

# Public Document Pack

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th  
December, 2016 at 2.00 pm

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

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

County Councillors V. Smith, E.J. Hackett Pain, J. Prosser and F  
Taylor attended the meeting by invitation of the Chair.

### **OFFICERS IN ATTENDANCE:**

|                  |   |
|------------------|---|
| Mark Hand        | Head of Planning, Housing and Place-Shaping   |
| Philip Thomas    | Development Services Manager                  |
| Paula Clarke     | Planning Applications and Enforcement Manager |
| Mark Davies      | Traffic and Development Manager               |
| Robert Tranter   | Head of Legal Services & Monitoring Officer   |
| Richard Williams | Democratic Services Officer                   |

### **APOLOGIES:**

Councillors D. Blakebrough, B. Hayward and P. Watts

#### **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 1<sup>st</sup> November 2016 were confirmed and signed by the Chairman.

#### **3. APPLICATION DC/2012/00754 - PROPOSED DEMOLITION OF EXISTING VICARAGE AND THE CONSTRUCTION OF A NEW VICARAGE AND DEVELOPMENT OF 11 NEW HOUSES INCLUDING FOUR UNITS OF AFFORDABLE HOUSING - AMENDED SCHEME FEATURING REVISED PARKING ARRANGEMENT, REVISED ELEVATIONS, REVISED ECOLOGICAL ASSESSMENT, STRUCTURAL ENGINEER'S REPORT AND GROUND INVESTIGATION (CONTAMINATION) REPORT. 38 HILLCREST ROAD, WYESHAM, MONMOUTH, NP25 3LH**

We considered the application and late correspondence, which was recommended for approval subject to the 13 conditions and subject to a Section 106 Agreement to secure four units of affordable housing on site.

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The Planning Committee was informed that the application was a long standing proposal that had been deferred by the Committee on 5<sup>th</sup> November 2013 to allow officers to liaise with the applicant regarding amendments to the design of the houses, parking provision to comply with the Council's adopted guidelines, to obtain the observations of Highways, to receive a contamination report and a report on the stability of the land.

The local Member for Wyesham, attending the meeting by invitation of the Chair, outlined the following points:

- The residents of Wyesham have expressed their concerns in respect of the application.
- A petition of 278 signatures had been received regarding the application.
- There are three concerns but the greatest is the contamination on the site. Tests have been undertaken and the specialist environmental officer recommended additional sampling.
- The tests have indicated a variety of pollutants but the main findings are benzopyrene, asbestos and made up soil.
- Welsh Government guidelines for benzopyrene is 5mg per kilogramme. The results indicate 6.06mg per kilogramme.
- Over a period of years there is evidence that tipping had occurred on the site. It was common practice for this to occur involving the tipping of hazardous material across the whole of the site.
- The site had been used as a holding by for the Council when building the replacement prefabs.
- The proposal is to build over the most polluted area of the site. There will be a membrane placed over the site and topped with topsoil. The deeds to the properties will have a note attached making owners aware of this matter. This is of no reassurance to residents.
- Subsidence has occurred on one side of the site. Some residents have experienced movement in their gardens and garages.
- Residents are not reassured by the engineer's proposals.
- There are concerns about the new road and access onto Hillcrest Road.
- The local Member asked the Committee to consider deferral of the application until further tests have been undertaken.
- Further investigation is required as well as a full remediation strategy.

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Councillor S. Wilson, representing Monmouth Town Council, attended the meeting by invitation of the Chair and outlined the following points:

- The Town Council Planning Committee, several years ago, voted for refusal and the reasons are identified in the outline report.
- As a Town Councillor for this area, Councillor Wilson has been asked to speak on behalf of local people as some wanted to make a certain level of support for the development.
- The petition gave a general feel that everyone was against the development and some residents considered that that was not the case.
- The concerns are of the people who are opposed to the development and the reasons for people supporting it refer to the same issue of contamination of the site.
- Both supporters and objectors of the development want to see the correct conditions applied to the development for sufficient testing and precautions taken when intervening on the development itself.
- Supporters say that the site is contaminated, is not going to improve and is being used as a site for illegal tipping. Children could easily access this dangerous site. Therefore, the supporters see the housing development as a potential way of solving the issues mentioned regarding the site.
- With regard to access to the site, the Town Council considers that any construction management plan would have to make it clear how the development is safely accessed.

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

- There are strict conditions attached to the application which address the issues raised.
- Concern was expressed regarding the contamination of the site. However, the Development Services Manager stated that condition 10 refers to a full remediation strategy being required. However, for the level of assessment required for the planning application, officers are aware of the risk and that it can be managed subject to mitigation.
- As more mitigation was required regarding the site it was considered that the application could be deferred until the required tests have been undertaken. The Head of Planning, Housing and Place Shaping stated that such a requirement would not be reasonable as the applicant would be expected to spend a considerable amount of money with no certainty that they will receive consent for

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residential development. The conditions within the application would control the concerns raised in respect of contamination.

