democratic Services Officer

#### **APOLOGIES:**

None.

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

County Councillor A. Easson declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2020/01328, as he has a personal acquaintance with the applicant.

County Councillor R. Greenland declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2020/00875, as the site of the application is visible in the distance from part of his driveway. It is so far away that it does not impact on his property. The officer report mentions the nearby Church of St. Thomas à Becket. He has worshipped at the church for many years.

#### **2. Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 3<sup>rd</sup> November 2020 were confirmed and signed by the Chair.

#### **3. Application DM/2020/00712 - Retrospective planning permission for altered vehicular access. Field (2140) Weyloed Lane, Mynyddbach, Chepstow, NP16 6BU**

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

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm**

Councillor I. Martin, representing Shirenewton Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

'In our response on 7th August Shirenewton Community Council highlighted four issues which require updating:

1. Highway safety. We remain concerned as do at least 6 neighbours, that widening the access risks greater usage including larger longer vehicles and/or machinery requiring a wide turning circle and very slow speed on exit from the site. This is on a blind bend and at the junction of the B4523 with Weyloed Lane thereby creating a considerable road safety hazard to other road users particularly the many cyclists and motorcyclists. We maintain our objection to the application on the grounds of highway safety.

2. The route of footpath 17. Having referred to the maps showing the legally defined footpath we observe that the route of footpath 17 has been abandoned ("Abandoned Footpath") through the site. The public have used an established unrecorded footpath for at least 40 years ("Alternative Footpath"). We understand that in the 1980s Monmouthshire County Council erected a footpath, steps and sign for this Alternative Footpath.

We agree with the Footpath Officer in his report of 30th October that the Abandoned Footpath cannot be used on its legally recorded alignment.

We understand that the Footpath Officer does now have concerns over the footpath route and the Planning Officer's report that he has no objection is no longer correct.

Any proposal to reopen the Abandoned Footpath would be heavily criticised by the local community for its negative impact on our environment and posing a safety threat as it would emerge on the B4523 on the blind bend mentioned above. The adverse gradient at the bottom of Weyloed Lane causes traffic travelling in both directions to use that side of the road. Residents have raised the dangers of pedestrians crossing this particular intersection. The Alternative Footpath is in a safer location.

Clarification of the applicant's amended plan is needed as it does not show the installed fence posts extend beyond the canopy of the oak tree and incorrect in not following the Abandoned Footpath.

Monmouthshire County Council's Footpath and Protocols guide makes clear the Planning Authority can consider the existence of the Alternative Footpath needs to be resolved in association with the consideration of the planning application. We consider the application should be refused or deferred until the footpath route is settled.

As the applicant intends to keep animals on the site then if the Committee is minded to give consent we would request that the Alternative Footpath be protected and fenced for the safety of the public.

3. Tree preservation orders. We endorse the Tree Preservation Officer's site requirements.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee

#### Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm

4. Removal of the hedgerows. If the Committee is minded to give consent we would request that the replanting and nurturing of the hedgerows and the Tree Preservation Officer's recommendations be included as conditions.

We consider that the application should be refused on the above grounds or at the very least deferred pending resolution of the route of the footpath.'

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

- Until recently there was a rarely used standard agricultural gate to the field outside the development boundary for Shirenewton and close to Wayside House at the bottom of Weyload Lane.
- The access was doubled in size on a bank holiday weekend with excavation works undertaken to remove hedgerows and the piling of stones by protected trees.
- This is a retrospective application following a request for the original access and hedgerow to be restored.
- The local Member hoped that action would be taken to ensure that the gate and hedgerow removed would be restored or alternatively that the officer recommendation would be refusal in view of its dangerous highway location, as it has in other access applications close to blind bends on the B4235.
- The access is close to the exit to and from Weyloed Lane. There is a sharp drop and the visibility of Weyloed Lane is limited and obstructed onto the B4235. The height and camber of the road is such that it is difficult to exit from Weyloed Lane onto the B4235 without going onto the other side of the road. This manoeuvre is difficult and dangerous with the angle and drop onto the B4235.
- In addition, the site is close to a sharp, blind bend and in an area that is noted as being hazardous due to the double no passing hazard lines.
- It is also a road known to be frequented by fast motorcyclists.
- One of the highway arguments may be based on 'no more use than currently'. However, the report refers to the expected daily use of this site, which will increase its usage by 100% on a very dangerous access. The Highways Department has tried to improve this situation by stating that the gate should be placed at least 12 metres from the highway. The applicant's plan states that this is 11 metres back from the road but there is no highway condition on there being no gate until 13 metres back to help with the free flow of traffic. This should be stated as a highway gate condition.
- A condition is needed that the field gate should be set back a minimum of 12 metres (13 metres in the plans from the edge of the adjoining highway and shall be constructed to be incapable of opening outwards towards the highway). This

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee**

#### **Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm**

is to ensure any vehicles serving the site can be removed from the highway when opening and closing the field gate in the interests of highway safety and the free flow of traffic along the B4235 in accordance with LDP policy MV1.

