

# 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, 5th  
November, 2019 at 2.00 pm**

**PRESENT:** County Councillor R. Edwards (Chairman)

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

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Place-making, Housing, Highways and Flood
Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Denzil – John Turbervill	Commercial Solicitor
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillors P. Clarke and M. Feakins

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

County Councillor A. Easson declared a personal interest pursuant to the Members' Code of Conduct in respect of application DM/2019/00997 as he is a governor of Ysgol Gymraeg Y Fenni.

County Councillor A. Easson declared a personal interest pursuant to the Members' Code of Conduct in respect of application DM/2019/01327 as he is a member of the Police and Crime Commission for Gwent.

County Councillor L. Brown declared a personal interest pursuant to the Members' Code of Conduct in respect of application DM/2019/01327 as she is a member of the Fire Authority.

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

The minutes of the Planning Committee meeting held on 1<sup>st</sup> October 2019 were confirmed and signed by the Chair subject to the following amendment:

The resolution for Application DM/2019/00796 be amended as follows:

We resolved that application DM/2019/00796 be approved as per the original report which was considered by Planning Committee on 3<sup>rd</sup> September 2019 subject to the conditions outlined with an additional condition being added to ensure that three parking spaces per dwelling in perpetuity are marked out.

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3. Application DM/2019/00426 - Change of use of ground floor (and small basement) from vacant Class A1 shop to Class A2 estate agency. 22-23 Agincourt Square, Monmouth, NP25 3DY

We considered the report of the application and late correspondence which was presented for refusal for one reason.

The applicant's agent, Ms. S. Matthews, attended the meeting by invitation of the Chair and outlined the following points:

- The Agincourt Square premises have been vacant for over 18 months.
- The estate agency would be an attractive new use which would maintain the vitality and viability of the street frontage through encouraging footfall and link trips with other shops and services on the high street as well as providing an attractive shop display.
- It would also double the number of existing estate agency staff creating three new jobs.
- The proposal has the support of Monmouth Town Council and the Chamber of Commerce.
- The application has a recommendation for refusal due to a minor breach of Policy RET1. In all, the proposal fails one sub point of one of the three criteria of Policy RET1, as this is considered to be a prominent unit which should remain in Class A1 use. The likelihood of securing a good quality tenant must be factored into the decision.
- The building's prominence makes it all the more important to find a new use. Particularly because this is a Grade II listed building which has been lying vacant for over 18 months.
- Marketing evidence has confirmed that there is little likelihood to securing a good quality retail tenant in the short to medium term because of the size of the unit and that retail occupiers tend to prefer other locations within the town centre.
- The challenges facing the high street are well documented with the proportion of empty shops having reached over 10% nationwide.
- Refusal of the application will perpetuate the long term vacancy which is creating a detrimental effect on the vitality and appearance of this part of the town centre. However, the granting of planning permission will bring the building back into gainful use, bringing investment, supporting an existing business, creating new jobs and enhancing the vitality of Agincourt Square.

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

- There is no need for change of use at this property. The property is located centrally within the town and ideal as a retail shop. Concern was expressed that the property had not been marketed thoroughly enough as a vacant Class A1 shop.
- Current retail property vacancy rates in Monmouth equates to 10.1% which has been worsening in the town in recent years.
- The upper floor of the building is currently vacant. The rear of the building has planning consent for two residential units reducing the amount of floor space for retail use.
- Link trips are unlikely for estate agencies as they tend to be single purpose trips.
- Town centres need to adapt and change in order to thrive. Currently there are 19 empty shops within the town.
- In response to a question raised regarding footfall, it was noted that in the past, the Planning Department has asked for information in respect of this matter from applicants with this type of application to provide evidence to justify the reason for going outside of planning policies. With regard to this site, the Planning Department has made a balanced judgement and this is a very large corner unit with a primary shop frontage which should be retained. It was considered that an estate agency at this location would not generate the same amount of footfall that a retail unit would create.
- The Agent informed the Committee that the service that the Estate Agency could not currently provide at its existing premises was lettings as it was not large enough. The Estate Agency is presently only able to undertake sales. Therefore, the larger premises would allow for the expansion into lettings and to employ more staff.
- The listed building status means that the building has some special characteristics that need to be retained. Officers have been working with the applicant to find alternative uses for the premises. The listing of the building is not holding back its use in terms of a Class A1 property.

It was proposed by County Councillor M. Powell and seconded by County Councillor G. Howard that application DM/2019/00426 be refused for one reason.

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

For refusal	-	10
Against refusal	-	3
Abstentions	-	1

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We resolved that application DM/2019/00426 be refused for one reason.

