

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd  
October, 2017 at 2.00 pm**

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

County Councillors: D. Blakebrough, L. Brown, A. Davies, D. Dovey,  
D. Evans, M. Feakins, R. Harris, J. Higginson, G. Howard, P. Murphy  
and M. Powell

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Planning, Housing and Place-Shaping
Paula Clarke	Development Management Area Team Manager
Craig O'Connor	Development Management Area Team Manager
sarah Jones	Principal Planning Policy Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillors J. Becker and A. Webb

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

There were no declarations of interest made by Members.

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

The minutes of the Planning Committee meeting dated 5<sup>th</sup> September 2017 were confirmed and signed by the Chair.

#### **3. DC/2014/01360 - CONSTRUCTION OF 250 RESIDENTIAL UNITS WITH ASSOCIATED DEMOLITION AND INFRASTRUCTURE WORKS, LAND AT DERI FARM, MARDY, ABERGAVENNY**

We considered the report of the application and late correspondence which was recommended for approval subject to the 16 conditions, as outlined in the report and subject to the amendments to the conditions, as outlined in late correspondence.

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

- Access to the whole site is a concern as it will be located on a sharp bend and would be opposite a double dwelling.
- There has been a long running issue in this area with regard to traffic matters relating to the volume of traffic and heavy goods vehicles using this route as a short cut.

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- Traffic often exceeds the speed limit on this road by a considerable margin. By the time the traffic reaches the 30mph speed limit, vehicles are usually within the 30mph zone before slowing down to the appropriate speed.
- The volume of traffic exiting this proposed new development will result in a continuous volume of traffic joining an existing fast road causing additional traffic problems for local residents.
- This site was identified late in the Local Development Plan (LDP) as an addition.
- The objections to the proposed development have been well documented by the local action group that are against this development.
- Removing the pylons and putting the cables underground has come at a cost with the reduction in the affordable housing provision from 35% to 19.6%.
- Concern was expressed regarding the process surrounding the removal of the pylons.
- With this development there will be extra demand on services in Abergavenny such as hospital provision and doctors' surgeries.

Mr. S. Griffiths, objecting to the application, attended the meeting by invitation of the Chair and outlined the following points:

- Many people have consistently opposed this development since it first emerged as the Council's preferred strategic housing site.
- The key reasons for objections have been:
  - The impact on traffic volumes along the Hereford Road, particularly through Mardy and its junction with Park Road.
  - The failure of the development to comply with the sustainability policies of the Council and Welsh Government.
  - The dramatic impact on the landscape and the negative effects on wildlife.
  - The dangerous location of the site access.
  - The failure of the proposal to meet the Council's own requirements in respect of 35% affordable housing, with only 19.6% now being proposed.
  - The unacceptable siting of the new pylon along the Hereford Road.
- The Planning Inspector stated in accepting the inclusion of Deri Farm in the Local Development Plan (LDP) that she was relying on the Council to live up to the

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promises on traffic reduction measures. There is little or no evidence of this being done.

- The Council and the developers have, in the past, argued that the scheme would be viable and that affordable housing targets would be met. Objectors have consistently argued that this would not be the case and that as soon as the scheme found its way onto the LDP, the developers would back track on commitments.
- This is a critical point, as the Council has considered that more affordable houses are a crucial objective.
- The scheme can only be considered truly viable if it meets all of the prescribed requirements.
- Planning Officers have argued throughout the LDP process that the negative aspects of the development were unavoidable as Deri Farm was the least, worst option and on this basis rejected all alternative sites. Since then, two of these alternative sites have been given planning permission. This, coupled with the failure to deliver on promises, indicates that the least, worst option is no longer unavoidable.
- The impact on traffic and safety, the impact on the landscape adjacent to the national park, the lack of sustainability and all of the other negative impacts of the development are not offset by the gains, which, are now being significantly reduced. Other developments are being identified, which were not identified when the LDP was being prepared.
- Over the years, evidence has been provided by objectors to the development. At every stage of the process the Planning Officers have rejected their arguments on the grounds of the greater good offsetting all of the negative factors. The greater good has now been significantly reduced and the lack of alternatives have been shown to be incorrect. In the view of local people, the benefits have been overstated and there is dismay that what has happened in relation to affordable housing provision. The downsides have been understated. There is concern regarding traffic flows with the situation in Mardy already having traffic concerns.

