

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th  
November, 2017 at 2.00 pm**

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

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

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Craig O'Connor	Development Management Area Manager
Shirley Wiggam	Senior Strategy & Policy Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillor A.Davies

County Councillor J. Becker left the meeting during consideration of application DC/2016/01308 and did not return.

County Councillor L. Brown left the meeting following consideration of application DC/2017/00651 and did not return.

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

County Councillor P. Murphy declared a personal and prejudicial interest pursuant to the Members Code of Conduct in respect of application DC/2016/01308, as the applicant is his son's employer. He therefore left the meeting taking no part in the discussion or voting thereon.

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

The minutes of the Planning Committee meeting dated 3<sup>rd</sup> October 2017 were confirmed and signed by the Chair.

#### **3. APPLICATION DC/2017/00552 - ERECTION OF MARQUEES FOR FUNCTION USE BETWEEN APRIL TO OCTOBER (INCLUSIVE) AND RETENTION OF A SHED (4M SQUARED). THE BELL, SKENFRITH**

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

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In the absence of Llangattock Vibon Avel Community Council speaking against the application, the Chair allowed the applicant, Mr. R. Ireton, to address the Planning Committee. In doing so, the following points were noted:

- The importance of the application was crucial to the future functioning of the business.
- A local landowner acquired the Bell in 2000 and invested into it turning it into an award winning business.
- During the time that the business has been owned locally, the owner had to invest heavily to keep the business running. However, the current owners were not in a position to run the business in this way.
- For the business to continue, it has to be run on a sustainable basis by developing events at the Bell to generate additional revenue.
- The local community has the use of a first class establishment which employs 20 local people. The accommodation for young people working there has been increased.
- The Bell makes an approximate contribution of £40,000 in rates to the County Council and over £200,000 in taxes to Central Government.
- The Bell supports local suppliers, who in turn, support local farmers.
- The applicant is doing everything that he can to produce a positive outcome for people in the locality.
- Some of the objections raised are fanciful.
- For any event in the village that brings in additional traffic the Bell field is opened to provide additional parking provision and this will continue to happen.

The local Member for Llantilio Crossenny, also a Planning Committee Member, stated that there is no other venue or facility in that area to accommodate large events and the Bell field is available to accommodate additional parking, when required.

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

- It is an innovative and vibrant business which supports Monmouthshire's tourism strategy. The visual impact will be minimal.
- Any potential noise issues will be addressed via conditions.
- Rural enterprise should be supported.

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- In response to a question raised regarding the nature of the conditions and whether reference should be made to indicate that they should be retrospective, the Head of Planning, Housing and Place Shaping stated that he would liaise with the Monitoring Officer regarding this matter and amend if required.

It was therefore proposed by County Councillor P. Murphy and seconded by County Councillor R.J. Higginson that application DC/2017/00552 be approved subject to the nine conditions, as outlined in the report.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00552 be approved subject to the nine conditions, as outlined in the report.

#### **4. APPLICATION DC/2016/01219 - SITING OF A TEMPORARY DWELLING FOR A RURAL ENTERPRISE WORKING TO ESTABLISHES A CALF REARING BUSINESS. OAK TREE FARM, QUARRY ROAD, DEVAUDEN**

We considered the report of the application and late correspondence which was presented for refusal with reasons, as outlined in the report.

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

- Having seen additional information provided by the applicant, it does not convince the Committee that this is an appropriate development and it is not necessary for this site.
- There is no evidence that the enterprise is self-sustaining and has been planned on a sound financial basis.
- The financial test has not been evidenced and the business plan is not sound.
- The building is not suitable for calf rearing.
- There is no requirement to live on site to run a calf rearing enterprise.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins that application DC/2016/01219 be refused for the reasons, as outlined in the report.

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

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For refusal	-	14
Against refusal	-	0
Abstentions	-	0

We resolved that application DC/2016/01219 be refused for the reasons, as outlined in the report.

#### **5. APPLICATION DC/2016/01308 - REDEVELOPMENT OF SITE IN A PHASED MANNER TO PROVIDE TWO DWELLINGS; ONE PRIOR TO AND ONE POST DEMOLITION OF THE EXISTING DWELLING. BRIDGE HOUSE, PWLLMEYRIC, NP16 6LF**