**4. Application DC/2016/01342 - Proposed conversion, extension and mansard roof extension of the property to form 21 residential units with onsite cycle and vehicular parking, refuse and amenity facilities. Newbridge House, Tudor Street, Abergavenny, NP7 5DH**

We considered the report of the application which was presented for refusal for one reason.

The application had been presented to the Planning Committee on 3<sup>rd</sup> September 2019. At this meeting, the Committee resolved to defer consideration of the application in order to allow officers to review the recommendation. This was in response to information received by the Department for Works & Pension (DWP) on Monday 2<sup>nd</sup> September 2019. The DWP had confirmed that a new 10-year lease had been signed on the entire building in December 2017, and covered the period from 2nd April 2018 to 1st April 2028. There was a tenant only break option at 31st March 2023.

The proposal is not considered to comply with the requirements of Policy E1 and would therefore fail to protect existing employment land from alternative developments.

The applicant's agent, Mr. R. Chichester, attended the meeting by invitation of the Chair and outlined the following points:

- Since the original submission the scheme has evolved to the proactive negotiations of the Local Planning Authority's professional officers and the Design Commission for Wales.
- The amended plans reflect all of the agreed variations to the proposed development.
- The amended scheme is an attractive and sustainable development which seeks to regenerate an existing building within the Abergavenny Conservation Area.
- The application had been recommended for approval at the September 2019 Planning Committee meeting. However, on the receipt of late observations from the Department for Works and Pension (DWP) it had been confirmed that the lease on the building had been renewed. The Local Planning Authority had then deferred consideration of the application to review the late observations.
- Following this review, the Local Planning Authority now believes that the application will fail to comply with Policy E1 of the Local Development Plan (LDP) and has presented the application with a recommendation for refusal.
- The Applicant disputes the stance taken by the Local Planning Authority and argues that, despite the late observations received from the current tenants, the proposed scheme would adhere to Policy E1 and would not prejudice the existing tenants.

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- The applicant does not dispute that the tenants renewed their lease on the existing building 12 months ago. However, there is a need to understand the context and history of the renewal of the lease and planning application presented to the Committee today.
- The application with a proposed extension and conversion of the building to residential apartments was submitted to the Local planning Authority in December 2016 following the confirmation of the tenants of their intention to vacate the building due to the gradual downscaling of the business requirements. This was supported by the fact that the owners had failed to secure tenants for the first and second floor of the building for approximately 14 years despite actively marketing the floors with local agents.
- Due to several requests to the Local Planning Authority regarding the design and viability of the building, the application has taken nearly three years to be determined.
- The Local Planning Authority has supported the change of use of this site to residential use.
- During the application process and several weeks before the tenants were due to vacate the building, the tenants contacted the applicant and sought an extension of the lease as they were still reviewing the status of the building in this location and had not decided on a suitable alternative premises.
- The tenants had therefore negotiated a new lease for ten years with a five year review of break laws. The applicant was unaware at the time that the renewal of the lease would prejudice the application.
- Given the uncertainty of the tenant's position, the applicant was aware that the tenants could renege on their lease or could agree to terminate the lease at any time with the owner. This remains a realistic prospect.
- The applicant was minded that any forthcoming planning consent would provide him with a fall-back position for five years in the event that the tenants reneged or terminated their lease when the break / renewal clause expired within four years.
- The Committee was encouraged to support the application given its prominent location within the conservation area.
- The issue of the planning consent would not prejudice the tenant's current position as they have a lease in place that can only be terminated with the agreement of both parties.
- In light of the information provided, the applicant considers that the application meets the requirements of Policy E1 and other relevant policies within the LDP.

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The local Member for Grofield, also a Planning Committee Member informed the Committee that:

- This is an area that was residential in the past. The lack of parking provision in the area was also a concern for residents.
- The height of the building is a concern to residents, in particular, the mansard roof extension. It was considered that the proposed extension would make the building too high for the surrounding area.

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

- This is an area that was residential in the past. The lack of parking provision in the area was also a concern for residents.
- The height of the building is a concern to residents, in particular, the mansard roof extension. It was considered that the proposed extension would make the building too high for the surrounding area.
- It was disappointing that there would be no Section 106 funding for affordable housing if the application was approved. However, it was noted that the applicant had provided the correct viability report that had been seen by the District Valuer. Therefore, if the application had been presented to Committee with a recommendation for approval, it would not have been presented with a recommendation to receive Section 106 funding based on the District Valuer's full assessment.
- The employment use has not been demonstrated to be defunct.
- The proposed conversion does not sit well within the street scene.
- Cadw had not been consulted as the scheduled ancient monument is in excess of 170 metres from the site.