Mr. D. Hodgkiss, representing Persimmon Homes, attended the meeting by invitation of the Chair and outlined the following points:

- The site at Deri Farm was allocated in the adopted Local Development Plan (LDP) with the principal of development having been established.
- The principals of sustainability and suitability are firm.

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- Representations made throughout the LDP process state that the site would be viable subject to the Section 106 and the detailed viability to be undertaken in due course.
- Homes will range in size between one and four bedrooms. Of the 250 homes, 49 homes are proposed to be affordable, of which, three will be bungalows, which are a specific need and are required on this site.
- The scheme also involves the removal and undergrounding of four pylons. Two of which are located on the site and two on adjacent land. A single new terminal tower, at a height of 29 metres, will be installed, which will be significantly shorter than the existing pylons. This will be positioned east of Hereford Road next to the River Gavenny.
- Removal of the pylons will bring significant positive impacts to local residents, the wider setting of Abergavenny and the national park. Brecon Beacons National Park has supported the removal of the pylons.
- The new junction at the site entrance has been assessed by planning and transport consultants as well as being assessed by Council highways officers.
- A series of footpaths will be created through the site and adjacent to the wider area with linkages to the town centre.
- The scheme is well designed. Existing trees and hedges are to be retained and protected within significant areas of open space. A children's play area is also included with community orchard in the central part of the site.
- In recent years, the applicant has worked with officers to make a series of refinements to the proposal including design and elevation enhancements to the scheme over and above the standard specification of the scheme to meet with officer requirements. In addition, the materials pallet has been upgraded to use slate effect roof tiles, reconstituted stone and render. Additional windows, following consultation, have been added to increase surveillance of the public realm.
- The 30mph speed limit has been moved northwards along Hereford Road to just beyond the existing access with St. Teilo's Church. A footpath link has also been provided to the school.
- A series of Section 106 contributions are being provided.
- At the present time, Monmouthshire's land supply is below five years and there is a critical need for strategic allocated sites to be approved.

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The Head of Planning, Housing and Place Shaping responded, as follows:

- In terms of the traffic, there is a traffic assessment as part of the application. This has been investigated by Highways officers using the traditional modal split, so officers would have looked at a realistic vehicle generation. Vehicle speeds and traffic volumes have been looked at and officers are content with this.
- With regard to the affordable housing, since the LDP examination, the pylon and undergrounding costs have nearly doubled, which is why negotiations were required. The matter has been referred to the District Valuer for this to be looked at independently.
- With regard to the demand on services, at LDP allocation stage the Health Board was engaged with and was satisfied with the proposal in terms of housing numbers. There has been no request for additional infrastructure from the Health Board.
- Pylon removal – details will be set down in a Section 106 Agreement to ensure that it is adhered to.

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

- This is a strategic allocated site within the Local Development Plan (LDP).
- A robust consultation process had been undertaken.
- Green Infrastructure (GI) has been taken into account providing ample open space.
- The removal of pylons and the proposed undergrounding will be a positive action.
- It is a well designed site.
- Officers and the Delegated Panel have liaised with the developers with a view to obtaining the best outcome for the site.
- The highways network can accommodate the increase in traffic.
- The reduction in the number of affordable houses has been explained providing extenuating circumstances.
- Permanent flashing 30mph signs at convenient sites either side of the development would be beneficial.
- An increase in the number of houses with chimneys would improve the appearance of the site.