The Local Member summed up by asking the Planning Committee to consider deferral of the application to allow the remedial strategy to be put in place.

It was proposed by County Councillor R. Harris and seconded by County Councillor R. Chapman that we be minded to defer consideration of application DC/2012/00754 to allow further contamination testing to be undertaken.

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

|                  |   |    |
|------------------|---|----|
| For deferral     | - | 2  |
| Against deferral | - | 11 |
| Abstentions      | - | 0  |

The proposition was not carried.

It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Webb that application DC/2012/00754 be approved subject to the 13 conditions and subject to a Section 106 Agreement to secure four units of affordable housing on site.

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

|                  |   |    |
|------------------|---|----|
| For approval     | - | 11 |
| Against approval | - | 0  |
| Abstentions      | - | 2  |

The proposition was carried.

We resolved that application DC/2012/00754 be approved subject to the 13 conditions and subject to a Section 106 Agreement to secure four units of affordable housing on site.

#### **4. APPLICATION DC/2016/00287 - AN EXTENSION TO BEAULIEU BARN TO PROVIDE A SUITABLE INTERNAL VOLUME TO PROVIDE FOR A MODERN STANDARD OF RESIDENTIAL LIVING ACCOMMODATION. BEAULIEU BARN, 25 KYMIN ROAD, THE KYMIN, MONMOUTH, NP25 3SD**

County Councillor R.J. Higginson left the meeting before this application was determined and did not return.

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

The local Member for Wyesham, attending the meeting by invitation of the Chair, outlined the following points:

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- The applicant had provided the Planning Committee with a precis of the last ten years planning history in respect of this site.
- The property is small and very cramped inside resulting in difficult living conditions.
- Planning policies that have been applied to this application and the site have not been consistent.
- The barn conversion was originally granted on 2006. It stated in that policy that it must be capable of providing adequate living space.
- There was no definition in the Unitary Development Plan (UDP) that it would indicate that the acceptable internal volume for modern living standards would be considered to be 250 cubic metres. As it currently stands, Beaulieu Barn stands at 187 cubic metres. Therefore, did not adhere to that policy when approval was granted.
- There was pre-planning advice given which didn't seem to match with the various policies.
- A common sense approach needed to be taken with regard to this application so that the applicant can have a home that is big enough to live in.
- There are no objections from the community.
- The Planning Committee was asked to consider approval of the application.

Mr. D. Edge, supporting the application, attended the meeting by invitation of the Chair and outlined the following points:

- Local residents do not object to the application.
- Some residents have supported the application in writing.
- Monmouth Town Council support the application.
- The property is undeniably small and comes with a range of issues. There is one living area with a sink and an oven. Whereas, the other half of the kitchen has a lean to extension. The preparation and storage areas are in a separate room. In between the two halves of the kitchen there is access to a bathroom.
- Common sense states that this is an unsanitary arrangement.
- The property is not clearly visible. There is a traditional country hedge surrounding the property and is moderately well screened.

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- The extension will lie to the west away from the public footpath.
- The 86% increase in size is small in reality due to the current size of the property.
- Local people are comfortable with the proposed extension.
- A flexible, common sense approach needed to be taken in respect of this application.

The Head of Planning, Housing and Place Shaping stated that there are no inconsistencies in the planning policies and decisions made have been consistent. The increase in size of the proposed property does not justify going against planning policy and decisions should be made in accordance with the Local Development Plan (LDP).

Having considered the report of the application and the views expressed, some Members accepted that the application was contrary to planning policy but agreed with the representations made by the local Member and the supporter of the application in that the existing living standards were unacceptable. Approval of the application would result in the property still being a small dwelling but would provide better living standards for the applicant.

However, other Members expressed concern that approval of the application would be going against planning policy and supported the officers' recommendation to refuse the application.

The local Member summed up by stating that a common sense approach would be to approve the application as the increase in the size of the development would be modest.

It was proposed by County Councillor A. Wintle and seconded by County Councillor R. Harris that application DC/2016/00287 be refused for the three reasons, as outlined in the report.

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

|                 |   |   |
|-----------------|---|---|
| For refusal     | - | 4 |
| Against refusal | - | 8 |
| Abstentions     | - | 0 |

The proposition was not carried.

We therefore resolved that we be minded to approve application DC/2016/00287 and that it be re-presented to the next Planning Committee meeting for approval with appropriate conditions.