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

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

- The site remains located in flood zone C2 and there is no correspondence from Natural Resources Wales (NRW) to indicate that this has changed.
- Having spoken with a NRW representative regarding the flooding aspect of the site, it was confirmed that under section 6 of TAN 15, highly vulnerable developments should not be permitted in zone C2. The decision on whether or not a development is justified is a matter for the local Authority.
- Highly vulnerable development means all residential development in zone C2. Therefore, according to TAN 15 this development should not be allowed and the application should be refused.
- The justification test to mitigate, if followed, are meant to be for other developments which are not residential. The technical advice from NRW, as a consultee, is about meeting this criteria, which is set up to test development other than residential development.
- It does not mean that NRW is supporting the application. It is provided on the basis of the situation where the planning authority has not immediately refused the application, which, if following the TAN 15 Policy, it should do so, then NRW will provide technical advice.
- To approve the application is contrary to Welsh Government Policy and TAN 15 for highly vulnerable development which means that all residential development in zone C2 should not be permitted.
- The NRW had provided the local Member with details of the technical no objections letter and it had been confirmed that it had been a planning decision. If the TAN 15 Policy had been followed by the Planning Authority then the application should not be permitted.

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- There is no justification for the Planning Committee recommendation to approve this application and to act in a way that is contrary to TAN 15 and Welsh Government Policy and allow an unnecessary extra dwelling in flood zone C2.
- The decision has already been made to grant an application for a replacement dwelling. However, to grant two four bedroom properties with two double garages cannot be justified.
- A neighbour objecting has said that if the application is approved then such a decision is irresponsible.
- The original application for one replacement dwelling should remain and the application for two dwellings on this site should be refused.
- The one dwelling application was for a reasonably sized property set back from the road and was a reasonable distance from the brook at the rear of this modest plot.
- The application should also be refused on the grounds of overdevelopment, as a significant proportion of the site will be covered over.
- The application is for two four bedroom houses with two double garages and five additional parking spaces with a turning circle on this site. It is contrary to policy DES1.
- Mathern Community Council and an objector have also referred to overdevelopment of the site.
- With the site being concreted over, this will lead to less natural draining of water. The removal of some of the trees has already taken place and increasing the gradient of the land may assist with access to the highway but the water has to drain off elsewhere.
- There are highway concerns in relation to this development having two rather than the original granted application.
- There is an allowance for nine car parking spaces including four spaces in the double garages.
- This is an accident blackspot and the Highways Department, in its recent report on the New Inn, which is nearby, highlighted those concerns.
- If two dwellings are allowed instead of one then this will double the traffic in an accident blackspot. There are also access concerns at this location.
- The wall, which was close to the current house, has been hit by vehicles.

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- The local Member therefore moved that the application be refused on the grounds of breach of TAN 15, overdevelopment in relation to Policy DES1 and highways and access concerns. This will still leave the applicant with planning permission that has already been granted for a reasonably sized replacement dwelling with a garage at the front, set back from the road and away from the brook and one which is more in keeping with the plot size.

In response, the Head of Planning, Housing and Place Shaping outlined the following points:

- In terms of the flood risk, the local Member is correct as the site is located within flood zone C2. However, the applicant, with planning permission, has undertaken works to raise the site and protect it from flooding. These works have been completed and NRW is satisfied that the works are complete. Therefore the site has been raised and although at this time it remains on the maps as being in zone C2, it will not flood and will not cause additional flooding elsewhere.
- There have been no objections from the Highways Department regarding highway safety.
- The Planning officer view is that approval of the proposed application will not lead to overdevelopment of the site but that is a matter of planning judgement for the Committee to consider.

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

- Late correspondence refers to NRW stating that its significant concerns have been addressed and does not object to the planning application due to the land being raised. The local Member responded by stating that this is a test in terms of mitigation that should not be applied in relation to residential development and this point had been clarified with the NRW representative who had written the document mentioned in late correspondence.
- The plots are a good size.
- The Highways Department has no objections to the application.
- A Member expressed concern regarding the traffic at this location. An additional nine vehicles entering and leaving this site is a significant change. There is also a change in the number of traffic movements in the area with significant traffic movements coming from the Caldicot area commuting to Bristol. There are existing traffic issues in the area which will be exacerbated if the application is approved. Development of the surrounding area has increased which has led to an increase in the number of vehicles travelling along this route. Also, concern was expressed that the site will be overdeveloped if the application is approved.

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- Other Members considered that the access to the site was suitable.
- Paving to the front of the site should be one level.
- The site remains in flood zone C2 but will be raised above the flood plain.
- Concern was expressed regarding the parking provision and garages at the front of the site as it does not sit well in the street scene.

The local Member summed up, as follows:

- The site will remain in flood zone C2.
- If the Planning Committee was following the original letter from NRW then the application would be refused.
- The tests undertaken when looking at flood assessments relate to other types of development and does not include residential proposals. Therefore, the technical tests may have been passed, but it does not mean that this should be done in the first place.
- There are more risks involved in building near a brook. Also, there is a dangerous highway located nearby. To put an additional property in that area is not justified as it is contrary to the Welsh Government Policy and contrary to TAN 15.
- The parking spaces have not been marked out and should have been conditioned.
- There are existing traffic issues at this location and road traffic accidents have occurred involving vehicles accessing the site onto the A48.
- Mathern Community Council also objects to the application as the development is located within a dangerous traffic area and that the site will be overdeveloped if the application is approved.