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- The 30mph zone will be covered under a Section 278 Agreement and the further north this is located would be beneficial in reducing the speeds of vehicles.
- Visibility splays could be widened even further making it safer.
- The Authority is now consulting with the Health Board on the major applications for housing and on Supplementary Planning Grants (SPG) when they come forward. Officers will engage again with the Health Board when the new LDP is prepared, in due course. Planning Committee had agreed to notify the Health Board regarding annual projections of which new housing sites are coming forward, to help it inform its infrastructure needs.
- In terms of the speed signs, this would be covered by the Section 278 Highways Agreement. This matter and the visibility splay issue will be passed to the Highways Department to be incorporated in to the Agreement.
- With regard to the education contribution, the legal tests are that the Authority has to be able to justify what the money is being asked for and it has to be necessary to make the scheme acceptable in planning terms. If there are surplus places, we cannot ask for the funding. However, if there are not enough spaces then funding can be requested. In English speaking primary education provision there is capacity. Therefore, in response to a question raised regarding English speaking primary education provision, it was noted that such a request would not meet the legal tests because there is capacity. With regard to the Welsh Medium primary provision, there isn't capacity, so it is justified.
- The affordable housing is pepper potted around the site which is pleasing.
- With regard to the £40,000 towards providing a bus service, the intention is to pump prime it to generate the service.
- A lighting design strategy could go to the design panel for consideration.
- Section 106 funding cannot be used to fund the development of broadband on new developments. However, developers can be made aware of these requirements and hope that they install the appropriate infrastructure. This information can also be made more readily available to the broadband providers so that they can also plan their infrastructure.
- In terms of the Green Infrastructure, there is a management plan which will be controlled via condition.
- The construction management plan will be covered via condition.
- Traffic calming on the main road outside of the site will be controlled via a Section 278 Agreement. The details of the agreement will be shared with the ward member.

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- The sale suite will most likely be located at the front of the site but this could be conditioned with regard to how this is provided for.
- Concern was expressed that the design was simplistic with very little fenestration on the proposed dwellings. The Delegation Panel should view the drawings for all of the proposed dwellings on the site to ensure that all of the details that have been agreed are in place and that the colours of the bricks, render and tiles also be viewed.

The local Member summed up by stating that there are attributes to the proposed development and is comforted by information provided in that there will be safeguards relating to the speed of traffic. It would be beneficial if the 30mph speed limit could be located near to the existing estate north of the proposed development with a view to slowing traffic at this location before it reaches the proposed new development.

Having considered the report of the application and the views expressed, it was proposed by County Councillor R.G. Harris and seconded by County Councillor M. Powell that application DC/2014/01360 be approved subject to the 16 conditions, as outlined in the report and subject to the amendments to the conditions, as outlined in late correspondence. An informative will be added encouraging the developer to make the necessary provisions for broadband infrastructure. Also, that the Delegation Panel should view the drawings for all of the proposed dwellings on the site to ensure that all of the details that have been agreed are in place including the colours of the bricks, render and tiles.

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

In favour of the proposal	-	13
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2014/01360 be approved subject to the 16 conditions, as outlined in the report and subject to the amendments to the conditions, as outlined in late correspondence. An informative will be added encouraging the developer to make the necessary provisions for broadband infrastructure. Also, that the Delegation Panel should view the drawings for all of the proposed dwellings on the site to ensure that all of the details that have been agreed are in place including the colours of the bricks, render and tiles.