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### **5. APPLICATION DC/2016/00895 - THE CONSTRUCTION OF A NEW SUPERMARKET AND ASSOCIATED CAR PARK AND LANDSCAPING. ABERGAVENNY CATTLE MARKET, LION STREET, ABERGAVENNY, NP7 5TR**

County Councillor D. Evans left the meeting before this application was considered and did not return.

We considered the application and late correspondence, which was recommended for approval subject to the 25 conditions, and subject to the revised S106 Agreement covering previous requirements, as outlined in the report.

The local Member for Priory ward, attending the meeting by invitation of the Chair, outlined the following points:

- Having undertaken surveys in his ward there has been considerable community pressure for the application to be determined in favour of the development taking place.
- A local resident has asked that a bus stop be located near to the proposed supermarket.
- The local Member has sympathy with the representations made by Abergavenny cycle group and had indicated his support. It was considered that a new way of looking at cycleways in Abergavenny town was required.
- Abergavenny Transition Town – The local Member would encourage the Applicant to use local suppliers wherever possible.
- Abergavenny Civic Society has submitted representations.
- Overall, the local Member supports the application but would encourage the applicant to engage with local societies to address any outstanding concerns.

Councillor C. Woodhouse, representing Abergavenny Town Council, attended the meeting by invitation of the Chair and outlined the following points:

- It has been 12 years since tenders were opened for the development of the Market Site.
- It is estimated that in this twelve year period, each year £20M of Abergavenny money has been spent out of town.
- The Town Council had recently voted in favour of this application. However, some amendments are requested, namely:
  - The throughway between Lion Street and Market Street needs to be visible to encourage people to shop at the supermarket and also within the town.

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- The blank walls of the proposed development could be adorned with a mural indicating the Abergavenny Food Festival, the Cycling Festival and the Steam Rally, for example, to show a sense of belonging to the people of Abergavenny.
- Abergavenny could help to part finance this with the Applicant and partners.
- The use of more stone would brighten up the development and make it look more rural.
- The Active Travel Act – The Cycle Group would like to see the walkway on the western side of the development to be a joint space.
- The Town Council has concerns regarding the crossing on Park Road and considers that this needed to be made safer.
- There is a need to have a pre-Morrison's and post Morrison's traffic assessment so that the repercussions of the proposed development may be identified.

Mr. P. Hannay, Chair of the Abergavenny Transition Town, representing various objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

The objectors would like to see the following firm conditions put on this application:

- There should be a cast-iron condition that the scheme will be made to comply with best practice of the legally binding Active Travel Act 2013. Currently, as the Abergavenny Cycle group and Sustrans submission shows, it doesn't comply. They recommend improvements to routes across the site and the new A40 road junction. Their advice should be heeded.
- In the light of the above, the applicant needs to re-think both the width, geometry, and surfacing of the two current north –south new pedestrian routes on the site, to eliminate the curvilinear one, and to give preference to a primary 4 metre wide pedestrian route connecting the end of Market Street and the town centre to Bailey Park and the Fairfield, along the edge of the supermarket. This should be the principal route for all non-car users. This should visually organise the site, not the car-runs of the car park and it should ideally be tree-lined.
- The hard surfacing strategy of the whole site and its material vocabulary is confused and contradictory. The strategy should take its cue from the high quality design investment of 'Brewery Yard' opposite the site and be executed the length of Lion Street as well.
- The Lion Street site perimeter should become fully permeable to pedestrians opposite the Brewery yard entrance to maximise pedestrian travel between the rest of the town and the site.



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- The Planning Committee should demand the re-instatement of the 20% non-food retail limit which has been swept away in the Evaluation - paragraph 5.1.5, even though Monmouthshire County Council policy states in 4.1.10 that it should be kept. 'Retailing is about competition', states the officer's report. There is no updated retail impact report and yet the officer claims there is no evidence to suggest that the town centre is vulnerable. Not a thought is given either, to food traders in the Market Hall. The 20% limit should be re-instated.
- The form and material of the buildings require a rethink. The very poor embodied energy performance of the buildings materials and the lack of renewable energy components, as would be expected by Welsh Government, should be replaced by a timber-framed and timber-clad, pitched roof, urban 'Market Hall'. The Market Town of Brecon as an aspiration could be a benchmark.

The objectors' actual evidence to back all this is as follows:

Welsh Government Highways who approved the earlier road scheme and the current one, says in paragraph 4.1.2 - quote "the applicant is looking at issues relating to the Active Travel Act". Looking at, is not good enough. Please act on the best advice.

The Design Access statement 29<sup>th</sup> July 2016 states "Hard materials detailing of footpath surfaces, will match those of the Brewery Yard Development". This changes in the later D+A statement 11<sup>th</sup> November to "will match those of Market Street" : Market street is not a priority pedestrian route in a car park. Brewery Yard is. That should be replicated.

