

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 12th April, 2016 at 2.00 pm**

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

County Councillors: D. Dovey, D. Evans, R. Harris, B. Hayward,  
J. Higginson, P. Murphy, M. Powell, B. Strong, F. Taylor, A. Webb  
and A. Wintle

County Councillor G. Burrows attended the meeting by invitation of  
the Chairman.

County Councillor A.E. Webb left the meeting following determination  
of the Monmouthshire Local Development Plan Supplementary  
Planning Guidance Primary Shopping Frontages report and before  
consideration of the Planning Inspectorate – New Appeals report  
was considered.

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Planning
Philip Thomas	Development Services Manager
Paula Clarke	Planning Applications and Enforcement Manager
Robert Tranter	Head of Legal Services & Temporary Monitoring Officer
Richard Williams	Democratic Services Officer
Jane Coppock	Planning Policy Manager
Rachel Lewis	Principal Planning Policy Officer
Shirley Wiggam	Senior Strategy & Policy Officer

### **APOLOGIES:**

Councillors D. Blakebrough, D. Edwards and P. Watts

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

County Councillor P.R. Clarke declared a personal and prejudicial interest under the Members' Code of Conduct in respect of Planning Application DC/2015/01565, as he is a Board Member of Monmouthshire Housing Association. He left the meeting taking no part in the discussion or voting thereon.

County Councillor D. Evans declared a personal and prejudicial interest under the Members' Code of Conduct in respect of Planning Application DC/2015/01565, as he is a Member and tenant of Monmouthshire Housing Association. He left the meeting taking no part in the discussion or voting thereon.

County Councillor R.J. Higginson declared a personal and prejudicial interest under the Members' Code of Conduct in respect of Planning Application DC/2015/01528 due to

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his knowledge of the owner of a property near to the site. He left the meeting taking no part in the discussion or voting thereon.

County Councillor A.E. Webb declared a personal and prejudicial interest under the Members' Code of Conduct in respect of Planning Application DC/2015/01565, as she is a Board Member of Monmouthshire Housing Association. She left the meeting taking no part in the discussion or voting thereon.

County Councillor A.M. Wintle declared a personal and prejudicial interest under the Members' Code of Conduct in respect of Planning Application DC/2015/01565, as he is a Board Member of Monmouthshire Housing Association. He left the meeting taking no part in the discussion or voting thereon.

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

The minutes of the Planning Committee Meeting held on 1<sup>st</sup> March 2016 were confirmed and signed by the Chairman subject to the following amendment:

Minute 3 – The heading should refer to Llandogo not Llando.

#### **3. PLANNING APPLICATION DC/2015/01303 - CHANGE OF USE FROM DWELLING HOUSE TO RESIDENTIAL CARE HOME FOR UP TO SIX YOUNG PERSONS: HAZELDENE, COMMON ROAD, MITCHEL TROY COMMON**

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

Councillor V. Long, representing Mitchel Troy Community Council, attending the meeting by invitation of the Chairman, outlined the following points:

- Vulnerable young people need to be looked after in accordance with their individual needs.
- The issue is whether it is appropriate to have this type of business operating in Hazeldene, Mitchel Troy Common.
- In the access statement with the planning application it states that Monmouthshire County Council does not have any policies to cover conversion of private houses into small care homes, which is unfortunate in respect of this application.
- Even with the lack of planning guidelines, the location does not warrant a residential care home.
- Hazeldene would not be available for local children but for vulnerable children from outside the area.
- In the absence of guidelines in the Local Development Plan, the Community Council has looked at other areas that does have experience in category C

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homes, i.e., residential care homes should be located near to residential areas where there are residential facilities such as shops, health care facilities and public transport. Mitchel Troy Common does not have these facilities.

- The Social Services Department considers that this development would not provide good outcomes for young people.
- Local residents had expressed concern regarding the type of issues that the children might have and the potential detrimental effects upon the area.
- At Hazeldene there are 20 properties opposite the proposed development which is in contrast to the application which states that there are only a few neighbours.
- The property is in two distinct parts, namely, the house and the former garage. Some young people would sleep in the converted garage whilst the others would sleep in the house. Only two staff will be on duty at night, one in each part of the property. This would not seem to be a normal family home arrangement or appropriate to meet the protection of these vulnerable children.
- Hazeldene is not a suitable property for a residential care home.
- The Priory Group is looking for a business opportunity.

Mr. J. Imber, the applicant's agent, attending the meeting by invitation of the Chairman, outlined the following points:

- Seeks change of use to a small residential care home with a maximum of six young people residing there at any one time. No different to a large family home.
- A condition is being recommended by Planning Officers restricting the use of the site solely for the use being applied for.
- The use will not require commercial delivery or large vehicles.
- The home will be registered with the Care Council for Wales and will be required to meet stringent regulatory requirements.
- The property will be staffed at all times including two overnight care staff.
- The residents will be young people with autism, and other learning difficulties. They will not pose a threat to people who live in the local area.
- This will not be a young offenders' home.
- Residents will have a structured programme of education and will often be away from the home being educated or undertaking leisure activities.
- Family visits will often take place off site being pre-arranged.