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#### **4. DC/2016/01219 - FULL PLANNING APPLICATION FOR THE SITING OF A TEMPORARY RURAL WORKERS DWELLING FOR A PERIOD OF THREE YEARS, OAK TREE FARM, OLD QUARRY ROAD, DEVAUDEN**

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

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

- There is a laudable ambition to raise calves that might otherwise be of little value.
- The application has been presented to the Committee with a recommendation for approval with two basic reasons, firstly, under TAN 6 and secondly, because the County Council's consultant now believes that this is a viable plan. However, the consultant had originally considered that this business was not viable.
- This is a 14 acre site with potentially two acres of the site being taken up by the yards and non- grazing area.
- Further land is being made available on an open ended formal agreement. Therefore, availability of this land cannot be relied upon.
- 12 acres of land, on which to base this business plan, is illogical. 125 calves growing into cattle are expected to be reared on this land. The applicant has indicated that the calves will spend four months on milk followed by summer grazing in four batches. This will be difficult to achieve.
- The business plan indicates that it will be a low input system relying on a large acreage of grazing, which this area does not provide.
- The cost of the calves equates to £20 per calf according to the business plan. Any reasonable calf equates to £100 or more.
- The applicant's previous business was in Dorset but was not viable because it was not direct selling. This is a niche market. However, the applicant expects to sell 125 carcasses by direct selling, internet and mobile phone. This is a huge output and very difficult to achieve. The cost of refrigeration, transport to and from the markets and transport costs for internet sales has not been provided.
- The business plan needs to demonstrate that it can support a worker and every worker will need housing. However, the applicant has indicated that they cannot afford accommodation costs. The applicant does not need to live on site.
- Capital costs could be shared with other parts of the business. However, in this case the applicant has to take on the whole of these costs.

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- This is a high risk bovine T.B. area. Many of the farmers in this area are under restrictions from T.B. and several farmers nearby have been closed down.
- Contrary to the Council's consultant's views, this location is a cold hillside that supports sheep very well. It is not a site for a speculative calf rearing venture.

Ms. L. Coulthard, representing local objectors, attended the meeting by invitation of the Chair and outlined the following points:

- It is considered that the application is a property development in search of a business case to justify it.
- The plot in question was marketed as such extolling its exceptionally beautiful setting and explicitly mentioning the possibility of building a farm house.
- There is no detrimental effect on someone submitting a retrospective planning application but it was hoped that the Planning Committee will recognise the disregard for planning law that the applicant has demonstrated which raises suspicions about its authenticity as being primarily a genuine new farming business, however well-meaning those business intentions are.
- Objectors are objecting to the application for the same reason that TAN 6 guidance was introduced. To protect the precious highly sought after but rapidly diminishing countryside, which should be safeguarded for the whole community.
- This is no ordinary countryside. The Devauden escarpment is designated a special landscape area, which is set between two sites of special scientific interest (SSSI).
- If the application is approved, a precedent will be set.
- The three years being offered to the current applicant proves the viability of this enterprise as being crucial because the applicant might then be able to ignore County Council planning and go directly to the Welsh Government and apply under the One Planet Initiative.
- In the consultant's initial appraisal of the application, many of the TAN 6 tests were assessed initially as not being met. However, in the recent appraisal, these tests have been assessed as being met. No further evidence has been provided, nor has anyone been able to view a revised business plan or any of the financial information that would be necessary to make a proper assessment of the viability of this business.
- One of the TAN 6 tests states that the business should be based on a sound financial basis. No evidence has been presented.
- Another test relates to the inherent suitability of the site to be tested with clear evidence required in respect of the site selection and the reason why the

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enterprise could not be accommodated on an alternative site. No evidence has been provided.

- There is no evidence that any other sites have been sought. There is no evidence to show that the applicant has to live on this site. The Agricultural and Horticultural Board stated that it was not necessary.
- The decision to approve the application is based on wanting to support new businesses and would go ahead even if someone was not living on site.

