

Public Document Pack

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 7th February, 2023 at 2.00 pm**

PRESENT: County Councillor Phil Murphy (Chairman)
County Councillor Dale Rooke (Vice Chairman)

County Councillors: Jill Bond, Fay Bromfield, Emma Bryn, Jan Butler,
Ben Callard, John Crook, Tony Easson, Steven Garratt,
Meirion Howells, Jayne McKenna, Maureen Powell, Sue Riley, and
Ann Webb

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
Joanne Chase	Solicitor
Paige Moseley	Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillor Su McConnel

1. Declarations of Interest

None received.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 11th January 2023 were confirmed and signed by the Chair.

3. Application DM/2019/01300 - Erection of 1 no. replacement detached dwelling. Provision of new access road. Amended domestic curtilage to existing dwelling house and all associated external works. Woodmancote and site of former 8a Highfield Close, off Highfield Road and Highfield Close, Osbaston, Monmouth

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

The local Member for Osbaston had submitted a letter in respect of applications DM/2019/01300 and DM/2021/00182 as identified in late correspondence. The chair read the letter to the Committee.

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Aled Roberts, representing objectors to the proposal, attended the meeting by invitation of the Chair and outlined the following points:

- Throughout the three-year process there have been numerous legitimate concerns raised. However, during this period there has been no attempt to recognise the concerns or to adapt the proposals. There has been no engagement or consultation from the applicant.
- For residents of Highfield Close, the key issue is the principle of access. The close is a narrow, substandard road in which two vehicles cannot pass.
- The proposed two properties are a part of a much larger scheme. The actual scheme is for seven houses to be built off the proposed access. All seven proposed developments have been fully designed but due to phosphates restrictions, five of the proposed developments have not been taken further. They are still indicated on their site plans and a planning consultant has stated that this is a temporary situation.
- The applicants have placed the development at the top of the field with a view to developing the lower area of the field at some point in the future. There is reference to five properties being allowed off a private drive. Therefore, the impact of development will be exacerbated further. It is considered to be development by stealth.
- The development will change the character of the close creating a negative impact for neighbours. It was considered that objections to the development, over a number of years, have been ignored.
- The proposed road impinges upon local residents' boundaries and will almost turn existing properties into an island.
- The position of the houses and road, including the ones temporarily 'switched off' for the purposes of this application, will cause residents major loss of amenity.
- The boundary has been shown incorrectly as halfway through an objector's privet hedge and other neighbours' boundaries when it is the field fence on the other side.
- Trees have been shown as being planted on this boundary as a gesture for screening and these are relied upon in terms of the Landscape Officer's justification. However, it is not possible to plant them on this boundary without trespassing on objectors' land. It will be very difficult to maintain due to foliage overhanging onto objectors' properties. Dealing with this matter as a future condition charge avoids the issue that there is no space to plant the trees.
- For several years, residents have asked for the proposals to be pushed back up to five metres to provide a suitable landscape buffer and retain existing trees and

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vegetation along this boundary. This would create a more sympathetic arrangement. However, this has not been undertaken.

- The replacement dwelling for Woodmancote should be redesigned to keep access off Highfield Road. The applicant wants to create a sweeping drive to Highfield Close but it was considered that this was unnecessary and compounds the issues raised by local residents.
- It was considered that objectors' views have been ignored and there has been a lack of transparency in respect of this application.

The applicant's agent, John-Rhys Davies, attended the meeting by invitation of the Chair and outlined the following points:

- The applicant's vision for the site is for the land to be sensitively developed and is not commercially driven.
- The applicant has been engaged in two pre-application meetings and has been involved in discussions with officers to create a technically sound scheme in accordance with the Local Development Plan (LDP) policy.
- The application site is located within the settlement boundary in terms with policies S1 and H1.
- The intention was to provide more homes on the site but the figure was shown on the layout as being a maximum of seven properties including the replacement of Woodmancote. However, due to the phosphates issue, the application had been altered, as presented to Planning Committee today.
- The development has not been commercially driven. Rather, the applicant has sought to make a positive contribution to the hometown of Monmouth. The intention is to provide a high-quality exemplar scheme with the intention of it being a flagship scheme of sensitive, low energy, environmental responsible development.
- Following officers' advice regarding access from Highfield Road being inappropriate that applicants purchased property 8a and the course of the access is through Highfield Close.
- The proposed access runs along parallel to the hedgerow of Highfields Close following the contours of the site. It will be obscured behind existing hedgerow. Also, taking into account the proposed landscaping, visibility of the access will be further reduced.
- The access road also serves as a sustainable drainage system, providing a betterment in surface water drainage.