- The original plan went back to the end of the field as this was where the loose stone drive has already been placed. This needs to be shortened slightly to avoid harm to an oak tree. However, as a 9.2 metre horse box will be entering the field, then it will also require a turning circle, which was in the original plan but has been removed from the amended plan. A turning circle is required to prevent a long horse box having to reverse onto the busy, hazardous road and allow for the vehicle to leave the site in a forward gear as per the original plan for this application.
- The plan shows footpath 17. However, this abandoned footpath has not been used since the 1980s. Monmouthshire County Council had erected a style and signpost for a safer route in the middle of the field which has been used by local people since the 1980s. This is a regularly used footpath and the community would like to continue to use it as a safer route. The current footpath was diverted at least 35 years ago.
- According to local knowledge, Wayside House and the field was owned by the applicant about 40 years ago. The garden was extended into the field with Wayside House being hedged and fenced. An alternative safe and public right of way, in the middle of the field, was established at least 35 years ago.
- Wayside House was sold about 30 years ago to its current owner. The local Member believes that in view of the Monmouthshire County Council actions, there is a strong moral, if not legal duty for this to be confirmed by a diverted footpath order as a part of this application.
- There will be considerable community concerns if this current route is not maintained and considers that the Planning Committee should take account of this.
- The local Member would like the application to be deferred on planning grounds that it is not properly to scale or accurate. The applicant's original plan had a turning circle which is no longer there. On highway safety grounds, this needs to be included. At the same time, a footpath order should be introduced to divert this footpath in its current usage.
- It would be better if the original plans submitted by the applicant were maintained with a turning circle but slightly shorter, if possible to avoid the tree issues with a condition that the footpath order should cover the diverted and used route.
- Footpath 17 is not used and comes into a field in an unsafe location at the bottom of Weyloed Lane. If the turning circles are not identified and planned then turning might impact the current pedestrian route.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee**

#### **Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm**

- The local Member asked the Planning Committee to consider deferring the application.
- The consideration of footpaths is a material consideration in planning matters.
- If the Planning Committee was minded not to defer the application then the local Member requested that refusal of the application be considered on highway safety grounds.

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

- A Member considered that the Definitive Map needs to be referred to for the footpath to be considered properly in its current state with the Rights of Way Department before determining the planning application.
- The application is considerable betterment of the site.
- The Development Services Manager informed the Committee that, in terms of the public right of way, it is material consideration to some extent but there is a need to establish whether the development impacts on the public right of way. The definitive line of the right of way runs through the neighbour's garden and across the field but it is not impacted by this proposal even extended back with the gates 13 metres. As currently proposed, without the extended access track and turning circle, there is no impact on the definitive route. Where it is temporarily waymarked, for many years, that has also not impacted on by this development.
- The Highway Development Manager stated that the applicant has come forward with minor amendments to improve the safety of the access and egress from the field. By setting the gates back by 12 metres enables all agricultural vehicles to open the gates and not wait on the public highway. This is a significant highway safety improvement. It also allows for leaving the site and closure of the gate which is a safety improvement for livestock within the field. The provision of a hard apron of five metres will greatly reduce the likelihood of any loose material and mud from the field being dragged onto the public highway. The Highways Department has no grounds to object to this application.

The local Member summed up as follows:

- A better solution would be the first idea put forward by the applicant, i.e., the plan with the turning circle. This is already in situ but could be slightly shortened to avoid impacting on the oak tree. Hence, the request for Planning Committee to consider deferral of the application to review this option. It was considered that the footpath issue could also be resolved at the same time.

The Development Services Manager informed the Planning Committee that the scheme has been negotiated to exclude the turning head. Planning Officers are endorsing the scheme to the Planning Committee accordingly. There is scope to

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm

manoeuvre and turn vehicles around in the field and leave in a forward gear. The gates will be set back 13 metres into the site.

With regard to the public right of way, this matter would be the responsibility of the Public Rights of Way Team in the Countryside Division. The Team is aware of the issue. However, the right of way, does not impact on the application.

The current turning area is unauthorised and is not a part of the scheme. Therefore, there is a need for condition 2 in the report to re-instate it with grass to be part of the field.

The local Member had proposed that the Planning Committee be minded to defer consideration of the application on planning grounds that it is not properly to scale or accurate. However, this was not seconded.

In response to the additional condition raised by the local Member, namely:

‘That the field gate should be set back a minimum of 12 metres (13 metres in the plans from the edge of the adjoining highway and shall be constructed to be incapable of opening outwards towards the highway). This is to ensure any vehicles serving the site can be removed from the highway when opening and closing the field gate in the interests of highway safety and the free flow of traffic along the B4235 in accordance with LDP policy MV1.’