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- The proposal is in accordance with the Local Development Plan and is supported by Planning Officers.
- Priory Group does understand the concerns of local residents and has tried to allay their fears.
- Comments from the nearest neighbour had indicated that they were impartial to the proposal.
- Experience of similar sites in the area does not give rise to the kinds of concerns that have been expressed.

The local Member for Mitchel Troy, attending the meeting by invitation of the Chairman, outlined the following points:

- Speaking as the local Member and as the Cabinet Member for Social Services with responsibility for both adults and children.
- Grave reservations about the use of this property and for this purpose.
- Assessment of need is very specific as it concentrates on the needs of the individual and the outcomes that they wish for are the Authority's primary challenge.
- The authority aims to provide care for Monmouthshire's young people as close to a family environment as possible.
- Other authorities place beyond their borders many children coming into private care ensconced in Monmouthshire. In most cases we are not informed of these young children when they arrive and frequently only become aware of them when absenteeism occurs from their place of residence. Concerns were expressed regarding the safety of the young people should they abscond from the home onto the busy, fast road that is Common Road.
- There are sparse facilities available at this location and is totally unsuitable as a location for a residential care home.

Having received the report of the application and the views expressed, Members expressed concern that there was very little information via planning guidelines to make an informed decision regarding the application. The Head of Planning advised Members that their decision should be based on the Local Development Plan policies referenced in the report and on material planning considerations, which include the amenities of neighbours and highway safety.

Some Members expressed their reservations in respect of the application and were sympathetic with the views expressed by the local Member, as the proposal was located close to existing residences. Also, concern was expressed regarding the transport arrangements and the effect that this might have on the village. Social Services had

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stated that they were not in support of the application in this location. The residents would not have adequate amenities.

However, other Members, whilst sympathetic to the views that had been expressed, considered that it would be difficult to refuse the application on planning grounds.

It was therefore proposed by County Councillor R. Hayward and seconded by County Councillor B. Strong that we be minded to refuse application DC/2015/01303 for the reasons expressed earlier.

Upon being put to the vote, the following points were noted:

For refusal	-	5
Against refusal	-	8
Abstentions	-	0

The proposition was not carried.

We therefore resolved that application DC/2015/01303 be approved subject to the three conditions, as outlined in the report and that the number of young people to be cared for to be added to condition 3.

#### **4. PLANNING APPLICATION DC/2015/01322 - CONVERSION OF STONE STABLE/ BARN TO A SPECIALIST SCHOOL (USE CLASS D1) AND ASSOCIATED EXTERNAL ALTERATIONS: MONAHAWK BARN, HAZELDENE, COMMON ROAD, MITCHEL TROY COMMON**

We considered the report of the application which was recommended for approval subject to the 20 conditions, as outlined in the report.

Councillor V. Long, representing Mitchel Troy Community Council, attending the meeting by invitation of the Chairman, outlined the following points:

- In the Monmouthshire Local Development Plan Mitchel Troy Common is designated as open countryside with a presumption against development.
- In the eyes of local People, Monahawk Barn has been controversial because it was designed to look like a house. The original plans that were given permission in 2005 state the size of the barn to be 47 square metres. The current application states the dimensions as being 149.76 square metres, more than three times bigger than the one for which consent was granted. The Planning Department had stated that this was irrelevant as the barn had been standing for more than four years.
- Common Road has no pedestrian footway and is barely wide enough for two cars to pass. It has a national speed limit of 60 mph.
- A traffic survey indicates that common Road is not a quiet road. In fact, it is a busy road, particularly at peak times.

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- The Community Council has often expressed concern regarding the safety of Common Road and were surprised that the Highways Officer had not made any comments in respect of this application.
- Other teachers and staff will be travelling along this road adding to the potential danger.
- Developments are meant to be sustainable with the presumption of not using cars.
- Access to the public highway must meet the standards of the Highway Authority. Any additional traffic created by the development must be incorporated into the existing road network without detriment to the area or highway safety.
- At the January 2016 meeting with the Priory Group, many residents expressed their fears about road safety at this location.
- Although the Highways Department has asked for the splay to the drive entrance to be widened, there will still be a blind bend to the north.
- Local people are not aware of the gated entrance being used for a number of years because of the sight lines.
- Under Planning Policy H4, the conversion of buildings that are suited to business will not be permitted unless the applicant has made every reasonable attempt to secure other business property. Has the developer satisfied this requirement?
- It is proposed that 50 places will be available at Monmouth Comprehensive School for children with learning difficulties. Has the need for this proposed school in Monmouthshire been proven?
- The application does not provide an open space for the children to exercise.
- The application is not sustainable.