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- The design has been future proofed and is appropriate for two dwellings providing adequate room for turning and passing on the proposed road.
- The Neighbours' concerns primarily relate to the proposed access. There has been no objection from the Highways Department. Additional vehicle movements are minimal, and any additional homes will be subject to future approval.
- A proposed shared access is not untypical to the area and will be discreetly located. Distances from existing dwellings are in accordance with the Council's own supplementary guidance.
- The proposed development, including the access is not considered to have a significant adverse impact on neighbouring amenity.
- The applicant's agent supports the officer recommendation for this application. The scheme represents a high-quality design and a substantial improvement to the former dwelling. The development complies with the Council's climate emergency. There will be biodiversity enhancements on the site.

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

- Residents' concerns relate to visual impact, drainage, and the use of access for potential future development.
- It was suggested that a condition be added that the vehicles used in the demolition of Woodmancote and the construction of the two new dwellings continue to use the existing entrance on Highfield Road and is then closed once development has finished, reducing the impact on Highfield Close.
- A suggestion was made for the dwelling to be moved west by a distance of two to three metres to allow a bigger buffer between neighbouring properties which would reduce the visual impact and noise from vehicles using the drive.
- Residents are concerned about the access being used for future development. A condition was suggested that the access is to be used only for the two new dwellings.
- Concern was expressed that a considerable amount of green space was being lost with the proposed property being located further away from the access road.
- An additional two properties on the site will have a minimal impact on additional vehicle movements in the area.
- The buildings could be moved to allow for a joint access for both properties off Highfield Road enabling residents to not be disadvantaged.

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The Development Management Area Manager responded, as follows:

- The existing hedgerow will be retained with a swale running from north to south. Compensatory tree planting will be included in the soft and hard landscaping condition.
- The location of the proposed new dwelling allows for a new safer access road to serve that dwelling. With regard to green space and landscaping, there is some vegetation loss. However, there is substantial mitigation and compensation for that, which will be managed via conditions.
- The southern access through Highfield Close is a safer improvement that does not require substantial loss of vegetation.
- The siting of the proposed dwelling is acceptable in landscape terms and in distance from third party dwellings to the east at Highfield Close.
- The Local Planning Authority has fully engaged in the planning consultation process. The case officer has also gone out on site and met with residents to discuss their concerns.
- In response to a question raised regarding a potential construction route through Woodmancote to the north via Highfield Road, it was considered to be a dangerous and substandard access serving a single dwelling. Officers would not support this route.
- The stock proof fencing is not the boundary. The Planning application boundary (red line) is as shown on the plans.

The Highway Development Manager informed the Committee that Woodmancote benefits from an existing access off Highfield Road but is inadequate. The proposed new access can accommodate the increase in traffic movements. Since the original application, Welsh Government has published Common Standards for Highway Development. This encourages the adoption of all residential roads and only accept private drives serving up to a maximum of five dwellings. It was considered that five dwellings can be accommodated via a private shared drive in this location but an unadopted highway and access road cannot be provided to serve any more than that.

In response to a question raised, the Highway Development Manager informed the Committee that the proposed private drive access is for two dwellings. It was noted that the drive turns 90° and the applicant will build this out in excess of five metres providing more room and visibility.

The Head of Planning informed the Committee that any future development at the site would need to be considered on its own merit and be brought to the Planning Committee for consideration.

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It was proposed by County Councillor B. Callard and seconded by County Councillor M. Powell that application DM/2019/01300 be approved subject to the conditions outlined in the report.

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

For approval	-	12
Against approval	-	3
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/01300 be approved subject to the conditions outlined in the report.