Transport, Policy S1 of the LDP includes:

"Reducing the need to travel, especially by car;"  
"Promoting public transport, walking and cycling;"  
"Minimising the adverse effects of parking;"

The applicant's transport consultants state "It shows that the majority of Abergavenny is accessible within a maximum two kilometre walking distance, thus providing a great opportunity for both staff and customers to walk to the store." It says positive precise things about cycling too.

However, what is actually offered is an out-of-town suburban shed serviced by a car park completely undermining that policy. There is no hard landscaping detailed plan submitted with pedestrian priority, only a soft landscaping plan. The current condition no 7 regarding this issue, is 'flabby'. The visuals submitted in the applicant's November D+A statement, show tarmac and zebra crossings in a car park.

Finally, this is a once in a lifetime opportunity to make the largest new building in Abergavenny probably for a century, live up to the majesty of the Market Hall and Town Hall, the Chapel in Market Street, and the finely composed domestic and working buildings of Market, Lion and Monk Street that surround this site. The Planning Committee has a chance to do the right thing. Please heed these bodies' advice and impose these conditions.

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The Applicant's agent, Mr. C. Creighton, attending the meeting by invitation of the Chair, outlined the following points:

- Morrison's wants to be a part of a very successful wider town centre.
- The applicant has looked at how this new store will fit into Abergavenny in terms of scale, linkages, traffic and design.
- In terms of scale, the store has been designed to be able to compete with large out of town supermarkets that are taking trade away from Abergavenny but also has to be of an appropriate size for the site, the population of the town and its catchment.
- What is being proposed is slightly smaller than the Waitrose store but about twice the size of the Tesco store.
- A centrally located, well linked food store can strengthen a town centre by providing new customers and increase footfall to existing businesses.
- In terms of linkages the north / south route through the site has been retained with significant tree planting.
- There will be a three way crossing over the Park Road crossing.
- Cycle provision has been looked at and discussions have been held with the Welsh Assembly with a view to providing safe cycling lanes. Details of this will be available in the Section 278 Agreement to be signed with the Welsh Assembly.
- The applicant wants to encourage people who come to the store to also visit local shops and services within the town centre.
- The development provides 233 new centrally located parking spaces.
- The design of the development is a clean crisp contemporary building with significantly more glazing than on the previous application, allowing visitors to connect visually with Abergavenny.
- The store has a feature entrance using some of the stone reclaimed from the demolition of the old buildings from the cattle market.
- The scheme presented to Planning Committee satisfies all policies, provides a deliverable scheme that will provide an attractive well designed new food store of which Morrison's and Abergavenny can be proud.

A Planning Committee Member representing a ward in Abergavenny Town outlined the following points against the application:

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- Endorsed the views expressed by the Chair of Abergavenny Transition Town with regard to the conditions outlined.
- The store is an out of town store.
- It has taken 12.5 years to reach this application stage.
- Many people in Abergavenny are against this development.
- Abergavenny now has three supermarkets located within the town.
- A condition regarding the percentage of non food and food needs to be added to ensure the correct mix and to avoid creating a detrimental effect to businesses in the town, if the application is approved.
- Cannot support a café located within these premises. There are seven different eating establishments located close to the proposed store.
- There is a need to see traffic improvements to Park Road with a view to this road being able to cope with increasing traffic.
- Section 106 Agreement – There was a need to undertake a proper development of Lion Street.
- Valuable suggestions have been made by the Civic Society and Abergavenny Transition Town which should be heeded.

Other Planning Committee Members representing wards in or close to Abergavenny Town outlined the following points in favour of the application:

- The town has grown in recent years and residents have been asking for a superstore to be located within the town for a number of years.
- Walking into the Town from the various car parks in Abergavenny has occurred for many years. The development, if approved, will not hinder this process.
- The proposed development will be a great asset for the Town and encourage local people to shop in the town rather than go elsewhere.
- Morrison's has chosen to invest in Abergavenny which is a good accolade for the town and for Monmouthshire.

In response to questions raised, the Head of Planning, Housing and Place Shaping stated that:

- The Active Travel Act complies in terms of the junction. Welsh Government will be providing approval for the trunk road improvements.

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- With regard to the North / South link, officers are working with the applicant to ascertain whether it may be three metres in width.
- Energy performance will be addressed via building regulations.
- A 20% food retail limit has not been recommended by officers as the site is a town centre location and therefore would not be looking to restrict retail use within the town centre. Within a town centre the Authority cannot look at issues of competition.
- Section 106 clarification – Parking at the superstore would be controlled by the Authority via a Section 106 Agreement and would adhere to the terms and conditions of the County Council's car parks.

Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2016/00895 be approved subject to the 25 conditions, and subject to the revised S106 Agreement covering previous requirements, as outlined in the report.