The Development Services Manager stated that this condition could be included.

The local Member had proposed that we be minded to refuse the application on highway safety grounds. However, this was not seconded.

The Chair asked the Committee to vote on approval of application DM/2020/00712 subject to the five conditions outlined in the report and subject to an additional condition, as follows:

That the field gate should be set back a minimum of 12 metres (13 metres in the plans from the edge of the adjoining highway and shall be constructed to be incapable of opening outwards towards the highway). This is to ensure any vehicles serving the site can be removed from the highway when opening and closing the field gate in the interests of highway safety and the free flow of traffic along the B4235 in accordance with LDP policy MV1.’

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

For approval	-	10
Against approval	-	1
Abstentions	-	1

The proposition was carried.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm

We resolved that application DM/2020/00712 be approved subject to the five conditions outlined in the report and subject to an additional condition, as follows:

That the field gate should be set back a minimum of 12 metres (13 metres in the plans from the edge of the adjoining highway and shall be constructed to be incapable of opening outwards towards the highway). This is to ensure any vehicles serving the site can be removed from the highway when opening and closing the field gate in the interests of highway safety and the free flow of traffic along the B4235 in accordance with LDP policy MV1.'

#### **4. Application DM/2020/00875 - Change of use of stable block to self-contained holiday accommodation. Stables, Church Farm, Church Cottage Lane, Wolvesnewton Devauden**

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

The Development Services Manager suggested that should the Committee be minded to approve the application with the condition that a Section 106 legal agreement also be considered to secure the holiday lets and tie them to the farm holding at Church Farm.

The local Member for Devauden attended the meeting by invitation of the Chair and outlined the following points:

- The local Member is generally in favour of farm diversification and tourist accommodation where appropriate. However, this application has created a lot of controversy.
- The building was built in 1988 and was originally described as a stable. However, the applicant has stated that it was never used for that purpose but for sheep.
- The applicant now lives in Devauden which is the centre of their farming enterprise with this site being an outlying piece of land.
- In 2008, planning permission was granted for a new pitched roof. New double skinned walls with window and door openings were built before 2008 which means that these are now legal even though planning permission was not applied for at that time.
- In 2018, with the walls having legal status, pre-application discussion with Planning officers was held but no application was submitted at that time.
- Last year, a wall was built for cattle handling but not in the position which it was granted planning permission. The wall has not been used for that purpose. The wall encroaches 1.9 metres, at one point, onto the adjoining land. The local Member considers that this building could not have been made lawful had the wall been built in the position for which planning permission was granted.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee**

#### **Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm**

- The local Member referred to Planning Policy T2 which refers to visitor accommodation. Looking at the exceptions to T2, one of the questions asks is 'is this an existing and occupied farm property?' The site does not have a farmhouse. It has the appearance of derelict farm buildings. The site does not have an active farm building.
- The local Member read part B of Planning Policy T2.
- If the walls are over 10 years old they have legal status. However, T2 does not say that consideration should not be given to anything older than 10 years.
- The local Member asked that careful consideration be given to this application and whether it has been done for circumnavigation of the planning regulation.
- There is no reasonable design in the proposed building. It is very utilitarian and is incongruous in policy terms.
- Recently, some trees on the boundary of the site were felled making the site very visible from an adjoining public footpath.
- The local Member does not consider that the proposed development is suitable for conversion under Planning Policy T2 and asked that the Committee considers refusal of the application on this basis.
- Highways Officers have considered the access to be suitable. However, the access is very narrow and if accessed during the hours of darkness it is difficult for vehicles to access. The access is not suitable for quality accommodation.

Councillor A. Williams representing Devauden Community Council, had prepared a video recording which was presented to Planning Committee and the following points were outlined:

- Devauden Community Council tries to balance the need to bring diversity and opportunity into the community versus the amenity to the community at large. However, it was considered that this application fails to achieve this.
- There are a number of well-argued objections from neighbours regarding the suitability of the development as a commercial holiday let and the Community Council agrees with these objections.
- The Community Council has seen better sited and better thought through applications than this proposal.
- Concern was expressed regarding the new access to the proposed development and the upset that its creation has caused.
- It was opposed from the beginning by the Community Council and neighbours but approved as a permitted development.



## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee**

#### **Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm**

- It is extremely narrow and compromises access to nearby properties.
- It cannot safely accommodate the raised levels of traffic which would result from the development which would also potentially mix farm machinery with holiday makers.
- The applicant has extended the eastern boundary into adjoining land and diverted an important existing access track around it without the landowner's permission.
- Devauden Community Council supports the objections to the application and asked the Planning Committee to consider refusal of the application.