4. Application DM/2021/00182 - Demolition of existing two-storey dwelling. Construction of a two-storey replacement dwelling including integral garage and amended access. Woodmancote, Highfield Road/ Highfield Close, Osbaston, Monmouth

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report with an additional condition to secure the closure of the existing vehicular access off Highfield Road, in accordance with details to be approved by the Local Planning Authority before works commence on site. The access shall be closed within three months of the date of the approved access being brought into use.

The local Member for Osbaston had submitted a letter in respect of applications DM/2019/01300 and DM/2021/00182 as identified in late correspondence. The chair had read the letter to the Committee during consideration of application DM/2019/01300.

Aled Roberts, objecting to the proposal, attended the meeting by invitation of the Chair and outlined the following points:

- Residents of Highfield Close consider that there is a cumulative effect of the dwellings accessing from Highfield Close.
- Residents consider that Woodmancote has an existing access and that reduces the impact on existing residents and consider that this would be the correct way forward.
- Residents have not been consulted properly.
- Issues regarding the boundary were considered to be unfair.

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- Residents consider that this application is an unnecessary addition to the development and could therefore be redesigned and accessed via the existing way.

The applicant's agent, John-Rhys Davies, attended the meeting by invitation of the Chair and outlined the following points:

- The same principles apply as application DM/2019/01300.
- The application offers a substantial improvement to the quality of the dwelling in highway safety by accessing the site via Highfield Close rather than Highfield Road.
- The applicant's agent fully endorses the recommendation to the report.

The Head of Planning informed the Committee that full consultation has been undertaken as part of the statutory requirements and legislation. Also, the case officer did visit the site and met with residents, which was in addition to usual practice, with a view to attempt to address their concerns.

It was proposed by County Councillor B. Callard and seconded by County Councillor M. Powell that application DM/2021/00182 be approved subject to the conditions outlined in the report with an additional condition to secure the closure of the existing vehicular access off Highfield Road, in accordance with details to be approved by the Local Planning Authority before works commence on site. The access shall be closed within three months of the date of the approved access being brought into use.

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

For approval	-	11
Against approval	-	4
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2021/00182 be approved subject to the conditions outlined in the report with an additional condition to secure the closure of the existing vehicular access off Highfield Road, in accordance with details to be approved by the Local Planning Authority before works commence on site. The access shall be closed within three months of the date of the approved access being brought into use.

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5. **Application DM/2022/00484 - Full planning application for the construction of 9 dwellings including means of access, drainage, landscaping, associated engineering and infrastructure works. Land at former Tythe House, Church Road, Undy, NP26 3EN**

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

The Head of Planning informed the Committee that a notification had been received from Welsh Government officials in which Welsh Government has been asked by a third party to consider whether to call in this application for consideration. Welsh Government officials will have 21 days to establish whether it is of national significance and whether the application should or should not be called in.

The local Member for Magor East with Undy, County Councillor A. Sandles, attended the meeting by invitation of the Chair and outlined the following points:

- Several residents have concerns regarding the proposed development. The local Member has visited and spoken with residents regarding this matter.
- The local Member considers that the number of dwellings on this small site is excessive and is an over development for this area.
- The plan is for nine homes where only one, two-storey building and some outbuildings stood previously.
- According to the site plan there are two pinch points. Plot 1 with the public right of way and plot 9 with regard to 14 Bridewell Gardens overlooking and possibly creating problems with surface water draining into the property from the new development.
- The ridge height of the proposed properties compared to the existing properties in Bridewell indicate a disparity in the heights which will not be aesthetically pleasing.
- The local Member shares concerns with objectors regarding the width of the proposed roads on the site. It will be difficult for large vehicles to gain access. There is also nowhere for vehicles to turn on the site resulting in them having to reverse back to the existing road, which will be hazardous.
- There is currently a six metre wide public right of way running through the site. It is listed by Welsh Government as an active travel route. The route is used extensively by the general public.

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- The application has reduced the path from six to three metres. The Active Travel Wales Act 2013 requires local authorities to enhance and not reduce the provision for walkers and cyclists.
- The end 20 metres of the public right of way runs alongside the boundary of plot one. It is likely that the occupants will erect a two metre high fence alongside their property to prevent overlooking. Together with a high boundary wall at Camelot, this will likely create a dark tunnel effect and might encourage antisocial behaviour at this location.
- There is no separation buffer between the public right of way and the road, which is a safety risk for pedestrians.
- The local Member strongly objects to the proposed development in its current format.