Following the debate, it was proposed by County Councillor L. Brown and seconded by County Councillor D. Dovey that we be minded to refuse application DC/2016/01308 on the grounds of breach of TAN 15, overdevelopment in relation to Policy DES1 and highways and access concerns.

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

For refusal	-	2
Against refusal	-	10
Abstentions	-	0

The proposition was not carried.

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We resolved that application DC/2016/01308 be approved subject to the conditions, as outlined in the report and subject to the removal of permitted development rights to sub divide the front garden areas together with the marking out of the parking spaces prior to the use commencing.

#### **6. APPLICATION DC/2017/00651 - ERECTION OF A TWO STOREY ANNEXE. 40A MAIN ROAD, PORTSKEWETT**

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

Members agreed in principle of providing an annex on the site. However, concern was expressed with regard to the proposed design as it does not relate very well to the main dwelling.

Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor R.J. Higginson that consideration of application DC/2017/00651 should be deferred to a future meeting of the Planning Committee to allow officers to liaise with the applicant with a view to agreeing a more appropriate design.

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

For deferral	-	12
Against deferral	-	0
Abstentions	-	1

The proposition was carried.

We resolved that consideration of application DC/2017/00651 would be deferred to a future meeting of the Planning Committee to allow officers to liaise with the applicant with a view to agreeing a more appropriate design.

#### **7. APPLICATION DC/2017/00950 - ERECTION OF A TERRACE OF 3 NO. RURAL EXCEPTION DWELLINGS, NEW ACCESS AND CAR PARKING AREA, NEW FIELD GATE/ACCESS AND ASSOCIATED WORKS. LAND OPPOSITE OLD SCHOOL HOUSE, FORGE ROAD, TINTERN**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions, as outlined in the report and subject to a Section 106 Agreement to ensure that the housing remains affordable.

The local Member for St. Arvans, also a Planning Committee Member, expressed her support for the application to provide affordable homes at this location.

Some Members considered that the design of the properties could be improved slightly. However, it was noted that the design had been kept simple to ensure additional costs were kept to a minimum. Lengthy discussions had been held with the applicant with regard to the design of the proposed dwellings.

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Having considered the report of the application and the views expressed, it was proposed by County Councillor M. Feakins and seconded by County Councillor A. Webb that application DC/2017/00950 be approved subject to the conditions, as outlined in the report and late correspondence, and subject to a Section 106 Agreement to ensure that the housing remains affordable.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00950 be approved subject to the conditions, as outlined in the report and late correspondence, and subject to a Section 106 Agreement to ensure that the housing remains affordable.

#### **8. APPLICATION DC/2017/00974 - RETENTION OF TRACK - PROVISION OF SURFACE MATERIALS TO EXISTING ACCESS. LAND AT WALLWERN WOOD, CHEPSTOW**

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

The local Member for St. Kingsmark. Chepstow, also a Planning Committee Member, stated that he has no objection to the application, as the first five metres of the track will have a hard surface, making it safer.

Having considered the report of the application and the views expressed by the local Member, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins, that application DC/2017/00974 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	-	12
Against approval	-	0
Abstentions	-	0

The proposition was approved.

We resolved that application DC/2017/00974 be approved subject to the four conditions, as outlined in the report.

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### **9. Appeal Decision - Old Mill House, Rockfield**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 18<sup>th</sup> September 2017. Site: Old Mill House, Rockfield, Monmouthshire.

We noted that the appeal was allowed with a certificate of lawful use or development describing the existing use which was considered to be lawful.

### **10. Appeal Decision - Upper Maerdy Farm, Llangeview**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 7<sup>th</sup> September 2017. Site: Land adjacent to Upper Maerdy Farm, Llangeview, Usk, Monmouthshire.

We noted that the appeal was allowed and planning permission was granted for the change of use of land to a private gypsy caravan site consisting of seven residential caravans and associated development at land adjacent to Upper Maerdy Farm, Llangeview, Usk, Monmouthshire, in accordance with the terms of the application, Ref DC/2015/01424, dated 12<sup>th</sup> November 2015, and the plans submitted with it, subject to conditions.

Llantrisant Fawr Community Council will be made aware of this decision.

### **11. New appeals received - 21st September to 26th October 2017**

We received the planning appeals received between 21<sup>st</sup> September and 26<sup>th</sup> October 2017.

**The meeting ended at 3.48 pm.**