Mr. Marlow, objecting to the application, had prepared a video recording which was presented to Planning Committee and the following points were outlined:

- This enterprise was, until recently, a small holding and has only recently been linked to other farming land in the area.
- Church Cottage was linked to these buildings and fields but was sold 20 years ago, so there is no person on site with these buildings. The site is only visited every few days.
- The proposed design is visually unattractive and not an improvement on what is already there.
- The block building which is described as an agricultural building was started as a lean-to shed which 10 years ago was re-roofed to create a pitched roof. Other operations took place involving the creation of a double skinned building with internal block walls. Domestic window reveals are behind the single skin with domestic doors put in place. Plumbing for two toilets was installed, making this building more domestic rather than agricultural.
- The other building is a wooden stable block with attached tack room which is at least 30 years old and dilapidated which would have to be demolished, re-built in block work on the same footprint and then made to look as if it has wooden cladding.
- The proposed access is a narrow track which runs alongside the objectors property is to be shared with the farm and the holiday cottages. This is a narrow track with difficult access. If two vehicles were to meet they would have to reverse 200 metres back to the church as there are no passing places.
- Recently, the objector's wall was damaged by a vehicle attempting to access the lane which caused damage to their external oil supply line.
- The only traffic that currently travels along this track are visitors to the objector's property or their neighbour's property.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee**

#### **Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm**

- There is an existing access which has been in use for 40 years nearby which has a large gateway into the farmyard and a large gateway into the development site. This would be a superior option if it were continued as the access instead of the narrow track.
- Recently, a number of mature trees were felled along the boundary line which exposes the site to the public footpath and from the other side the site is visible from Wolvesnewton Church and the Cobblers Plain ridge.
- Marlow Vets employs 26 people from the surgery and cares for animals from their home so requires access.
- The objector's quality of life at home will be seriously impacted by the creation of the dwellings and the increase in traffic that would be generated along the narrow lane.

Mr. S. Leaver, applicant's agent, had prepared an audio recording which was presented to Planning Committee and the following points were outlined:

- Rights of access to the property and not having public vehicle rights are not material consideration to the application process. However, evidence has been provided confirming that the road leading to the redline site boundary application area is considered a track with public vehicle rights.
- The applicant runs a legitimate farming business and has done for 40 years. The business is run over approximately 179 acres of agricultural land which is farmed in four blocks. There is approximately 40 acres at Church Farm along with a building being proposed for conversion and a larger stock building which is used for over wintering of cattle.
- The applicant also operates a farm business tenancy over 75 acres of a Monmouthshire County Council owned farm. The applicant also farms another 50 acres on grazing licences.
- The applicant has occupied Church Farm since the 1980s with the building for conversion having been erected since 1988.
- The timber building was erected for lambing and has been partitioned for such use with the block work partition later added to provide additional capacity and weatherproofing. The building has been used for lambing for many years but with the farming business having grown and changes in agricultural practices, the applicant now lambs in larger sheds off site. The building is currently under-utilised and used for the storage of equipment and animal feed.
- The intention behind the proposal is to convert the currently under-utilised building in order to create an additional diversified income stream for the farm. Farms are having to diversify in order to generate additional revenue.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee

#### Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm

- Whilst the farming business will remain the core business, the provision of holiday let income from this building will provide some stability in cash flow for the business during a turbulent economic period.
- The applicant's agent asked the Planning Committee to consider approval of the application in line with officer recommendation.

Having considered the report of the application and the views expressed, the application was discussed at length with a number of issues raised regarding the design of the proposal and access to the site.

Following the discussion it was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that we be minded to defer consideration of application DM/2020/00875 to a future meeting of Planning Committee to allow officers to explore design amendments with the applicant's agent to enable the building to have more character; to clarify whether the other access to the east can be used instead of proposed access; require a site layout plan indicating parking provision; explore a refuse storage area and means of enclosure.

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

For deferral	-	11
Against deferral	-	2
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to defer consideration of application DM/2020/00875 to a future meeting of Planning Committee to allow officers to explore design amendments with the applicant's agent to enable the building to have more character; to clarify whether the other access to the east can be used instead of proposed access; require a site layout plan indicating parking provision; explore a refuse storage area and means of enclosure.

#### **5. Application DM/2020/01036 - Reposition of access and gate, new planting and retention of access track. Bluebell Farm, Blackbird Farm Road, Earlswood**

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

Councillor I. Martin, representing Shirenewton Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

'Shirenewton Community Council objects to this application.

The Planning Committee may not be aware of application DC/2017/00607 in virtually identical terms to this application, and of the decision by Monmouthshire County Council to refuse on the grounds:

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee**

#### **Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm**

1 The proposed access and roadway by virtue of its prominent location would be incongruous features that would be detrimental to the character of the locality. The development would have a significantly detrimental impact on the character and appearance of the rural landscape contrary to Policies DES1 (c), (e) and (h), LC1 and LC5 of the Local Development Plan.