Sandra Lloyd, objecting to the proposal, attended the meeting by invitation of the Chair and outlined the following points:

- The development site is set in the old village, a semi-rural setting characterised by large spacious properties and gardens and the historic site of St. Mary's Church.
- The net density of the development site is 30 dwellings per hectare. The officer's report states this is similar to the adjoining housing development at Bridewell Gardens. However, the objector considered that the proposed development is not similar. Bridewell Gardens is just over half the density of this development and to match it this development site should be a maximum of five dwellings. The net density far exceeds the surrounding area and does not comply with policy DES1 or Planning Policy Wales.
- Plot 9 is on a flood plain and is to be raised by two metres from the Church Road level and 1.2 metres higher and set back eight metres from the neighbouring property 14 Bridewell Gardens. It is the raised height and offset that is the problem, not the distance between those properties. The 45° splay line rule when measured from number 14 Bridewell Gardens' nearest habitable room window fails significantly.
- The residents of number 14 Bridewell Gardens will have a solid wall comprising a house wall and a retaining wall of between 8.1 metres and 3.3 metres high from their ground level running along their side boundary blocking their daylight. It will have a profound effect on their quality of life.
- The site consists of two narrow private drives into cul-de-sacs with no turning heads. No tracking analysis has been conducted to determine if larger vehicles can turn at the end of these drives. It is contended that they cannot, and vehicles will be required to reverse long distances to access or egress these properties.

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- To service plot 9 the reverse is 87 metres. Any attempt to reverse outside plot 9 could result in a vehicle falling into the swale or down the steep gradient onto Church Road and footpath.
- To service plot 2 the reverse is 70 metres unless the vehicle uses the public right of way to turn.
- The single turning head is only six metres from the site junction with Church Road. There will be conflict at this junction with vehicles reversing and parking there. This will cause traffic to back up along Church Road where there is a blind bend, putting cyclists and horse riders at risk.
- Tracking analysis has been conducted at the single turning head. It indicates that the refuse vehicle cannot make the turn without encroaching onto the public right of way. The refuse vehicle will not go beyond the turning head as it cannot turn anywhere else on site. Despite the plans indicating bin collection points, which they don't have the authority to enforce, the Highways Officer's report states that refuse is to be left at the turning head. The residents of plot 9 will be required to carry their waste at least 66 metres up hill. From plot 2, 51 metres. Concern was expressed that mobility impaired people will have difficulty carrying their waste across these distances.
- There are nine family homes producing 18 red and purple bags and nine food bins on recycling day, as well as nine black bin bags and glass bins on general waste day. Questions were asked where the residents would put this waste on collection days. Concern was expressed that this would encourage vermin around the waste bags. No comments have been received from the Environmental Health Officer regarding the public health issue.
- The waste will be visible from Church Road and St. Mary's Church where regular church and funeral services are held.
- Concern was expressed that this will encourage fly tipping and anti-social behaviour.
- A request was made that none of these issues be conditioned. These issues cannot be resolved without redesigning the site.
- The residents ask that these points be considered and requested that the Planning Committee consider refusal of the application.

The applicant's agent, Joe Ayoubkhani, attended the meeting by invitation of the Chair and outlined the following points:

- The application has been subject to extensive pre-application dialogue and has undergone vigorous examination by officers resulting in a recommendation for approval.