Mr. J. Imber, the applicant's agent, attending the meeting by invitation of the Chairman, outlined the following points:

- The proposed development will provide for additional specialist educational space providing four classrooms.
- The children attending the school will have learning difficulties and will most likely reside in care homes in the local area.
- The school would have to be registered with Estyn and meet stringent regulatory requirements.
- The school will cater for young people with learning difficulties. There is an increasing level of demand for places.

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- Welsh Educational Services are keen for these places to be provided.
- Some children find it easier to be educated in a smaller setting and commissioning authorities are in favour of smaller settings.
- In terms of vehicular activity, the small scale nature of the proposed school means that vehicular movements will not be significant.
- The Highway Authority has no objection to the proposed use.
- The Priory Group has a long standing record of providing schools of this type.
- The proposal is in accordance with the Monmouthshire Local Development Plan.

Having viewed the report of the application and the views expressed, some Members considered that the application should be refused as there were better facilities available within the County and that approval of the application subject to the 20 conditions, as outlined in the report would result in additional traffic movements on Common Road. If approved, the driveway should be made of grasscrete and not gravel.

It was noted that the Wye Valley AONB Officer had submitted no objections to the application.

Other Members expressed their support for the application and it was proposed by County Councillor D.J. Evans and seconded by County Councillor R.J. Higginson that application DC/2015/01322 be approved subject to the 20 conditions, as outlined in the report.

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

For approval	-	4
Against approval	-	8
Abstentions	-	1

The proposition was not carried.

We were therefore minded to refuse application DC/2015/01322 on the following grounds:

- Traffic / impact on highway and pedestrian safety.
- Harm to amenity from increased noise and disturbance associated with the proposal.

The application will be re-presented to a future Planning Committee Meeting with appropriate reasons for refusal.

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### **5. PLANNING APPLICATION DC/2015/01528 - ERECTION OF A DETACHED DWELLING: GLEN USK MAIN ROAD, UNDY**

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

Mr. Beswick, objecting to the application and attending the meeting by invitation of the Chairman, outlined the following points:

- He has lived at No. 8 Rectory Gardens since 1984.
- The proposed dwelling will create a detrimental impact on the residential amenity of neighbouring properties.
- Magor with Undy Community Council has recommended refusal of the application.
- The footprint of the proposed dwelling lies very close to the boundary with No. 8 Rectory Gardens.
- The proposed dwelling will create a domineering / overbearing presence.
- Tree planting might help to alleviate some of the issues.
- Lighter roof tiles rather than the proposed black roof tiles would be preferable so that the proposed dwelling would be more in keeping with the surrounding properties.
- The pitch of the roof needed to be reduced.
- There are road safety concerns. The B4245 is a very busy road where vehicles often exceed the speed limit.
- The objector asked the Planning Committee to consider refusing the application or restrict the development to take into account the concerns of nearby local residents.

Mr. D. Prosser, the applicant's agent, attending the meeting by invitation of the Chairman, outlined the following points:

- The application has been amended in which the height of the proposed dwelling has been lowered and the mass of the proposed dwelling has been reduced.
- The single storey element is more than two metres from the hedge near to number 8 Rectory Gardens. The two storey element being even further away from number 8 Rectory Gardens.
- The proposed dwelling will create less of a visual impact due to the amended application.



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- The proposed development will not be dominating or overbearing.
- The Planning Officer's report addresses the issues raised via the objections to the application. The Planning Officer's assessment has been thorough and on balance, the impact is considered not to be significant.
- A neighbourly proposal has been established.

The adjoining ward Member and Planning Committee Member outlined the following points:

- The visual amenity issue is more significant than stated in the Planning Officer's assessment.
- Local residents have a right to residential amenity. However, this application is harmful to residential amenity as the application runs along the fence line of No. 8 Rectory Gardens.
- Consideration of the application should be deferred to allow Planning Officers to renegotiate with the applicant with a view to re-siting the proposed dwelling within the plot.

Other Members agreed with the adjoining ward Member and discussion was also held regarding the colour of the render, roof slates and whether to re-consult with neighbours if amended plans were received.

Having received the report and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that consideration of application DC/2015/01528 should be deferred to be amended and if revised, permission should be issued via the Delegation Panel with a view to exploring the possibility of moving the proposed dwelling towards Fairfield Court and moving back towards the railway line; specify the colour of the render; change roof slates to those more common in the area and re-consult with neighbours if amended plans were received.

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

For deferral	-	13
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/01528 would be deferred to be amended and if revised, permission would be issued via the Delegation Panel with a view to exploring the possibility of moving the proposed dwelling towards Fairfield Court and moving back towards the railway line; specify the colour of the render; change roof slates to those more common in the area and re-consult with neighbours if amended plans were received.