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

|                  |   |    |
|------------------|---|----|
| For approval     | - | 10 |
| Against approval | - | 1  |
| Abstentions      | - | 0  |

The proposition was carried.

We resolved that application DC/2016/00895 be approved subject to the 25 conditions, and subject to the revised S106 Agreement covering previous requirements, as outlined in the report.

#### **Note:**

**At the end of the meeting the Head of Planning, Housing and Place Shaping provided the Committee with the following information:**

**As drafted, the opening hours condition for Sundays would be illegal due to Sunday trading laws. The store could only open for six hours between 10.00am and 6.00pm. The condition to reflect the allowed band will be amended accordingly, but there is no need to specify a six hour slot as that is covered by other legislation. Similarly, there is no need to refer to Christmas Day or Easter Day as other legislation covers that.**

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### **6. APPLICATION DC/2016/00921 - CONSTRUCTION OF TWO SINGLE STOREY DWELLINGS, NEW ACCESS AND PARKING AREA. LAND ADJACENT TO MANOR FARM, ROGIET**

We considered the application and late correspondence, which was recommended for approval subject to the eight conditions, and also subject to a Section 106 Agreement for a financial contribution to be used towards the provision of affordable housing in the local area, as outlined in the report.

Ms. R. Collett, objecting to the application, attended the meeting by invitation of the Chair and outlined the following points:

- This is a high level summary of the very detailed objections by 11 residents of Monmouthshire.
- This application deals with the environs of a grade II\* listed church and the associated important public right of way between a green open space / playing fields and the grade II\* listed church.
- A grade II\* listed church forms part of the top 8% of listed buildings in the Country. This site is significant historically, culturally and as a village amenity.
- The reason for listing is integrally linked to the manor farm complex and environs. Details as follows:
  - Part of a complex comprising of the farmhouse, farmyard and farm buildings of Manor House Farm and St Mary's church and churchyard. Group value with neighbouring listed items at Manor House Farm.
- Overall multiple planning application and proposals including the sub division of existing houses at this Manor Farm complex make for a considerably more sprawling and densely urbanised area than is warranted for this semi-rural setting.
- There are now five dwellings on the site. The proposed bungalows will increase this to seven dwellings, and the conversion of the second barn leading to potentially several more dwellings. This is approaching 9 / 10 residences and in the original LDP deposit plan the planning team turned down this site as being unsuitable for this number of houses.
- In respect of the National Planning Policy Framework the objector has concerns under chapters 7 and 12 over: density, landscape and making places look better for people who live in Rogiet and frequent the right of way. The density of the proposal requires considerable parking provision. For example, assuming there are 10 dwellings, it is estimated that provisioning for 30 cars will be necessary. This will inevitably destroy green space and detract from the setting of the listed buildings. Accordingly, reduced housing density from the current proposal seems appropriate.

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- The associated vehicular deliveries / waste bins / washing lines etc, the basics of human habitation in such a densely packed, low privacy application will be extremely visible to users of the public right of way between the Church and green open space / playing fields and will detract from residents' enjoyment of these village amenities.
- The objectors believe phase 2 of this development will set a very poor precedent for phase 3.
- The planning and conservation approach on this site has been referred to the County Council's Scrutiny Manager and have written to Cadw directly.
- The recommendation of residents is that the application is either refused or deferred until matters of process and further consultation by residents directly with Cadw is completed.

The applicant, Mr. N. Park, attended the meeting by invitation of the Chair and outlined the following points:

- The applicant's family owns the site and are looking to make it a more suitable site than currently exists.
- The site is currently inappropriate.
- The buildings are listed and the applicant would like to look after them through this development.
- Approval of the application will ensure that the site will be more suited as a long term residential site.

Having considered that report of the application and the views expressed, some Members considered that the proposed bungalows, in terms of fitting in with the holiday cottages that have been converted on the site, it was considered that there were no grounds on which the application should be refused.

One Member considered that the design was bold and appropriate for 21st Century living.

However, some Members considered that it was a very good site and there were no issues in erecting two bungalows at this location but the design could be better than proposed.

It was therefore proposed that application DC/2016/00921 be approved subject to the eight conditions, and also subject to a Section 106 Agreement for a financial contribution to be used towards the provision of affordable housing in the local area, as outlined in the report.

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

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|                  |   |   |
|------------------|---|---|
| For approval     | - | 8 |
| Against approval | - | 2 |
| Abstentions      | - | 1 |

The proposition was carried.

We resolved that application DC/2016/00921 be approved subject to the eight conditions, and also subject to a Section 106 Agreement for a financial contribution to be used towards the provision of affordable housing in the local area, as outlined in the report.