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- With a planning history that dates back to 2004, the land is a long-standing infill development site having previously had planning permission for 10 homes.
- The principle for developing the site for housing is firmly established.
- Officers have undertaken a thorough examination of the application and know the site well.
- The report confirms that the proposal meets all the Council's Planning policies and guidance.
- The agent thanked both local Members for their comments throughout the course of the application, many of which have been addressed with amendments to the initial application submission.
- The application meets the Council's Local Development Plan (LDP) density policy providing 30 homes per hectare.
- It is in keeping with the suburban character of the site whilst making an efficient use of this previously developed infill site which is promoted by Planning Policy Wales.
- The change in ridge heights across the site's frontage would be barely perceptible when read from ground level.
- The public right of way issue has been addressed by officers in the report of the application whereby, the three metre wide paved footpath is an enhancement that not only meets the Welsh Government's active travel guidance but would offer a safe, comfortable space for walkers, families and young children. There are no planning grounds to make a footpath any wider than three metres in this location.
- Whilst the Drainage Officer has no objection to the submitted drainage strategy, concerns have been raised regarding the draft flood maps. The Drainage Officer's comments were made in advance of the current consultation on TAN 15 which now does allow some residential development in flood risk areas. The draft flood maps in the consultation draft of TAN 15 have no status in planning terms and are subject to further review. Decisions can only be made on the current flood maps and the advice by Natural Resources Wales (NRW). NRW has reviewed the flood risk assessment, agrees with the recommendation, and has no objection to this application.
- The site is sustainably located and well connected to daily amenities. The Highways Authority has assessed the proposals and supports the application. The approach to waste collection is consistent with national policy and guidance.
- The application delivers a range of benefits from providing family housing, affordable housing, green infrastructure, a pedestrian link using the enhanced

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public right of way and the remediation of a site, which if planning permission is not granted and the site is left undeveloped, would remain contaminated with asbestos.

- The agent requested that the Planning Committee considers approval of the application in line with the recommendation outlined in the report of the application.

The local Member for Magor East with Undy, County Councillor J. Crook, also a Planning Committee Member, outlined the following points:

- The planning objective is to achieve a good standard of design in order to avoid the bland development as proposed.
- Standardised appearance of some recent urban expansion to ensure that new development respects and enhances its surroundings and responds to the local distinctiveness and to avoid developments that have an inappropriate scale and character in the rural areas.
- The current design does not comply with LDP policies S7, DES 1, MV2 and MV3.
- The proposed development does not respect the character and distinctiveness of a site and its location.
- The local Member quoted LDP policy DES1 criteria i) and l).
- The overpowering of plot 9 over 14 Bridewell Gardens is unacceptable.
- The poor spacing of plots 7, 8 and 9 are too close to each other making it difficult to maintain these properties in the future.
- Policy MV2 sustainable transport access – Development should link into the existing or proposed public rights of way, walking, cycleways and green infrastructure network. There will be reflection in the layout and conditions and obligations of any permission granted. This layout and design do not provide adequate provision for this size of development.
- Policy MV2 Public Rights of Way – Development that would obstruct or adversely affect the public right of way will not be permitted unless satisfactory provision is made which maintains the convenient safety and visual amenities offered by the original right of way.
- The site has a long-standing history of rural development and country life and this needs to be protected.
- The Public Rights of Way Officer had stated that a four-metre segregated path should be delivered for the full length of the site. This would enable the number of houses designed to follow.

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- With regard to the character of the site, a large family dwelling existed previously and advice from the previous applications on this site has been recommended for six dwellings.
- The community understands that the redevelopment of Tythe House is inevitable but in a different format to that currently proposed and not at the expense of the important local community facilities.
- The local Member questioned why it was being proposed that a public footpath of three metres be provided when the Public Rights of Way Officer concluded that it should be four metres. Until the scheme is amended to protect and deliver the retention of this historic path the scheme cannot be supported by the community or the local Member.
- It was considered that the application should be refused as it did not comply with LDP policy DES1.
- Just because the site is located within the settlement boundary does not mean that the development can proceed that does not relate to existing form and character. The southern part of Undy is different to the northern suburban area and should not follow this volume house building approach. Average density should not be generally applied. If the site is to be developed it must proceed for the benefit of all within a design framework that respects the full planning balances of all issues and based on its own merits.

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

- Concern was expressed that the public right of way would be reduced from six to three metres and that a tunnelling effect might be created towards the end of the path which might be considered detrimental to the local populace.
- It was noted that there was an additional access to the playing field which could be used by emergency vehicles.
- There is an affordable housing contribution on site in which two affordable units would be provided, namely, plots 5 and 6.
- Concern was expressed that the proposed development would be located on a protected floodplain.
- The density of nine properties was considered to be too many units for the site and that the affordable housing allocation of two units was too low. The aspiration of the Authority is to have 35% affordable housing, but the report refers to 20%. It was considered that this percentage figure should be higher.