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### **6. PLANNING APPLICATION DC/2015/01204 - PROPOSED DWELLING; LAND ADJACENT TO 2 LADYHILL CLOSE, USK**

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

Late correspondence had indicated that the applicant's agent had submitted two amended plans, one depicting a first floor window to the eastern elevation that was designed to avoid overlooking of adjoining gardens, and the second to indicate the required visibility splays for the proposed access.

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

- The proposed dwelling was inappropriate for such a small plot.
- Neighbours considered the proposed dwelling to be too overpowering for the surrounding area.
- The road was already congested with on street parking making it difficult to gain access to the proposed off road parking facilities.
- The proposed dwelling was too big for the plot.

Having considered the report and the views expressed by the local Member, some Members expressed their concern that there was no amenity area located within the plot, access to off street parking would be difficult, the proposed dwelling would too big for the plot and it would be the only dwelling within the street that was detached and therefore not in keeping with the existing street scene.

However, other Members considered that it was the applicant's decision whether or not to have an amenity area within the plot and that the application complied with current planning policies.

It was therefore proposed by County Councillor A.E. Webb and seconded by County Councillor M. Powell that application DC/2015/01204 be approved subject to the eight conditions, as outlined in the report and that a visibility splay plan be added to the conditions in the report.

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

For approval	-	8
Against approval	-	4
Abstentions	-	1

The proposition was carried.

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We resolved that application DC/2015/01204 be approved subject to the eight conditions, as outlined in the report and that a visibility splay plan be added to the conditions in the report.

### **7. PLANNING APPLICATION DC/2015/01350 - CHANGE OF USE FROM USE CLASS A1 (RETAIL) TO USE CLASS A3; UNIT 5 WESLEY BUILDINGS, NEWPORT ROAD, CALDICOT**

We considered the report of the application which was recommended for approval subject to the four conditions, as outlined in the report and also subject to a Section 106 Agreement requiring the applicant not to implement planning permission DC/2014/00661 at 7 Wesley Buildings.

Members agreed that unit 5 would be far more lettable than unit 7 for this application and it was proposed by County Councillor R.J. Higginson and seconded by County Councillor M. Powell that application DC/2015/01350 be approved subject to the four conditions, as outlined in the report and also subject to a Section 106 Agreement requiring the applicant not to implement planning permission DC/2014/00661 at 7 Wesley Buildings.

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

For approval	-	13
Against Approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/01350 be approved subject to the four conditions, as outlined in the report and also subject to a Section 106 Agreement requiring the applicant not to implement planning permission DC/2014/00661 at 7 Wesley Buildings.

### **8. PLANNING APPLICATION DC/2015/ 01565 - DEMOLITION OF EXISTING GARAGE BUILDINGS AND ERECTION OF TWO BESPOKE SEMI-DETACHED BUNGALOWS, CAR PARKING AND ASSOCIATED WORKS; POPLARS CLOSE, ABERGAVENNY**

County Councillor Dovey left the room during consideration of the application and returned before the application was determined. He therefore abstained from voting in respect of this application.

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

Members were informed that the proposed bespoke development was for two individuals with disabilities. This location was the most suitable in the area for this development.

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Having received the report it was proposed by County Councillor R.J. Higginson and seconded by County Councillor M. Powell that application DC/2015/01565 be approved subject to the four conditions, as outlined in the report.

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

For approval	-	8
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2015/01565 be approved subject to the four conditions, as outlined in the report.

#### **9. Monmouthshire Local Development Plan Supplementary Planning Guidance Primary Shopping Frontages**

We received a report in which Members were advised of the results of the consultation exercise on the draft Primary Shopping Frontages Supplementary Planning Guidance (SPG) to support the policy of the Monmouthshire Local Development Plan (LDP).

In response to a Member's question regarding A1 usage, it was noted that there were very limited changes and the thresholds generally reflect historic and current levels of retail uses within the PSF's. Vacancy rates in the Central Shopping Areas were 0% in Raglan and 9.2% in Caldicot (October 2014). National vacancy rates were at 13% (March 2015).

We resolved to endorse the draft Primary Shopping Frontages Supplementary Planning Guidance (SPG) in connection with the Monmouthshire Local Development Plan (LDP) and to recommend to the Cabinet Member with responsibility for planning matters, accordingly.

#### **10. The Planning Inspectorate - New Appeals Received**

We noted the new appeals that had been received in respect of the following applications:

- DC/2015/00868 – Land adjacent to 42 Castle Oak, Usk. NP15 1SG.
- DC/2015/01019 – The Mount, Parc Road, Coed Y Paen, Monmouthshire. NP4 0SY.
- E15/229 – Whitemill Works, Usk Road, Mynydd Bach, Monmouthshire. NP16 6DD.

**The meeting ended at 5.10 pm**