2 The proposed new access is an unnecessary engineered incursion across a prominent open area which would not provide a safe easy access and could potentially harm the safety and convenience of the road users contrary to Policy MV1 and criteria (a) and (e) of Policy DES1 of the Monmouthshire Local Development Plan.

We are not aware that these planning policies have changed since that refusal.

We consider the report by Lime Transport is misconceived because:

1. It is headed Proposed Agricultural Access and makes reference to agriculture. This is not a farm but a private residence. Putting a private road across two open fields is unjustified. The access is for the movement of the residents' own horses the keeping of which is not an agricultural activity.

2. It asserts at para 1.1.3 There is no change in use on the farm and the number and type of vehicle movements generated by the site will remain unchanged. Therefore, there is no impact on the wider highway network associated with this additional access.

Previously, access was by Blackbird Farm Lane not Old Road. Old Road is very narrow with limited vision and high hedges, with no passing places back to the main road (see para 2.1.4 - there is: limited carriageway width at the Old Road/Bluebell Road crossroads). It is already hazardous for motorists and pedestrians alike.

We are disappointed that Highways have not supported Monmouthshire County Council's 2017 refusal that it would not provide a safe easy access and could potentially harm the safety and convenience of the road users.

We further take issue with the Landscape and Visual Appraisal Paper which asserts the proposed track will be indistinguishable from the field appearance. Not only is the track as presently laid immediately apparent because of the open nature of the landscape but also the use of heavy horse boxes over the track in winter will cause significant ruts eventually necessitating a more robust road foundation. Despite the earlier refusal decision, the road has now been laid. We consider placing of private roads across fields to be bad farming practice and unnecessary scarring of the landscape.

Our recent survey of residents shows they wish to preserve the characteristics of our area which are essentially farming and rural landscape. This area should again be designated as of special interest and we consider it is important both for the attraction of tourists and for the benefit of future generations to maintain those characteristics.'

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee**

#### **Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm**

Mr S. Courtney, applicant's agent, had submitted a written statement in support of the application which was read to the Planning Committee by the Head of Planning, as follows:

'I act on behalf of the applicant, Mr James Howells, in respect of this application for the reposition of an access and gate, translocation of hedging together with new planting and retention of access track leading to his barn/stables. This application follows a previous refusal in 2017 to retain an altered access and track.

Members should be aware that the application is required to overcome a highway safety issue allowing the applicant to safely access his barn/stables via a modified access and track, avoiding safety issues and conflict with neighbouring properties. The applicant keeps horses and occasionally needs to transport them using his horsebox. The original route to the south, via Blackbird Farm Road, is a single-track lane which is shared with neighbouring properties and the applicants' horsebox is too large to safely use this route; this has previously resulted in conflict with the applicant's neighbours. The part retrospective nature of this application is due to the fact that the applicant was originally advised that the works, including the modification to the existing field access, didn't require permission.

I would like to reassure Members and interested parties that the concerns raised by the Community Council and indeed the Local Planning Authority previously, have been duly considered within the revised scheme. In light these and following a process of pre-application consultation with Officers, the proposals have been revised and supplemented as follows:

- A more modest access is now proposed comprised of galvanised steel farm gate flanked by timber post & rail fencing, together with the hedge planting, which is considered to be more befitting to the rural location.
- The access is recessed into the field parcel to allow sufficient space for the horsebox to access and egress from the property without blocking the lane. This recess offers an additional safety benefit through the provision of an additional passing bay for passing traffic.
- Additional tree and hedge planting is proposed, to further soften the visual impact of the proposal and to provide an overall net biodiversity gain.
- A Landscape Assessment has been prepared which confirms that any visual impact of the new access is negligible and not out of accord with the rural location and as such the proposal is considered acceptable in landscape and visual terms.
- The application is also accompanied by a Technical Note which confirms that the new access accords with relevant design standards and provides a more suitable vehicular access for agricultural vehicles (including a large horsebox) and will represent an improvement in terms of highway safety.

To close, I would like to reassure Members and the Community Council that this application, has been properly considered and has subsequently received your Officers support, following a process of consultation, taking on board a number of suggestions

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee**

#### **Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm**

made during the process. No objections are raised by any of the specialist consultees, including Highways and Landscape Officer.

In light of the above, I would respectfully request that Members support your Officer's recommendation for approval in accordance with both national guidance, together with policies of the Local Development Plan.'

