

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 13th April, 2021 at 2.00 pm

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

County Councillors: L. Brown, A. Davies, A. Easson, D. Evans, M. Feakins, R. Harris, J. Higginson, G. Howard, P. Murphy, M. Powell, A. Webb and S. Woodhouse

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Denzil – John Turbervill	Commercial Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

None received.

1. HRH The Prince Philip, Duke of Edinburgh

Before commencing proceedings the Chair, on behalf of the Planning Committee, paid tribute to His Royal Highness The Prince Philip, Duke of Edinburgh who had recently passed away. As a mark of respect the Planning Committee held a minute's silence.

2. Declarations of Interest

None received.

3. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 2nd March 2021 were confirmed and signed by the Chair subject to the following amendments:

Application DM/2020/00881 – Page 5, bullet point 6 be amended to read:

- None of the original applicant's estate agent's valuation of £200,000 took account of the overage condition that the applicant was placing on the property when offering it for sale. It means that there is equivalent to a penalty clause on the land if a buyer purchased it for £140,000 rather than £185,000 they would still have to pay the seller the uplift if the agricultural tie was removed or the property extended in the next 35 or 50 years, meaning the buyer would have to pay the seller in the region of £40,000 if the new buyer gained permission to remove the agricultural occupancy condition.

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4. Application DM/2020/00720 - The erection of a two-storey, two-bedroom house in the parking lot at the rear of 11 Bank Street, Chepstow. 11 Bank Street, Chepstow, NP16 5EN

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and subject to the additional conditions outlined in late correspondence, as well as being subject to a Section 106 Legal Agreement.

In noting the detail of the application the following points were identified:

- The site will lend itself to the proposed development.
- Concern was expressed that the proposed development does not respect the character of the Grade II listed building and historical buildings in the area. It is a backfill site landlocked by a public car park and is out of character with surrounding properties.
- Approval of the application could lead to the displacement of up to seven vehicles from the existing properties.
- Concern was expressed that approval of the application would result in overdevelopment of the site.
- It was considered that the application does not constitute successful placement making.
- It was considered that emergency vehicles would have difficulty accessing the site if the application was approved.
- The site was considered to be a sustainable location and approval of the application would enhance the area.
- The Highways Department had expressed concern that the retail parking spaces will be lost.
- The Development Management Area Team Manager informed the Committee that officers are satisfied that there are no concerns relating to overlooking. There is a distance of 28 metres from the rear of 11 Bank Street to the listed building to the proposed unit. The impact on the listed building is considered acceptable. With regard to the design, the test is to preserve or enhance. It has been designed with a reduction in the scale and size of the building and its height being in line with the other buildings nearby. Therefore, the application complies with the Supplementary Planning Guidance (SPG). Currently, the site does not have a formal parking layout. However, given the sustainable location, the site is adjacent to an existing car park and is in walking distance to the railway station. It does not comply with the parking standards but there are mitigating factors which make the application acceptable.

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It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DM/2020/00720 be approved subject to the conditions outlined in the report and subject to the additional conditions outlined in late correspondence, as well as being subject to a Section 106 Legal Agreement.

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

For approval	-	9
Against approval	-	4
Abstentions	-	0

The application was approved.

We resolved that application DM/2020/00720 be approved subject to the conditions outlined in the report and subject to the additional conditions outlined in late correspondence, as well as being subject to a Section 106 Legal Agreement.

5. Application DM/2020/01076 - Use of existing agricultural dutch barn for the storage of cars. Clawdd-y-Parc Farm, Parc Road, Llangybi, Usk

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

Llangybi Fawr Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

'Until recently the applicant has been using this barn, contrary to planning regulations, as a base for his motor trading business, openly advertising it on websites and social media. This activity only stopped after the applicant was served with an enforcement order, one of several enforcement actions taken against this applicant. There has been no suggestion in the past that the applicant is an enthusiast and collector of motor cars. In any case, we would suggest that there is a fine distinction between a private collector of motor cars who buys and sells vehicles to enhance their collection and a commercial trader operating for profit.

If the committee is minded to approve this application, (and we accept that there appear to be no planning reasons not to), we would respectfully urge them to impose tight conditions on the use of this commercial building – we hesitate to call it a barn as it has never been used for any agricultural purpose. We endorse the conditions suggested by the planning officer in her report, but would be happier with a lower limit on the number of vehicles.'

