

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Wednesday, 11th January, 2023 at 2.00 pm

PRESENT: County Councillor Phil Murphy (Chairman)
County Councillor Dale Rooke (Vice Chairman)

County Councillors: Jill Bond, Fay Bromfield, Emma Bryn, Jan Butler,
Ben Callard, John Crook, Tony Easson, Steven Garratt,
Su McConnel, Jayne McKenna, Maureen Powell, Sue Riley, and
Ann Webb

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
Joanne Chase	Solicitor
Paige Moseley	Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillor Meirion Howells.

County Councillor Rooke left the meeting following determination of applications DM/2020/00762 and DM/2020/00763 and did not return.

County Councillor Ann Webb joined the meeting during the Planning Officer's update in respect of agenda item 5(iii) - Planning Inspectorate - Appeals Decisions Received: The Cotlands, Beacon Road, Trellech.

1. Declarations of Interest

None received.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 6th December 2022 were confirmed and signed by the Chair.

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3. **Application DM/2020/00762 - Full planning application for the change of use of the visitor centre at Llandegfedd, to allow the building to be used for meetings, functions and events and to extend the opening hours approved under planning permission DC/2012/00442. Visitor Centre, Llandegfedd Visitor Centre, Croes-gweddyn Road, Coed-y-Paen, Monmouthshire and Application DM/2020/00763 - Full planning application for the change of use of the water sports facility at Llandegfedd to allow the building to be used for meetings, functions and events and to extend the opening hours approved under planning permission DC/2012/00317. Water Sports Centre, Llandegfedd Visitor Centre, Croes-gweddyn Road, Coed-y-Paen, Monmouthshire**

We considered the reports of applications DM/2020/00762 and DM/2020/00763 together with late correspondence, which were presented for refusal for the reasons outlined in the reports.

Applications DM/2020/00762 and DM/2020/00763 had been presented to Planning Committee in November 2022 with a recommendation for approval subject to conditions. However, the Planning Committee had been minded to refuse both applications and that they be re-presented to a future Planning Committee meeting with appropriate reasons for refusal.

The Local Member for Llanybi Fawr, also a Planning Committee Member, outlined the following points:

- The amendments to the applications made by Welsh Water do not ensure the integrity of the Site of Special Scientific Interest (SSSI). No substantial changes have been made.
- The events and parties aspect of the application have not been removed.
- The number of guests at an event has been lowered to 70. However, the Visitor Centre would be required to adhere to fire safety regulations which only allows 70 guests on safety grounds.
- The local Member expressed concern regarding the number of events, namely, six per application, which would equate to 12 events per year in total. This amendment was considered to be ambiguous and clarity was sought regarding whether this related to indoor or outdoor events in addition to the 28 outdoor events that may be held via permitted development.
- Welsh Water has not stated whether these events will be held in the water sports centre during the closed season.
- Under Natural Resources Wales (NRW) guidance, footpaths should remain closed during the overwintering bird closed season. Therefore, making it difficult for people to access the water sports centre. Lighting along footpaths might be required but there is no information relating to this matter in the management

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plan. If this is the case, Monmouthshire County Council's Biodiversity Officer should undertake a survey to assess the impact on the biodiversity of the sites.

- NRW concerns from September 2020 have not been addressed by Welsh Water.
- The Planning Committee needs to ensure that the SSSI is not put at risk.
- The water sports centre will be used mainly for business meetings, sporting groups, school visits and organised events for wildlife and environmental groups. Concern was expressed that permission was being sought to extend the opening hours from 6.00am to midnight. It was considered that the current permission would suffice for the community events Welsh Water claims to seek. Extending the opening hours until 11.00pm with staff to vacate the site by 12.00am suggests that permission is being sought for the SSSI site to become a party venue that will have a detrimental impact on the wildlife. It was considered that these applications did not comply with Planning Policy Wales.
- The local Member quoted the Minister for Climate Change, Julie James' letter, following COP15 to all Heads of Planning dated 20th December 2022.
- The Planning Committee was asked to uphold its original decision to refuse both applications.
- Concern was expressed regarding the balconies being used as an overspill area during the closed season, 1st October – 29th February. It was considered that this should not occur as it will negatively affect the overwintering birds.
- 380 objections and a petition containing 181 signatures objecting to the applications have been received.
- Late correspondence outlines recommendations for refusal from a number of interested parties.
- Clarity was sought regarding conditions regarding light spillage from the Visitor Centre.

The Local Member for Llanbadoc & Usk, attended the meeting by invitation of the Chair and outlined the following points:

- Having reviewed the decision taken by the Planning Committee in November 2022 in respect of both applications and studied the applications presented to Committee today, the local Member agreed with the Planning Committee's decision to refuse the applications.
- The reservoir had been in place before the buildings were built on the site. It was considered that the SSSI status should therefore prevail.
- Concerns have been raised by Natural Resources Wales (NRW).