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

- In 2017 the first application was refused by the Local Planning Authority on the basis of landscape concerns with a detrimental impact on the rural landscape and highways concerns could harm the safety and convenience of road users.
- The original application provided a residential urban style gate with a long hoggin drive being 420 metres long across two fields. It has been amended in this application to a standard agricultural gate, but the hogging drive still remains.
- The original application was refused on landscape and highway grounds. The landscape assessment submitted by the applicant for this application states that this is an agricultural feature in an agricultural landscape and is considered acceptable in landscape and visual terms. However, this a drive towards a private residence. It is important to bear in mind that the applicant's landscape report also refers to the site being within both the high and in the historic landscape side as outstanding in terms of landscape considerations.
- The original officer report in relation to the same hoggin drive for this retrospective application stated that the Highway Authority considers the proposed access is unnecessary and will create an unnecessary conflict point along the public highway. The application site is already served by a suitable access and driveway. This new access and massive hoggin drive is unnecessary as there is an existing shared, shorter access on Bluebell Farm Lane creating a new private residence non farming access across two fields in open countryside at Old Road which is very narrow.
- At four metres, the hoggin drive track in the middle of two fields on open countryside is wider than the single track road for the new access from Old Road.
- The original officer report, in relation to the hoggin drive, stated that the proposed development is not satisfactorily assimilated in the landscape due to the distance across open countryside position and material used.
- The track does not respect the character of the surrounding area and has an unacceptable adverse impact on the landscape by positioning a domestic access across the field. It is also not required due to the existing access available for use.
- It is important for local people that there is consistency in policy making.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm

- The local Member asked that the Planning Committee considers refusal of the application on the grounds of the refusal of the original application.

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

- It was considered that Paragraph 6.1 of the report comes to the right conclusion that all of the development requires consent. However, some concern was raised regarding how the conclusion was reached. Paragraph 6.1 makes its case on immaterial matters, gives weight to them and infers that the principle of the track would not have been a material consideration if only the prior approval process had been followed. The Development Management Area Team Manager stated that paragraph 6.1 would be reviewed and indicated that the application as it currently stands should be considered by Planning Committee.

The local Member summed up as follows:

- The landscape is a particular issue due to the engineered drive.
- The local Member quoted from the applicant's landscape assessment.
- One of the fields considered in the earlier application is about 30 metres. This application refers to a 420 metre track which is about four metres wide, which is wider than the roads adjoining it. This is located in an area with outstanding landscapes.

The Development Management Area Team Manager stated that the application was considered by the Authority's Landscaper Officer and no objection was raised in relation to the track or the impact on the landscape. The landscape officer's recommendation is that the proposed track is not sufficiently harmful to warrant refusal of the application and that the access as designed now and changed is also an enhancement. The landscape concerns that were raised in respect of the previous application have been mitigated against.

It was proposed by County Councillor A. Webb and seconded by County Councillor D. Evans that application DM/2020/01036 be approved subject to the two conditions outlined in the report.

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

For approval	-	10
Against approval	-	2
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/01036 be approved subject to the two conditions outlined in the report.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee

Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm

**6. Application DM/2018/00757 - Proposal to change use of former railway line, which is also currently used as farm access, to a mixed use farm track and cycletrack / footpath. This will require some clearance of vegetation, surface material and laying of a surfaced path and construction of a fence in parts to segregate farm traffic from cyclists / walkers. Former railway line, Woodside, Usk to land west of Coleg Gwent site, Monkswood**

We considered the report of the application which was recommended for approval subject to the 10 conditions outlined in the report.

The local Member for Llanbadoc attended the meeting by invitation of the Chair and outlined the following points:

- The proposal has potential but there are some issues.
- A section of the route lies along an embankment and there are potentially structural issues relating to a bridge.
- The dangerous access across the A472 is recognised and addressing this issue could benefit Woodside residents with regard to traffic speed.
- The route traverses a working farm with a herd of 200 cattle which are moved regularly along and across the route.
- The track surface needs to be well constructed to stand up to their use and other users.
- Concern was expressed regarding the issue of bicycle users and pedestrians coming into contact with cattle and farm machinery along this route.
- It is a recreational route.
- Concern was expressed regarding liability if a member of the public was injured having come into contact with cattle / farm machinery whilst travelling along the route.
- The final leg of the route is across open fields adjacent to the equine centre. There will be horses in the field from time to time and concern was expressed regarding members of the public coming into contact with them. There is also concern regarding the potential for gates being left open allowing livestock to leave the field.
- A fence across this field would need to be considered to prevent contact between livestock and members of the public.
- An alternative route for the access could go through the equestrian centre.
- Concern was expressed that a section of the route will run close to some local properties which was considered to be an incursion to these residents. An



## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm

alternative route should be considered on this basis. The human interest should be taken as seriously as the environmental issue as residential amenity will be affected.

- Concern was expressed that motorcyclists will exacerbate noise levels.