The applicant's agent, Sullivan Land and Planning, had submitted a written statement in support of the application which was read to the Planning Committee by the Head of Planning, as follows:

'The Community Council appear to be confusing this with a previous withdrawn application for the cattle shed (2020/00072) to the north, which was the subject of

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enforcement action against a tenant who traded vehicles from those premises without the authority of the applicant and in contravention of his lease.

It should be noted that the Dutch Barn which is the subject of this application has never been used to trade vehicles, only to store vehicles which are the personal property of the applicant. The applicant is content with the number of vehicles proposed to be stored as part of this application, which was discussed and agreed with the case officer.'

Following discussion it was proposed by County Councillor G. Howard and seconded by County Councillor P. Clarke that we be minded to defer consideration of application DM/2020/01076 to a future Planning Committee meeting to allow officers time to gather evidence of when external alterations had occurred, to review the Inspector's decision and to establish whether the application was advertised correctly.

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

For deferral	-	14
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to defer consideration of application DM/2020/01076 to a future Planning Committee meeting to allow officers time to gather evidence of when external alterations had occurred, to review the Inspector's decision and to establish whether the application was advertised correctly.

6. Application DM/2020/01077 - Static caravan for use as temporary residential accommodation (one year) while barn conversion is under construction at Clawdd y Parc Farm. Clawdd-y-Parc Farm, Parc Road, Llanybi, Usk

We considered the report of the application and late correspondence which was recommended for approval subject to the two conditions outlined in the report. However, condition two should be amended to read as follows:

The use hereby permitted shall cease and the caravan decking and other domestic paraphernalia shall be removed from the site on or before 31st March 2022 and shall not be brought back to the site thereafter. The caravan shall only be occupied by persons directly connected to the ongoing works to barn 3 and no other persons.

Llanybi Fawr Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

'This is another application which we suspect has emerged as a result of enforcement action. In their objections to this application, residents who live on site have pointed out that this static caravan has been used by the applicant as a rental property for a tenant who has no involvement with the building work currently being carried out in converting the barn to a residential property. The caravan was in fact installed on site almost exactly two years ago, in April 2019. We realise that this is not a material factor in

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determining this application, however we mention it to reinforce our request that, should the committee be minded to approve this application, strict conditions be imposed to the extent that it should only be occupied by persons directly connected with the conversion of barn 3, and not for any other purpose. We agree with the time limit for removal of the caravan proposed by the planning officer in her report but would add that removal should be on conclusion of the building work should that occur before the end of March 2022.'

The applicant's agent, Sullivan Land and Planning, had submitted a written statement in support of the application which was read to the Planning Committee by the Head of Planning, as follows:

'In support of the residents' objections, the Community Council assert that the tenant of the caravan has no involvement in the current conversion of Barn 3 into a residential property. The applicant wishes to assure the County Council that in applying for the temporary planning permission for the residential caravan, he acknowledges that it will be occupied by a person associated with the building project. The applicant is hopeful that the conversion will be completed in the agreed timeframe, as agreed with the case officer, subject to no further Covid-19 related delays.'

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

- The conditions attached to the application are strong enough to ensure that the temporary caravan will be removed by the 31st March 2022. If required, the Authority will have the power to serve a breach of conditions notice allowing formal enforcement action to be taken.
- The local Member for Llangybi Fawr, also a Planning Committee Member supported the conditions to ensure that the temporary caravan should be removed by 31st March 2022.

It was proposed by County Councillor P. Clarke and seconded by County Councillor P. Murphy that application DM/2020/01077 be approved subject to the two conditions outlined in the report and that condition two be amended to read as follows:

The use hereby permitted shall cease and the caravan decking and other domestic paraphernalia shall be removed from the site on or before 31st March 2022 and shall not be brought back to the site thereafter. The caravan shall only be occupied by persons directly connected to the ongoing works to barn 3 and no other persons.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

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We resolved that application DM/2020/01077 be approved subject to the two conditions outlined in the report and that condition two be amended to read as follows:

The use hereby permitted shall cease and the caravan decking and other domestic paraphernalia shall be removed from the site on or before 31st March 2022 and shall not be brought back to the site thereafter. The caravan shall only be occupied by persons directly connected to the ongoing works to barn 3 and no other persons.