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- The Gwent Wildlife Trust and the Gwent Ornithological Society had produced reports exposing the flaws in the studies that had been undertaken.
- Torfaen County Borough Council's ecologist has lodged a holding objection to the applications. Objections have also been received from Llanbadoc Community Council, Llangybi Fawr Community Council, Usk Civic Society and the Coed y Paen Residents' Association, as well as receiving petitions and numerous objections from the general public.
- The mitigating factors put forward by Welsh Water were considered to be insufficient to allow approval of the applications.
- The priority is the preservation and integrity of the SSSI status.
- The local Member asked that the Planning Committee consider refusal of the applications.

Having considered the reports of the applications and the views expressed, the following points were noted:

- The events proposed could be held in other nearby locations that would be better suited for hosting such events.
- Preservation of the wildlife and the SSSI status was key.
- There will be 12 events in total, equating to six internal events being held in each building over the period of one calendar year. The internal events can take place throughout the year, including during the overwintering period. In addition, there will be 12 external events which will only take place outside the overwintering period. The external events will take place between 7.30am and 5.00pm. A condition has been applied for internal events (condition 9) whereby, the event shall finish no later than 11.00pm.
- The events are defined in the Management Plan.
- If the applications were approved, a request was made for hedgehogs to be added to condition 5 of the reports.
- The busiest period for the venues occurs over the summer months when the birds are not overwintering.

It was proposed by County Councillor F. Bromfield and seconded by County Councillor M. Powell that applications DM/2020/00762 and DM/2020/00763 be refused for the following reason:

It has not been demonstrated that the proposal to extend the range of uses of the building and the hours of operation will not have an adverse impact upon the

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Llandegfedd Reservoir Site of Special Scientific Interest (SSSI) which is designated for overwintering wildfowl. The development therefore conflicts with Local Development Plan Policy NE1.

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

Application DM/2020/00762

Agree to refuse the application	-	10
Disagree to refuse the application	-	1
Abstentions	-	1

The proposition was carried.

Application DM/2020/00763

Agree to refuse the application	-	11
Disagree to refuse the application	-	0
Abstentions	-	2

The proposition was carried.

We resolved that applications DM/2020/00762 and DM/2020/00763 be refused for the following reason:

It has not been demonstrated that the proposal to extend the range of uses of the building and the hours of operation will not have an adverse impact upon the Llandegfedd Reservoir Site of Special Scientific Interest (SSSI) which is designated for overwintering wildfowl. The development therefore conflicts with Local Development Plan Policy NE1.

4. Application DM/2021/00036 - Proposed office, reception, shop and managers dwelling. Land south of Alice Springs, Kemeys Road, Kemeys Commander, Usk, Monmouthshire

We considered the report of the application together with late correspondence, which was presented for refusal for the reason outlined in the report.

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

- The current business enhances the area seeking to attract tourism from afar.
- The business aspires to five-star rating receiving excellent reviews from guests.
- Visitors will contribute to the local economy by visiting local restaurants, public houses and shops, as well as tourist facilities.

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- Developing a luxury tourist offer requires appropriate levels of service and supervision.
- The business is a diversified enterprise associated with the large farming business more than two miles away. All the existing staff associated with the farm are employed on the farm. The intention is for the holiday let business at Alice Springs to be operated by appropriately, highly skilled specialist employees.
- It has become unrealistic to service the guests from a remote location on a farm two miles away. There is a need for 24-hour on-site support for guests who may arrive at various times throughout the day or evening.
- There is concern for elderly guests and guests with disabilities who might require support on arrival during their stay. Guests might fall ill or have an accident when the site is not attended.
- The site requires a Manager's dwelling allowing the constant presence of an experienced manager with appropriate skills including first aid training. With the potential for having 64 guests on site, it was considered unreasonable not to have a 24-hour on-site presence. It would be difficult for staff located on the farm two miles away to provide such a service with the management skills required for the holiday let business.
- The full-time manager would be an experienced professional and would likely have a family with a partner also being employed on the site.
- The Council accepts that this is a long-term viable business and that there is a need for emergency cover. The Council welcomes the holiday accommodation and acknowledges the manager's dwelling would provide effective management.
- The only issue being put forward to refuse the application is that the site could be managed by farm-based staff two miles away. The suggestion has been made for a nightwatchman to fulfil the need for emergency cover. However, this does not recognise the requirements of running and supporting a high-end tourist accommodation of up to 64 guests.
- It has been suggested that one of the holiday lets could be used to accommodate the proposed Manager. However, the Manager is likely to have a partner and possibly children requiring two holiday lets to be reconfigured with a substantial loss of income to the site.
- The business requires a 24-hour on-site presence of an experienced manager with an appropriate on-site manager's dwelling that allows for a partner and family.