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

- Local farmers have expressed concern regarding the proposal and how they will cope when the cycleway is in operation. Discussion with the tenant farmer needs to be undertaken.
- The Development Management Area Team Manager informed the Committee that the matter of liability falls outside of the Planning process. Any concerns raised would need to be directed to the Project Manager for the application. Engagement with the local farmer and residents are covered via conditions and it would be pertinent to undertake consultation regarding the refuge points and safety audits, as well as the screening proposals near to the two identified neighbours. It was anticipated that a reasonable solution could be achieved via conditions.

It was proposed by County Councillor G. Howard and seconded by County Councillor M. Feakins that application DM/2018/00757 be approved subject to the 10 conditions outlined in the report. A request be made to the Project Manager to liaise with tenant farmers using land along the route to help detail the scheme as it affects the farm use.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00757 be approved subject to the 10 conditions outlined in the report. A request be made to the Project Manager to liaise with tenant farmers using land along the route to help detail the scheme as it affects the farm use.

#### **7. Application DM/2019/02012 - Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure. Land to South of Brewers Fayre Restaurant, Iberis Road, Llanfoist**

We considered the report of the application which was recommended for approval.

The application had been reported to Planning Committee on 6th October 2020 with a recommendation from officers to refuse the proposed development. Members did not accept this recommendation and deferred the application to be approved subject to

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee

#### Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm

conditions. The conditions below were agreed at the Planning Committee Meeting of 3rd November 2020.

Since this decision, the applicant has requested that condition number 13 be amended to remove the restriction that the extra care accommodation is used solely in association with Foxhunters estate care home. This is due to the fact that the extra care accommodation proposed within this application is a separate type of care provision and is completely separate from the Foxhunter estates. The extra care is for people with a wide range of extra care needs from mobility, frailty, physical disability, sight and hearing impairment, diabetes, MS and other issues with an age restriction of 55 or over.

Given this clarification from the applicant it is recommended by officers to amend condition number 13 to the following:

13 i) The units hereby approved shall be used solely for extra care homes within Class C2 of the Town and County Planning (Use Classes) Order 1987 (as amended).

ii) The extra care accommodation hereby approved shall be occupied by persons aged 55 years or older, and shall be used solely for extra care accommodation.

Reason: For the avoidance of doubt as to authorised used of close care units.

Having considered the report of the application it was proposed by County Councillor G. Howard and seconded by County Councillor P. Clarke that the minor change in the wording of condition number 13 be approved, namely:

13 i) The units hereby approved shall be used solely for extra care homes within Class C2 of the Town and County Planning (Use Classes) Order 1987 (as amended).

ii) The extra care accommodation hereby approved shall be occupied by persons aged 55 years or older, and shall be used solely for extra care accommodation.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that that the minor change in the wording of condition number 13 be approved, namely:

13 i) The units hereby approved shall be used solely for extra care homes within Class C2 of the Town and County Planning (Use Classes) Order 1987 (as amended).

ii) The extra care accommodation hereby approved shall be occupied by persons aged 55 years or older, and shall be used solely for extra care accommodation.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm

#### **8. Application DM/2020/00703 - Construction of a three-bedroom house, Pwllmeyric House, Pwllmeyric, Chepstow**

This application had been withdrawn by the applicant before commencement of the meeting.

#### **9. Application DM/2020/00968 - Erection of an agricultural hay and machinery building. Land at Llanvihangel Court, Devauden, Chepstow**

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

In noting the detail of the application it was identified that the roof is currently proposed as being grey fibre cement sheeting. However, a condition could be added to agree the roof colour.

It was proposed by County Councillor A. Webb and seconded by County Councillor P. Clarke that application DM/2020/00968 be approved subject to the five conditions outlined in the report with an additional condition that the roof colour be agreed before issuing the decision, with preference being given for a dark green colour.

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/2020/00968 be approved subject to the five conditions outlined in the report with an additional condition that the roof colour be agreed before issuing the decision, with preference being given for a dark green colour.

#### **10. Application DM/2020/01328 - Construction of 2 semi-detached 2-bedroom houses in the garden of no. 73 Park Road, Caldicot. 73 Park Road, Caldicot, NP26 4EL**

We received the report of the application which was presented for refusal for one reason outlined in the report.

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

- The infill development will be able to use the land efficiently and enable easy access to existing amenities by means of walking, cycling etc. reducing the need to use private vehicles.
- The properties will be DDA compliant.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee**