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- The Public Rights of Way Officer had objected to the width of the public right of way being reduced to three metres. Concern was expressed regarding the proposed reduction in the width of the public right of way.
- Concern was also expressed that the new road would be unadopted which would not be accessed by refuse vehicles.
- Some Members considered that nine proposed dwellings on this site was excessive and would result in overdevelopment of the site. Neighbouring properties might feel a lack of privacy as the ground levels will be raised as the site is located on a protected floodplain.
- There are limited turning points for larger vehicles and emergency vehicles which could result in the main road leading into the site becoming obstructed on occasions creating a negative effect on the highway and road users.
- Concern was also expressed regarding the lack of active travel and the public rights of way issue. Instead of enhancing and improving the path, this application seeks to diminish the size of the path. Whilst a three-metre path is in keeping with other developments, an application to reduce the size of the path is required and is not always granted. It was considered that the public rights of way application should be considered in conjunction with this application.
- A question was asked whether it was in the gift of the Planning Committee to lower the number of proposed dwellings on the application to counter any overdevelopment of the site. If this was achievable, a sufficient active travel scheme could be incorporated to improve the highway within the site and alleviate some of the concerns from residents of neighbouring properties.

The Development Management Area Manager responded as follows:

- With regard to questions raised in respect of potential overdevelopment of the site, it was noted that the Green Infrastructure on the site is sufficient, the affordable housing provision is policy compliant and will be located on site, benefiting the residents of the area.
- Policy DES1 criterion i) identifies a minimum requirement of 30 dwelling per hectare subject to criterion l) which maintains high privacy standards. However, the application is policy compliant with the supplementary planning guidance (SPG) regarding separation distances.
- The application as proposed is policy compliant with the Infill SPG.
- The site is not located within a rural environment. It is located in an urban environment and has residential development surrounding it. The layout and approach to the site, in terms of density, the position of the properties is appropriate to the adjacent residential developments.

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- In terms of the gaps between the properties and maintenance, this is not a planning consideration. Future Wales promotes a more efficient use of land. Officers consider that nine properties can be accommodated on the site maintaining privacy standards and remain in compliance with Future Wales, making efficient use of the land.
- With regard to the change of levels in relation to potential flooding, this matter has been carefully considered ensuring that the properties are not overbearing on adjacent properties and that the change in levels is managed effectively via graded sections and planting.
- Regarding potential flooding issues, the application is compliant with current policy. Natural Resources Wales (NRW) has reviewed the flood consequence assessment and has no objections regarding the way flooding is managed on the site or any implications for off-site flooding.
- Consideration had been given to providing bin stores on site. However, this would require maintenance and encourage more mess. Therefore, refuse will be placed at the two areas outlined in the report for collection by the refuse vehicle.
- The Public Rights of Way officer specifies in the report how the six metre wide measurement was drawn. Where the width of a path is not defined by statute, physical boundaries or the definitive statements, its width is a matter of evidence that is habitually used by the public. The path in question follows a track. It should therefore be assumed that the right of way is at least as wide as the track which is about six metres wide. It is not definitive that the existing path is six metres wide, it is an assumption. Officers have taken the current situation which has been the same for some considerable time of a narrow-worn path to the side of the property Camelot. It is considered that three metres is substantially more than the current arrangement. It will also be a tarmac path which will be accessible for all.

The Highway Development Manager informed the Committee as follows:

- The vehicle tracking for refuse vehicles shows that these vehicles would drive onto the site in a forward gear, turn around in the hammer head and then would exit the site in a forward gear. Turning heads are designed to accommodate the largest domestic vehicles that would visit properties, such as refuse vehicles. Refuse will be collected by the curb side. This highway will be adopted and maintained by the Highway Authority in perpetuity. From their private drives, residents might be required to carry their waste a short distance.
- Delivery vehicles have the option to either use the private drive and turn their vehicle in the property that they are delivering to or they can reverse their vehicle. Alternatively, they could park in the turning area for a short period of time and deliver to the premises.