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

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- Some Members expressed support for the application. Having a full time Manager on site would be beneficial to the business and guests. It would be impractical for staff on the farm to look after guests from over two miles away as it would take them away from their main role as well as requiring them to undertake duties in which they are not trained.
- The site has been constructed to a high standard with the plans submitted being in keeping with this. It was considered that a new property would be in keeping with the existing business. Having a larger property would appeal to a wider range of people with families to apply for a managerial position. The proposed development will not affect any neighbouring properties.
- The officer's recommendation for a condition to prevent the dwelling from becoming a residential property was welcomed. The proposed dwelling would be a natural development for the business providing security for guests.
- No objections have been received from the Highways Department.
- A shop on site will reduce the number of car journeys required.
- Due to the location of the site there will be no detrimental impacts on other businesses in the area.
- Some Members considered that the application did comply with TAN 6 and the applicant had identified the need for a full-time on-site manager.
- Concern was expressed that the application had taken two years to be considered by Planning Committee.
- If the application is approved, a condition would be required to tie the proposed dwelling to the business.
- Other Members expressed their support for the officer recommendation for refusal of the application.
- There are several houses locally near the site in which a manager could live.
- The business is a holiday let and not a hotel. It was considered that there was no requirement for a four bedroomed house to be built next to holiday accommodation in the open countryside.
- It would be unreasonable for one person to provide 24-hour support.

The Head of Planning provided the Committee with the following information:

- In order for a new dwelling to be constructed in the open countryside there has to be sufficient evidence within the application via TAN 6. A functional test and financial requirements must be met for the dwelling to be built.

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- Officers have reviewed the application with external consultants and fully support the business in developing and promoting the economic generation that it delivers for Monmouthshire but have concluded that there is not enough evidence via TAN 6 for the four bedroomed dwelling to be built on this site in the open countryside. A functional need for this dwelling has not been established.

The Development Management Area Manager informed the Committee that:

- Tourism is a vital part of Monmouthshire's economy. However, the tests as to whether it is required that an employee lives on site to manage that tourism enterprise is a separate matter. Not all the tests have been met to allow the building of a dwelling in the countryside.
- Guest arrivals can be managed by a dedicated employee of this business but there is no requirement for them to live on the site.
- This is a holiday let for all ages and is not specifically for over 50s use.
- Staff working shifts, exclusive to this report, could be available to deal with any issues that might arise at the holiday let without the need for anyone to be living on the site.
- Phosphates at the site are not considered to be harmful. Sustainable Drainage Approval Body (SAB) would be required via a separate process to the application.

The local Member summed up as follows:

- The Authority needs to demonstrate support for local businesses and investors in those businesses to develop in a reasonable way.
- There is an understanding for the need for someone to be on site.
- It is not for the local Authority to tell a business manager / owner how to run their business successfully.
- For the business to operate there is a need for someone to be living on the site. This might be a couple, potentially with children. This is the rationale for having a property with four bedrooms.
- The applicant has invested heavily and knows how the business needs to operate.

It was proposed by County Councillor B. Callard and seconded by County Councillor J. Butler that application DM/2021/00036 be refused for the following reason:

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It has not been reasonably demonstrated that the proposed Rural Enterprise Dwelling meets the tests of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010). There is insufficient evidence to show that a new worker would need to live at the site of the apartments and that the complex could not be adequately managed by someone living close by or by more than one person working in shifts.

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

Agree to refuse the application	-	10
Disagree to refuse the application	-	3
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2021/00036 be refused for the following reason:

It has not been reasonably demonstrated that the proposed Rural Enterprise Dwelling meets the tests of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010). There is insufficient evidence to show that a new worker would need to live at the site of the apartments and that the complex could not be adequately managed by someone living close by or by more than one person working in shifts.

5. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:

5.1. 60 Old Barn Way, Abergavenny

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at 60 Old Barn Way, Abergavenny on 30th November 2022.

We noted that the appeal had been dismissed.

5.2. Arosfa, Llanfair Discoed, Chepstow

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Arosfa, Llanfair Discoed, Chepstow on 30th November 2022.

We noted that the appeal had been allowed and planning permission had been granted for a single-storey front extension at Arosfa, Llanfair Discoed, Chepstow NP16 6LY in accordance with the terms of the application, Ref. DM/2022/00696, dated 09 May 2022, subject to conditions.

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5.3. The Cotlands, Beacon Road, Trellech

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at the Cotlands, Beacon Road, Trellech on 14th November 2022.

We noted that the appeal had been dismissed.

5.4. Little Cider Mill Barn, Tre-Herbert Road, Croesyceiliog, Cwmbran

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Little Cider Mill Barn, Tre-Herbert Road, Croesyceiliog, Cwmbran on 14th November 2022.

Appeal A

We noted that the appeal had been dismissed, the enforcement notice had been upheld and planning permission had been refused on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Appeal B

We noted that the appeal had been dismissed.

The meeting ended at 3.35 pm.