#### **Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm**

- The site is not a back land site.
- It was not feasible to extend the main property into a terrace because by having a physical interconnection it would have meant the access problems and the creation for the current planned property through an alleyway with its associated legal rights of ownership of the space created. Hence, the demolition of the outhouse and the plan to form a shared pathway on that side.
- This proposal complies with Supplementary Planning Guidance (SPG) relating to small scale infill development with fewer than 10 dwellings as defined in policies H1, H2, H3 of the Local Development Plan.
- The existing landscape features and views across the site support this and is in keeping with the surrounding area.
- The land is large enough to accommodate additional houses and also on site planning. The garden space will be similar to existing houses in the area.
- The proposed dwellings will benefit from private garden space for the occupiers' recreational use.
- The proposed development will be in keeping with the building line of other properties.
- Materials used will be in keeping with the original and neighbouring dwellings. Roofing will match existing dwellings and will complement the street scene.
- The aspect of the new houses will not affect the privacy of neighbours as there will be no windows at either end of the gables.
- SPG suggests that it is desirable to have a 50 metre space between principle elevations. There will be a 13 metre space in this case. There is a mitigating factor for the 13 metre space as there is a large detached garage at the property nearby which will shield potential intrusive aspects.
- There are numerous examples across Caldicot where the desired 50 metre space has been relaxed, with the distance being five metres in some circumstances.
- The proposal addresses all of the SPG requirements.
- The local Member supports approval of the application and asked the Planning Committee to consider the mitigating circumstances with regard to the 13 metre space and consider approval of the application.

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

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee

#### Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm

- The Development Management Area Team Manager informed the Committee that the proposed dwellings are not affordable units. The properties are market units.
- The properties are impractical. There is not enough room either side of each property. The site would be better suited to having just one property located on this site.
- The frontage would be dominated by parked cars.
- Approval of the application would result in overdevelopment of the site.
- Some members agreed with the views expressed by the local Member as it was considered that there was enough room on the site to build two detached properties. There is no overlooking of other properties.

The local Member summed up as follows:

- Planning Officer concerns had only been expressed regarding the distance between 1 Elm Road and the proposed properties. The local Member asked for the mitigating circumstances in terms of the distance between the property and 1 Elm Road. Far denser properties on spaces larger than this site had previously been approved by Planning Committee in Caldicot. The local Member therefore asked that the mitigating circumstances of 13 metres between the property and 1 Elm Road be taken into account.

It was proposed by County Councillor A. Davies and seconded by County Councillor G. Howard that application DM/2020/01328 be refused for one reason outlined in the report (as per the officer recommendation in the report).

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

For refusal	-	10
Against refusal	-	3
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2020/01328 be refused for one reason outlined in the report (as per the officer recommendation in the report).

11. **Application DM/2020/01517 - To convert an equity share of one of the affordable units to a financial contribution. Swan Meadow, Monmouth Road, Abergavenny, NP7 5HF**

We considered the report of the application which was recommended for approval with an amendment to the Deed of Variation to the original Section 106 Agreement.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee

#### Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm

In June 2014 planning permission DC/2013/00304 was approved by the Planning Committee for the construction of 38 no. retirement apartments. That approval was subject to a Section 106 Agreement for a financial contribution requiring that two of the units were "golden share" apartments where either an elderly person or persons nominated by the Council as being unable to meet their housing need on the open market is offered the property. "Elderly Person" is defined as being over 60 and/or a spouse of such person over 55. One of the units has been sold as such with the Council authorising the sale at the market value less a 30% discount. The owner, having received a 30% discount, is required to covenant to comply with the re-sale procedure. However, Monmouthshire County Council's Housing Department has tried to sell the second property to a "Designated Person" but has been unsuccessful. Therefore it is proposed to amend the S106 Legal Agreement to provide a financial contribution to be used for the provision of affordable housing elsewhere in the locality. The current market value is £229,950 making the 30% share worth £68,985.

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

- The value of the apartment in the sum of £229,950 was queried. In response, the Head of Planning informed the Committee that the value of the property comes from two local agents. The property has been marketed as a two bedroomed property at the golden share price. The financial contribution obtained will go back into the affordable housing stock.

It was proposed by County Councillor M. Powell and seconded by County Councillor P. Clarke that application DM/2020/01517 be approved with an amendment to the Deed of Variation to the original Section 106 Agreement.

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

For approval	-	11
Against approval	-	3
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/01517 be approved with an amendment to the Deed of Variation to the original Section 106 Agreement.

#### **12. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:**

##### **12.1. Pwllmeyric Lodge, Badgers Meadow, Pwllmeyric**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Pwllmeyric Lodge, Badgers Meadow, Pwllmeyric on 19<sup>th</sup> October 2020.

We noted that the appeal had been dismissed.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 1st December, 2020 at 2.00 pm**

#### **12.2. Worthybrook Farm, Wonastow, Monmouth**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Worthybrook Farm, Wonastow, Monmouth on 19th October 2020.

We noted that the appeal had been dismissed.

#### **12.3. Worthybrook Farm, Wonastow, Monmouth - Costs Decision**

We received the Planning Inspectorate report which related to a cost application in relation to Appeal Ref: APP/E6840/A/20/3257266. Site address: Worthybrook Farm, Wonastow, Monmouth.

We noted that the application for an award of costs had been refused.

**The meeting ended at 5.38 pm.**

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