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- The three-metre wide footway will be adopted over its length as part of the public highway.
- The turning head will be adopted as part of the public highway and be maintained by the Highway Authority in perpetuity.

The local Member, County Councillor J. Crook, considered that the footpath was not following active travel guidelines or Welsh Government guidelines of a footpath travelling along a new estate road.

In response, the Development Management Area Manager informed the Committee that the footpath is not an active travel route but a local walking route. However, it is acknowledged that the footpath is used hence the consideration of providing a three-metre wide path which will be retained in perpetuity and improves it in relation to its current condition. The alignment of the path remains unchanged. There is a condition in the report of the application relating to the public right of way in which full consultation will take place before any commencement of work takes place.

In response to further questions raised by Members, the Development Management Area Manager responded as follows:

- There is no change to the size of the affordable housing units as they meet the Welsh Development Quality Requirements (DQR) standards.
- The change in the re-consultation was in relation to Plots 3 and 4.
- Regarding the public right of way and the tunnelling effect, there is a nine-metre length of a 1.8 metre high screen wall that extends from the side of unit 1 to the back at the end of the site. The front portion of the garden is enclosed by a small fence and is open at that plot's parking area. This is not considered to create a tunnelling effect due to the straightness of the path. However, a further condition could be added to remove permitted development rights for means of enclosure for plot 1 to ensure there is no future tunnelling effect on the public right of way.
- With regard to the question raised in respect of potential overpowering of units 9 and 14 Bridewell Gardens, appropriate light is maintained to the rear back garden. Plot 9 will be 7.7 metres at its highest point from the ridge height. The boundary wall from its highest point will be 2.4 metres high above existing ground levels reducing to 1.8 metres. The impact of unit 9 is not considered sufficiently detrimental to refuse the application.
- The application is for nine houses and is policy compliant in all respects.

The Head of Planning informed the Committee of the following:

- Welsh Government is looking to use land the most efficient way possible delivering housing solutions. This site is deemed to be acceptable.

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- The site is located in an urban area and an additional nine dwellings would not be deemed overdevelopment of the site.
- The scheme has been significantly amended to address the concerns raised by local residents and is a betterment on the existing arrangements.
- This is a walking route that will connect to the wider active travel links.
- The application delivers 25% affordable housing in accordance with the Local Development Plan (LDP).

In response to further questions raised by Members, the Development Management Area Manager responded as follows:

- In relation to lighting on the public right of way, there is a condition restricting lighting as this is a potential habitat for bats. Therefore, light management on the public right of way needs to be carefully managed.
- There are no proposals for solar panels on the properties as it isn't current policy requirement. This matter will be investigated in the revised Local Development Plan.

The local Member, J. Crook, summed up as follows:

- The site will be overdeveloped.
- There are concerns regarding plots 9 to 14.
- There will be safety issues for children as there will be no demarcation lines between the public right of way and the estate roads.
- The Planning Committee was requested to consider refusal of the application.

It was proposed by County Councillor J. Butler and seconded by County Councillor M. Powell that application DM/2022/00484 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement. Also, that an additional condition be added to remove permitted development rights for means of enclosure for plot 1 to ensure there is no future tunnelling effect on the public right of way.

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

In favour of the proposal	-	9
Against the proposal	-	6
Abstentions	-	0

The proposition was carried.

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We resolved that application DM/2022/00484 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement. Also, that an additional condition be added to remove permitted development rights for means of enclosure for plot 1 to ensure there is no future tunnelling effect on the public right of way.

It was noted that the application was subject to a potential call in by Welsh Government. No further action would be taken until the Welsh Government decision was known.

6. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:

6.1. New House Farm, Llangybi

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at New House Farm, Llangybi on 8th December 2022.

We noted that the appeal had been dismissed.

6.2. Grove View, Bully Hole Road, Shirenewton

We received the Planning Inspectorate report which related to an appeal decision in respect of Grove View, Bully Hole Road, Shirenewton.

We noted that the appeal had been allowed.

7. New appeals received - 21st July 2022 to 31st December 2022

We noted the new appeals received by the Planning Department for the period 21st July to 31st December 2022.

The meeting ended at 4.37 pm.