It was proposed by County Councillor G. Howard and seconded by County Councillor S. Woodhouse that application DC/2016/01342 be refused on the following grounds:

- The proposal would result in the loss of an existing business employment site that is still suitable and well-located for employment use and that still has a viable business employment use for the site. The proposal would therefore fail to protect existing employment land from alternative developments contrary to Policy E1 criteria (a) and (c) of the adopted Local Development Plan.
- Design and massing of the additional storey as it was not in keeping with the street scene.

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

For refusal	-	12
Against refusal	-	0
Abstentions	-	2

The proposition was carried.

We resolved that application DC/2016/01342 be refused on the following grounds:

- The proposal would result in the loss of an existing business employment site that is still suitable and well-located for employment use and that still has a viable business employment use for the site. The proposal would therefore fail to protect existing employment land from alternative developments contrary to Policy E1 criteria (a) and (c) of the adopted Local Development Plan.
- Design and massing of the additional storey as it was not in keeping with the street scene.

#### **5. Application DM/2019/00136 - Change of use of agricultural land for the siting of 5 glamping pods and a new toilet/shower block. Land at Broadstone Farm, Duke of York Road, near Staunton, Monmouth**

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

In noting the detail of the application, the concerns of the residents had been addressed.

It was proposed by County Councillor A. Davies and seconded by County Councillor J. Becker that application DM/2019/00136 be approved subject to the 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 DM/2019/00136 be approved subject to the conditions as outlined in the report.

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**6. Application DM/2019/00938 - Variation of condition 2 (we would like to amend the design of the rear of the property) relating to DC/2015/01588. 34 Maryport Street, Usk, NP15 1AE and Application DM/2019/01186 - Addition of conservatory to plot 2 of granted permission DC/2015/01588. 34 Maryport Street, Usk, NP15 1AE**

We considered the reports of the applications and late correspondence which were recommended for approval subject to the conditions as outlined in the reports.

Both applications had been presented to Planning Committee on 1<sup>st</sup> October 2019 with a recommendation for approval subject to conditions. However, the Committee had been minded to refuse both applications due to concerns raised in respect of the design and neighbour amenity impact.

However, the applicant had provided amended drawings for both applications for consideration by the Planning Committee for approval subject to conditions. However, if the Committee still considered refusing the applications, they were presented with reasons for refusal.

In noting the details of the applications both applications were closer to the original designs proposed.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that applications DM/2019/00938 and DM/2019/01186 be approved following the latest amendments as outlined in the report with the removal of permitted development rights for extensions.

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

In favour of the proposal	-	11
Against the proposal	-	0
Abstentions	-	3

The proposition was carried.

We resolved that applications DM/2019/00938 and DM/2019/01186 be approved following the latest amendments as outlined in the report with the removal of permitted development rights for extensions.

**7. Application DM/2019/00997 - Proposed new demountable unit to form two classrooms, toilets, kitchen and cloak room. Ysgol Gymraeg Y Fenni, St David's Road, Abergavenny, NP7 6HF**

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

The local Member for Croesonen, also a Planning Committee Member, informed the Committee that there is a history of parking problems in this location. However, there is a village hall located next door to the site that has car parking facilities. The school is



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very successful and is expanding and therefore requires additional classrooms. Whilst there will be some traffic issues at the beginning and end of the school day, this would be the same at any school within the County. The local Member therefore expressed his support for the application.

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

- The proposed new demountables would provide two new classrooms and associated facilities with capacity for up to 60 pupils and two teachers.
- In response to a question raised regarding Welsh Medium provision within the County, it was noted that the Planning Department had worked closely with the Children and Young People Directorate regarding the transport solutions for pupils. From a Planning point of view, it was about consideration of the additional highways impact. There are management measures that can be established that would not result in additional trips and additional harm to highway safety.
- A safe routes to school travel plan should be considered by the school if the application was approved. Also, a temporary permission of five years should be considered until the 3-19 school in Abergavenny is built. In response, it was noted that condition three within the report covers many of the aspects raised. In terms of a temporary consent, there are two demountables already in situ. No planning harm would be created by approving the application in perpetuity given that there are proposals for a new 3-19 school to be built in Abergavenny in due course which would lead to the re-provisioning of the Welsh Medium School.

It was proposed by County Councillor R. Harris and seconded by County Councillor R.J. Higginson that application DM/2019/00997 be approved subject to the three conditions as outlined in the report.

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

For approval	-	12
Against approval	-	1
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/00997 be approved subject to the three conditions as outlined in the report.