#### **7. APPLICATION DC/2016/00297 - A FOUR PLOT GYPSY SITE EACH PLOT HAVING SPACE FOR A MOBILE HOME, TOURING CARAVAN, UTILITY BUILDING AND PARKING SPACE NEW STABLES, ABERGAVENNY ROAD, LLANCAYO**

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

The local Member for Llanbadoc, attending the meeting by invitation of the Chair, outlined the following points on behalf of herself and local neighbours.

The following points were noted:

The residents' comments:

- Residents have been concerned by the lack of regard shown for all the legislation and procedures that home owners are expected to abide by.
- Having read the Planning Authority's report, residents support the recommendation for refusal of planning permission.
- The report highlights all of the contraventions of policies and legislation that this application is proposing.
- If the Planning Committee decides to refuse planning permission, residents have requested that the occupants should return the plot to its former state as agricultural land and a timescale be implemented to do so. Residents are concerned that this process might take considerable time.
- Residents are concerned that the occupants might ignore any instruction that the Authority provides and might continue to inhabit the site. Evidence of this has continued for some time that the occupants have had a disregard for planning procedure.
- Residents have asked the following questions:

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- Will the Authority insist that the land be returned to its former state?
- What timescale will be given to complete these works?
- How will these conditions be policed?

The local Member's Comments:

- This is a retrospective application which does not comply with Monmouthshire's Local Development Plan.
- It seeks to circumvent the normal development process.
- Regrets the time it has taken to receive an application.
- What is proposed is inappropriate to Llancayo, an area of unspoilt Monmouthshire landscape.
- Confident that officers have undertaken all of the necessary assessments of circumstances relevant to the application.
- It is a very comprehensive report.
- If the Planning Committee decides to refuse the application, it is important that conditions are put in place to return the land to its former agricultural condition within an appropriate time scale. Also, to ensure the works are properly undertaken.
- The site is inappropriate for development and asks that the Planning Committee considers refusing the application.

Councillor M. Goodwin, representing Gwehelog Community Council, attended the meeting by invitation of the Chair and outlined the following points:

Gwehelog Community Council recommends that the application be refused on the following grounds:

- Policy LC1 – New build in the open countryside – There is a presumption against new build development in the open countryside unless justified under the national planning policy.
- The planning application is a development in the open countryside which goes against the Local Development Plan.
- Reference point 6.1.2.5 – provides a frame work for assessing proposals for Gypsy, Traveller and Travelling Show People where for permanent, transient or emergency use. Within that, Policy H8 states that the site should not occupy a prominent location and should be consistent with Local Development Plan Policies for protecting and enhancing the character of the local landscape.
- Therefore, approval of the application would go against Planning Policies.



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- If the application were approved, it would set a precedent for further development within the Local Development Plan.
- The Local Development Plan forms the basis for making rational and consistent planning decisions.
- Gwehelog Community Council had therefore recommended refusal of the application.

Ms. A. Morgan-Andrews, representing the applicant, attended the meeting by invitation of the Chair, and outlined the following points:

- The Housing Act Wales 2014 puts a duty on local Authorities to both assess Gypsy / Traveller accommodation needs and provide culturally appropriate accommodation.
- The applicants are Gypsy / Travellers. They have a culture and tradition that is unique to their ethnicity and they are regarded as an ethnic minority under race relations legislation.
- Under this act there are over 300 plots needed throughout the whole of Wales.
- There is a distinct shortage of Gypsy sites in the whole of Wales and the UK.
- The Welsh Government had decided to put an obligation on local authorities to enforce the provision of new sites.
- In 20 years, only one site has been built for Gypsies and Travellers in Wales.
- Conditions could be put onto the application to ensure that the site would meet the criteria that is required. The flood zone could be left undeveloped and access could be changed. There could a septic tank installed instead of having a cesspit.
- The applicants do not have anywhere culturally to live.
- Due to racial discrimination, it is often difficult or Gypsies and Travellers to find somewhere to live.
- The 2015 GTA & A that was presented by Monmouthshire County Council to the Local Development Plan established a need for at least eight further permanent residential pitches by 2021. Therefore, there is a need for plots for Gypsies and Travellers in Monmouthshire.

Having considered the report of the application and the views expressed, Members agreed that there was a need to provide sites for Gypsies and Travellers within the County. However, it was noted that there was a need to agree provision and to undergo

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a process of identifying appropriate sites via the Local Development Plan. This matter needed to be addressed in the next Local Development Plan.

However, with regard to this application, Members considered that the application did not comply with planning policy. It was therefore proposed by County Councillor A. Wintle and seconded by County Councillor D. Edwards that application DC/2016/00297 be refused for the four reasons, as outlined in the report.

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

|                 |   |    |
|-----------------|---|----|
| For refusal     | - | 10 |
| Against refusal | - | 0  |
| Abstentions     | - | 1  |

The proposition was carried.

We resolved that application DC/2016/00297 be refused for the four reasons, as outlined in the report.