Mr. S. Andersen, applicant's agent, attended the meeting by invitation of the Chair and outlined the following points:

- The initial concerns of the County Council's consultant were overturned by request of information from the applicant which had led to the consultant changing his view in respect of the application.
- The applicant has worked successfully in agriculture for many years and wants to establish a family run farm on the site.
- It has been agreed with the planning officers and the consultant that this enterprise meets all the tests of TAN 6. The evidence submitted with the application, along with the approval for a large agricultural building on the site, as well as there being plenty of land for the business, means that the enterprise meets all of the tests.
- The applicant has the option to rent additional land, if and when required.
- The applicant had run an enterprise from Dorset but the business outgrew the land and she needed to relocate. Relocation was based on finding land that was suitable in size and could provide for future expansion.
- Of all the potential sites, it was this site that met the applicant's needs. The planning permission for an agricultural building further attracted the applicant to the site.
- The applicant has past experience and success and has numerous qualifications and awards. There have been various newspaper articles about the applicant, as well as many letters of support.
- The applicant is serious about farming and has past experience.
- The applicant wants the opportunity for the farming enterprise to expand and to become a success. What TAN 6 aims to do is support living and working in rural communities.

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- It has been agreed between the applicant and the Council's consultant that all tests set out in TAN 6 have been met and the applicant should be given the opportunity to prove that the enterprise will be successful.
- The applicant is not applying for a permanent dwelling.

Having considered the views expressed, the following points were noted:

- The soil and stone has been dumped around the site. The cost of removal and reinstatement will be considerable.
- The scale of the development is no longer commensurate with the size of the plot.
- The access is poor for this type of development.
- Three year consent for a business at this site would be desirable but there would be no justification for any future application for any type of dwelling on this site.
- The business case is poor and does not take into account the real costs involved in acquiring the animals.
- The land is not conducive to the number of cattle proposed. The land is better suited to the grazing of sheep.
- If the venture failed the site would be left with a very large shed. It would be doubtful as to how this could be utilised.
- Concern was expressed that the application could not be considered financially viable when the barn and caravan are not factored into the costing.
- There is no reference in the report to Rural Enterprise Dwelling appraisals in which such an appraisal must accompany planning applications of this type of development.
- There is no need to be located on the site to run this type of business.

The local Member summed up by stating that this is an application just for a temporary home. It does not prevent someone with enterprise wanting to try a business venture, but living on the site is not necessary.

Having considered the report of the application and the views expressed, it was proposed that we be minded to refuse application DC/2016/01219 on the grounds that there is no need for a temporary dwelling to be located at this site for such a business venture. The application will be re-presented to a future Planning Committee meeting with reasons for refusal.

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

For refusal	-	12
Against refusal	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2016/01219 be refused on the grounds that there is no need for a temporary dwelling to be located at this site for such a business venture. The application will be re-presented to a future Planning Committee meeting with reasons for refusal.

#### **5. DC/2017/00771 - RETROSPECTIVE PLANNING APPLICATION TO CHANGE THE USE OF 4056SQ.M. OF LAND FROM GRAZING/AGRICULTURAL USE TO STORAGE OR DISTRIBUTION; THE LAND HAS BEEN USED FOR STORAGE AND DISTRIBUTION FOR THE LAST 4 YEARS, BARRIER SERVICES, THE ELMS, CAERWENT BROOK, CALDICOT**

We considered the report of the application and late correspondence which was recommended for approval subject to the one condition, as outlined in the report.

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

- The Community Council and residents had expressed concern regarding this application regarding the size and speed of vehicles, which has increased.
- The evidence from the company is that that is not the case and are not operating to the amount of vehicles allowed in their operating licence.
- The local feeling is that the business has outgrown the site.
- The site has been there for a number of years and it is understood that more land has been acquired, which will be subject to a planning application being submitted. If approved, this will replace the existing site in a more suitable location.
- The site is being cooperative with regard to complaints that have been received by local residents.

Some Members of the Committee considered that the application should be approved but noted that the location of the business did create some disturbance as the lane was narrow for large vehicles. A potential move to a more suitable site should be encouraged.

However, other Members of the Committee expressed concern regarding the increased deliveries to the site and that the application was a retrospective planning application.

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The Head of Planning, Housing and Place Shaping informed the Committee that the guidance states that retrospective planning applications have to be considered by the Planning Committee.

Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor D. Dovey that application DC/2017/00771 be approved subject to the one condition, as outlined in the report.

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

For approval	-	11
Against approval	-	2
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00771 be approved subject to the one condition, as outlined in the report.

#### **6. APPEAL DECISION - CHAINBRIDGE INN**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 4<sup>th</sup> September 2017. Site: Land at the Chainbridge Inn, Kemys Commander, Usk, NP15 1PP.

We noted that subject to the corrections and variation, as outlined in the report, the appeal was dismissed and the enforcement notice was upheld.

#### **7. APPEAL DECISION - CLEARVIEW, SHIRENEWTON**

We received the Planning Inspectorate report which related to appeal APP/ E6840/C/17/3172828 and appeal APP/ E6840/A/17/3172829 following a site visit that had been made on 6<sup>th</sup> June 2017. Site: 23 Clearview, Shirenewton, Chepstow, NP16 6AX.

#### **Appeal APP/ E6840/C/17/3172828:**

The appeal succeeds on ground (f) in part and on ground (g) only. The requirements of the enforcement notice are varied as follows:

Delete schedule 4 in its entirety and:

- (i) Substitute the following new requirement: Permanently remove the railings from on top of the retaining wall and reduce its height so as to conform to the maximum height indicated by drawing no. 1 Rev A dated January 2016 authorised by planning permission reference DC/2015/1386. Permanently remove from the land all rubble and waste produced by reducing the height of the wall.

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- (ii) Amend the time for compliance to 6 calendar months.

Subject to these variations the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

#### **Appeal APP/ E6840/A/17/3172829:**

The appeal is dismissed.

#### **8. APPEAL DECISION - TY'R GOYTRE, PANDY**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 4<sup>th</sup> July 2017. Site: Tyr Goytre, Pandy, Abergavenny, NP7 8EB.

We noted that the Enforcement Notice ("the EN") is varied by

- The deletion of the words '*....4 calendar months from the date that this Notice takes effect*' from the Time for Compliance and their replacement with the words '*....12 calendar months from the date that this Notice takes effect*'.
- The substitution of the plan referred to in Schedule 2 of the EN with the plan attached to this Decision, dated 27/6/2017.

Subject to these variations, the appeal is dismissed in respect of grounds (a), (d) and (f) and the EN is upheld. The appeal on ground (g) succeeds.

#### **9. Planning appeals received 20/7/17 to 20/9/17**

We received and noted the planning appeals received between 20<sup>th</sup> July and 20<sup>th</sup> September 2017.

#### **10. MONMOUTHSHIRE LDP - ADOPTION OF SUSTAINABLE TOURISM ACCOMMODATION SUPPLEMENTARY PLANNING GUIDANCE**

We received the results of the recent consultation exercise regarding the Draft Sustainable Tourism Accommodation Supplementary Planning Guidance (SPG) produced to provide further details of policies contained within the Monmouthshire Local Development Plan.

We resolved to endorse the Draft Sustainable Tourism Accommodation SPG (subject to the recommended amendments set out in Appendix 2 of the report) with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend to the Cabinet Member for Enterprise accordingly.

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**11. MONMOUTHSHIRE LDP - ADOPTION OF RURAL CONVERSIONS TO A  
RESIDENTIAL OR TOURISM USE (POLICIES H4 & T2) SUPPLEMENTARY  
PLANNING GUIDANCE**

We received the results of the recent consultation exercise regarding the Draft Supplementary Planning Guidance (SPG) on Rural Conversions to a Residential or Tourism Use (Policies H4 and T2), produced to provide further details of policies contained within the Monmouthshire Local Development Plan.

We resolved to endorse the Draft Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) SPG (subject to the recommended amendments set out in Appendix 2 of the report) with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend it to the Cabinet Member for Enterprise accordingly.

**The meeting ended at 4.40 pm.**