#### **8. Application DM/2019/01017 - Change of use from garage to holiday let. Existing Double Garage At The Chateau, A466 Catchmays Court To Bigsweir Bridge, Llandogo, Monmouthshire**

We considered the report of the application and late correspondence which was recommended for approval subject to the 12 conditions as outlined in the report.

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The local Member for St. Arvans, also a Planning Committee Member, outlined the following points:

- The application is supported by Planning policies.
- However, concern was expressed regarding the highways aspects as there have been significant changes since the garage was built. Traffic on the A466 has increased considerably during this period.

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

- Some members expressed support for the application as it was supported by Planning policies.
- Other Members expressed concern as traffic movements have increased considerably since the garage was built.
- When the kitchen extension is added the extractor will be located opposite the windows of a nearby residence.
- The proposed holiday let would look better than the existing garage.
- In response to a question raised, it was noted that the proposed holiday let would be required to meet building regulation standards.

It was proposed by County Councillor A. Webb and seconded by County Councillor J. Becker that application DM/2019/01017 be approved subject to the 12 conditions as outlined in the report.

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

For approval	-	8
Against approval	-	5
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/01017 be approved subject to the 12 conditions as outlined in the report.

#### **9. Application DM/2019/01320 - First floor extension to create a new bedroom. 21 Ethley Drive, Raglan, NP15 2FD**

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

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In noting the detail of the application, it was proposed by County Councillor A. Webb and seconded by County Councillor D. Evans that application DM/2019/01320 be approved subject to the two 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 DM/2019/01320 be approved subject to the two conditions as outlined in the report.

#### **10. Application DM/2019/01327 - Planning approval for existing police office (installed October 2018) and additional unit for lockers, search bags and body armour. Abergavenny Fire Station, Hereford Road, Abergavenny, NP7 5PU**

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

In noting the detail of the application, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DM/2019/01327 be approved subject to the two conditions as outlined in the report.

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/2019/01327 be approved subject to the two conditions as outlined in the report.

#### **11. Monmouthshire Adopted Local Development Plan Infill Development Supplementary Planning Guidance**

We received a report regarding the results of the consultation exercise on the draft Infill Development Supplementary Planning Guidance (SPG), to support the policies set out within the Monmouthshire Local Development Plan (LDP).

In doing so, a request was made that the draft Infill Development Supplementary Planning Guidance be amended to include the corner site sketch alongside the sketches of various types of infill development already indicated.

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We resolved to endorse the draft Infill Development Supplementary Planning Guidance (SPG) as well as including a corner site alongside the various types of infill development already indicated, with a view to issuing for consultation and to recommend to the Cabinet Member for Innovation, Enterprise and Leisure accordingly.

#### **12. Monmouthshire Adopted Local Development Plan Draft Archaeology in Planning, Planning Advice Note**

We received a report regarding the Draft Archaeology in Planning and Planning Advice Note (PAN) and to consider the proposed extensions to existing Archaeologically Sensitive Areas in Abergavenny, Monmouth and Trellech and consider the designation of a new Archaeologically Sensitive Area in Tintern.

In doing so, it was noted that the consultation period will commence on 18<sup>th</sup> November 2019 and close on 5<sup>th</sup> January 2020.

We resolved to support the draft Archaeology in Planning, Planning Advice Note, including the proposed changes to the boundaries to existing Archaeologically Sensitive Areas in Abergavenny, Monmouth and Trellech and the proposed designation of a new Archaeologically Sensitive Area in Tintern.

#### **13. The Planning Inspectorate - Appeals Decisions Received:**

##### **13.1. 26 St George Road, Chepstow**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 28<sup>th</sup> August 2019. Site address: 26 St George Road, Chepstow.

We noted that the appeal had been allowed and the planning permission ref: DM/2019/00027 for completion of existing wooden structured conservatory on the rear balcony of the house: New build - extending part of the current balcony at the rear of the house to incorporate a Juliette balcony to give a walkway (Appox 70cm wide) to front conservatory at 26 St George Road, Chepstow, NP16 5LA granted on 14 March 2019 by Monmouthshire County Council, is varied by deleting conditions 3, 4 and 5.

##### **13.2. Magor Pill Farm, Whitewall, Magor**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 5<sup>th</sup> September 2019. Site address: Magor Pill Farm, Whitewall, Magor.

We noted that the appeal had been dismissed.

##### **13.3. Yew Tree Cottage, Raglan to A449, Raglan**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 20<sup>th</sup> September 2019. Site address: Yew Tree Cottage, Raglan to A449, Raglan.

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We noted that the appeal had been dismissed.

**The meeting ended at 4.11 pm.**

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