#### **8. APPLICATION DC/2015/01588 - CONVERSION WITH ALTERATIONS AND EXTENSIONS TO FORMER GALLERY TO PROVIDE 2 NO. DWELLINGS. THE OLD SMITHY, 34 MARYPORT STREET, USK, NP15 1AE**

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

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

- The provision of two dwellings is inappropriate at this location.
- Existing parking provision is very limited. Any off street parking tends to be unavailable all day.
- There has been a road traffic accident fatality located near to the property. Highway safety is an issue at this location.
- The Highways Department has objected to the application.
- The Heritage Officer has referred to the kitchen window of number 32 Maryport Street. Approval of the application will greatly reduce the light entering this window.
- When the extension is completed, the view will be of a brick / rendered wall.
- Usk Town Council is opposed to the application.

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- Residents throughout Usk are opposed to the application.
- There is room for a building at this location but it has to be the correct building which will satisfy the needs of the neighbouring properties.
- The local Member stated that he will be proposing that the application be refused.

It was considered that the application could be deferred to allow discussion with the applicant to reduce the number of proposed dwellings from two to one. However, it was noted that the applicant wanted to build two dwellings at this location.

Members discussed the 1.2m fence, as indicated in the report. However, the Head of Planning, Housing and Place Shaping informed the Committee that the applicant could erect a 2 metre high fence at this location under permitted development rights.

Having considered the report of the application and the views expressed by the local Member, it was proposed by County Councillor B. Strong and seconded by County Councillor A. Webb that we be minded to refuse application DC/2015/01588 owing to the overdevelopment of the site for two houses leading to an unacceptable impact on street parking. The report to be re-presented to the next Planning Committee Meeting for consideration with appropriate reasons for refusal.

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

|                 |   |    |
|-----------------|---|----|
| For refusal     | - | 10 |
| Against refusal | - | 0  |
| Abstentions     | - | 1  |

The proposition was carried.

We resolved that we be minded to refuse application DC/2015/01588 owing to the overdevelopment of the site for two houses leading to an unacceptable impact on street parking. The report to be re-presented to the next Planning Committee Meeting for consideration with appropriate reasons for refusal.

#### **9. APPLICATION DC/2016/01033 - PROPOSED DEMOLITION OF BUILDING TO ACCOMMODATE THE M4 ALIGNMENT CORRIDOR (APPLICATION FOR LISTED BUILDING CONSENT). WOODLANDS HOUSE, MAGOR**

The local Member for Usk left the meeting before consideration of this application and did not return.

We considered the report of the application and late correspondence, which was recommended that the Welsh Government calls in the application. This will ensure that the decision on Listed Building Consent for demolition is properly taken concurrently with the decision on the proposed M4 relief road. There are conditions outlined in the report should the Welsh Government be minded to approve Listed Building Consent.

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The local Member for Mill ward attending the meeting by invitation of the Chair, outlined the following points:

- The Planning Authority has a duty to uphold the principles of the Local Development Plan and the policies therein.
- It is a magnificent building. Many local people consider it to be an important and much treasured building with many local historic associations.
- The application is highly irregular and is incomplete. The Planning Officer has said that this Authority could not determine the application because the bat surveys are incomplete. However, there has been evidence of bats roosting there but in 2015, it had been determined that there was no bat roost located at the building.
- The Ecology Officer has said that there are inadequacies in the methodology used to come to that report.
- National Planning Policy says that applications made for the demolition of a listed building must be fully justified and scrutinised before any decision is taken. The demolition of any listed building should be considered as exceptional and require the strongest justification. In determining planning applications for total or substantial demolition of listed buildings, authorities should take into account the condition of the building. This building is in perfect condition. However, Welsh Government considers that the building will be lost, or at best, used for salvage materials.
- Local Authorities should not authorise demolition of a listed building to make way for a new development unless it is certain that that development will proceed.
- There is no certainty that the M4 Black Route will be chosen as the route for the M4 relief road at this current time. The public inquiry has been further delayed as there are inappropriate or sufficient traffic growth forecasts to justify the development at present. Therefore, the two conditions that must be satisfied do not appear to be.
- It is recommended that the Welsh Government calls in this application. However, Welsh Government considers that this building is not important. The Authority's Conservation Officer differs in this opinion and has stated that the building is particularly notable and the architect was John Noble.
- In conclusion, the application has an incomplete bat study.
- The local Member asked the Committee to consider either refusing the application or deferring it until the application is either sufficient or the Black Route is determined or not.