7. Application DM/2020/01258 - Construct new detached storage building with offices and staff room. Mounton Brook Lodge, A48 Chepstow Garden Centre To Pwllmeyric Hill, Pwllmeyric, Monmouthshire, NP16 6LF

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

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

- Vehicles that are parked on the front of the property can only egress from this area by reversing onto the A48 which is a dangerous manoeuvre. Vehicles travelling along the A48 have a restricted view of the vehicles joining the A48 from the front of the building.
- Parking provision on the existing plans is similar to permission granted in 2017. In the previous plan there were 32 parking spaces for the wedding venue. The temporary storage area will be removed with the new building replacing it. However, four parking spaces will be lost and the area at the front of the building is not a safe place to provide formal parking provision.
- The original consent was for a wedding venue. However, this now provides six bed accommodation. The local Member questioned whether planning consent was required for this. This will increase the issues surrounding parking provision on the site.
- The adjacent field has been hired and used for parking provision but would be unsuitable in times of inclement weather.
- Mathern Community Council considers that approval of the application will result in over development of the site.
- The local Member considered that should the application be approved then very strong conditions needed to be added to the existing conditions outlined in the report, namely: that the storage unit is non-residential and not sold as a separate plot, that the fence be removed to ensure that the area is available which is currently referred to as a service area, the hours of business to operate no later than midnight as it narrows the gap between Mounton House Lodge and the nearby house, no parking should be allowed at the front of the building in the interests of highway and pedestrian safety and the implementation of an

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approved travel plan for staff and visitors for parking including when accommodation is used inclusively or independently.

- The local Member asked the Planning Committee to consider refusal of the application on the grounds of overdevelopment of the site and the parking concerns. If the Committee considered approval of the application, a request was made for the additional five conditions to be added.

In response to the points raised by the local Member, the Development Services Manager informed the Planning Committee that a condition could be added to prevent vehicles parking at the front of the building. In terms of the condition being ancillary and not used for living accommodation, this could be achieved. Removal of the fence could also be undertaken. However, the approved layout could be enforced so that the fence would be taken down to accommodate the new building and re-arranged parking in that area. It would be unlikely that a condition could be added to limit the operating hours of business to midnight in isolation for this new building. With regard to the travel plan, this application refers to an outbuilding rather than the wedding venue itself which already has permission.

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

- Concern was expressed regarding the parking provision at the front of the property and it was considered that this area should not be formally included within the application as a parking area.
- The site line for vehicles travelling along the A48 approaching the Mounon Brook Lodge was obscured by a sign. Removal of the sign to a more appropriate location would improve the sight line for vehicles.
- It was noted that the speed limit on this section of the A48 had been reduced from 40mph to 30 mph with electronic signage requesting motorists to slow down.

The local Member summed up as follows:

- A condition be added that no parking should be allowed at the front of the building in the interests of highway and pedestrian safety.
- The hours of business should operate no later than midnight as it narrows the gap between Mounon House Lodge and the nearby house
- The fence should be removed.
- In terms of the condition being ancillary and not used for living accommodation, this could be achieved.
- The Development Services Manager had stated that officers would liaise with the applicant with a view to relocating the sign to a more suitable location.

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Following consultation with the Development Services Manager, two additional conditions would be added to the existing conditions outlined in the report, namely:

- To ensure the approved outbuilding is ancillary but is not used for guest accommodation in association with the primary wedding / function use or as a separate residential use.
- The four parking spaces identified at the front of the building shall not be formally marked out for use.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DM/2020/01258 be approved subject to the eight conditions outlined in the report and subject to the two additional conditions, as follows:

- To ensure the approved outbuilding is ancillary but is not used for guest accommodation in association with the primary wedding / function use or as a separate residential use.
- The four parking spaces identified at the front of the building shall not be formally marked out for use.

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

For approval	-	13
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2020/01258 be approved subject to the eight conditions outlined in the report and subject to the two additional conditions, as follows:

- To ensure the approved outbuilding is ancillary but is not used for guest accommodation in association with the primary wedding / function use or as a separate residential use.
- The four parking spaces identified at the front of the building shall not be formally marked out for use.

8. The Planning Inspectorate - Appeals Decisions Received:

8.1. Catry Cottage, Quarry Road, Star Hill, Devauden

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Catry Cottage, Quarry Road, Star Hill, Devauden on 2nd March 2021.

We noted that the appeal had been dismissed.

The meeting ended at 3.55 pm.

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