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The Head of Planning, Housing and Place Shaping informed the Committee that the reason for the officer recommendation is due to the need to look at the overriding national importance of the M4 relief road. It is clear that if the Black Route goes ahead, the building is located underneath the route. By requesting that the Welsh Government call in the application subject to the conditions outlined in the report of the application, by requesting the call in means that the application, if the Welsh Government agrees, will go before the same inspector and will be considered as part of this appeal process and the end result will either be - yes to the M4 Black Route and yes to demolition of the building, or no to both.

In response to a Member's question, it was noted that a recommendation could be made to the Welsh Government that, should the Black Route be approved, the building be taken apart and rebuilt at an alternative location.

The Monitoring Officer informed the Committee that if the application did go to the Welsh Government for decision, the Welsh Government would need to undertake various ecological assessments, including a bat survey, before making a decision on this matter.

In response to a question raised by the local Member, the Head of Planning, Housing and Place Shaping informed the Committee that a decision on the called in application would be made by an Independent Planning Inspector.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R.G. Harris that the Planning Committee be minded to approve the application subject to the conditions outlined in the report and subject to the relocation of the building. The bat survey to be corrected before the Planning Inspector makes his / her decision and all of this information to be called in by the Welsh Government so that the decision is made concurrently with the decision on the location of the M4 relief road.

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

|                           |   |   |
|---------------------------|---|---|
| In favour of the proposal | - | 8 |
| Against the proposal      | - | 1 |
| Abstentions               | - | 1 |

The proposition was carried.

We resolved that the Planning Committee be minded to approve the application subject to the conditions outlined in the report and subject to the relocation of the building. The bat survey to be corrected before the Planning Inspector makes his / her decision and all of this information to be called in by the Welsh Government so that the decision is made concurrently with the decision on the location of the M4 relief road.

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**10. APPLICATION DC/2015/00972 - CONSTRUCTION OF 8 DWELLINGS (3 AFFORDABLE UNITS AND 5 MARKET HOUSES). LAND ADJACENT TO WALNUT TREE COTTAGE, NEWPORT ROAD, LLANGYBI**

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

The Head of Planning, Housing and Place Shaping informed the Committee that the applicant had requested that consideration of the application be deferred as there had been amendments to the layout and design of the development which appear to overcome the reasons for refusal.

In light of this information, it was proposed by County Councillor P. Clarke and seconded by County Councillor A. Wintle that consideration of application DC/2015/00972 be deferred to the next Planning Committee meeting to consider amendments to the layout and design of the development.

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

|                  |   |    |
|------------------|---|----|
| For deferral     | - | 10 |
| Against deferral | - | 0  |
| Abstentions      | - | 0  |

The proposition was carried.

We resolved that application DC/2015/00972 be deferred to the next Planning Committee meeting to consider amendments to the layout and design of the development.

**11. APPLICATION DC/2015/01541 - EXCAVATE 1,500 CU.M. OF STONE FOR BUILDING PURPOSES ONLY; STONE FOR CROPPING, DRY WALLING, FLAGSTONES, LINTELS AND QUOINS. CLEDD-Y-TAN WOOD, KILGWRRWG, NEWCHURCH, CHEPSTOW**

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

Having considered the report of the application it was proposed by County Councillor D. Edwards and seconded by County Councillor M. Powell that application DC/2015/01541 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     | - | 10 |
| Against approval | - | 0  |
| Abstentions      | - | 0  |

The proposition was carried.

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We resolved that application DC/2015/01541 be approved subject to the nine conditions, as outlined in the report.

**12. APPLICATION DC/2016/0884 - FULL PLANNING APPLICATION FOR A CARE FACILITY, ACCESS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS. LAND AT WESTGATE, A465 - HEADS OF THE VALLEY ROAD, LLANFOIST, NP7 9AQ**

County Councillor A. Webb left the meeting before this application was considered and did not return. The Head of Planning, Housing and Place Shaping left the meeting during consideration of this item.

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

Having considered the report of the application, the committee expressed its support and commended the applicant with regard to the design of the proposed care facility. However, the applicant was asked if the roofs could be altered slightly to overhang the building rather than being flush to it.

It was proposed by County Councillor M. Powell and seconded by County Councillor D. Edwards that application DC/2016/0884 be approved subject to the eight conditions, as outlined in the report and also subject to the two conditions, as outlined in late correspondence.

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

|                  |   |   |
|------------------|---|---|
| For approval     | - | 9 |
| Against approval | - | 0 |
| Abstentions      | - | 0 |

The proposition was carried.

We resolved that application DC/2016/0884 be approved subject to the eight conditions, as outlined in the report and also subject to the two conditions, as outlined in late correspondence.

**13. Appeal Decision - Green Tree Orchard, Glascoed**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 16<sup>th</sup> September 2016. Site: Green Tree Orchard Store, Coed Chambers Road, Glascoed, Monmouthshire NP4 0TF.

The appeal had been dismissed.

**The meeting ended at 6.15 pm.**

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