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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee
Remote Meeting on Tuesday, 1st June, 2021 at 2.00 pm

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

County Councillors: J.Becker, L.Brown, A.Davies, A. Easson,
D. Evans, M.Feakins, R. Harris, J. Higginson, G. Howard, P. Jordan,
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 Turbevill	Commercial Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

None received.

1. Election of Chair

We elected County Councillor R. Edwards as Chair.

2. Appointment of Vice-Chair

We appointed County Councillor P. Clarke as Vice-Chair.

3. Declarations of Interest

None received.

4. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 13th April 2021 were confirmed and signed by the Chair subject to the following amendments:

Application DM/2020/01258 – Three bullet points on page 8 of the minutes be amended to read as follows:

‘To ensure the approved outbuilding is ancillary but is not used for accommodation or as a separate residential use.’

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5. Application DM/2019/01495 - Construction of two dwellings together with formation of car parking (Amended description 14/01/2020). The Tan House Inn, Shirenewton

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

Shirenewton 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:

'Shirenewton Community Council has the following objections to this application.

- The proposed houses are large four bedroomed dwellings commanding a price unaffordable by local inhabitants. Our community cannot thrive without its younger members and families and the proposed dwellings work against this. Whilst we appreciate the s106 payment towards affordable housing, the sums involved are way too small to permit any significant affordable housing provision.
- Whilst we accept that The Tan House site (still not trading as a pub) is an eyesore it lies in the historic centre of the village and any partial redevelopment impacts on both the conservation area and the amenity offered by the pub. There would be no outside seating nor children's play area at the pub, and the two large executive houses standing prominently next to the highway will be wholly out of character.
- The existing hedge on the boundary with the highway should be retained in the present appearance and size to maintain the rural outlook.
- Many of our residents live outside the village itself and travel in by car. The highways around the pub are narrow and offer no on street parking. Curtailing the available parking will result in obstruction for the immediate neighbours.
- The parking spaces for the two dwellings are accessed through the pub car park. Insufficient consideration has been given for the dwelling occupiers and visitors to turn to exit their parking and the layout is such that they are prone to being blocked in.'

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

'I note the planner in her report has gone through the many issues raised by this application and considered them all to have been resolved to her satisfaction. I have discussed this with my client and he has resolved to take the application to appeal should it be refused.

This application does not take any farmland. It uses secondary land and is therefore in line with current government thinking on housing supply and should be supported.'

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

- The main planning policy for the loss of the community facility is LDP Policy CRF1.
- The pub occupies an important historical site in the village.
- Policy CRF1 states in the report of the application that it could reasonably become financially viable and particularly attractive is the outdoor play area, making it a facility as a family pub.
- Policy CRF1 also states – to change part of the facility will not be permitted if it will prejudice the long term retention of the remainder. It will take away both the outdoor area of the pub and also take away parking spaces.
- There is currently no pub open in Shirenewton Village. However, it has an outside area with a separate car park with 20 spaces. This development will result in only 15 spaces for the car park, as six spaces will be allocated to the houses. The spaces for the houses could be blocked and difficult to access if it became a pub again.
- The surrounding highways area is not suitable for parking provision, namely, Spout Hill and Tan House Court.
- No marketing exercise has been undertaken as expected for Policy CRF1 to advertise as a pub with an outdoor space, neither has it been marketed as a viable commercial option.
- The local Member considered that it would be more suitable to have the planning application for the site, as a whole.
- It is disingenuous to subdivide the site to avoid policy CRF1.
- The report of the application refers to the affordable housing policy. Policy S4 states that the development site with a capacity for three or more dwellings will make provision for at least 60% of the total number of dwellings on sites to be affordable. Affordable housing should be provided on an on-site basis unless there are exceptional circumstances. The policy also refers to main villages in S1 – for main villages there is a specific issue of affordable housing in rural areas due to limited abilities of existing residents in the countryside, particularly young people to afford housing which restricts their ability to remain with existing communities.
- In terms of infill sites, the policy states that 35% of the housing should be affordable. If the site has the capacity for two large four bedroomed houses then it should have the capacity to accommodate three smaller houses or bungalows, one of which could be affordable under this policy.

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- A £17,000 financial contribution is small in comparison to the £200,000 to £250,000 required for the market value of one on site property.
- The local Member asked the Planning Committee to consider refusal of the application on the grounds of being contrary to Policies S1, SAH 11 of the Local Development Plan (LDP) and supplementary affordable housing policy provision and contrary to policy CRF1.
- However, if the Planning Committee approves the application, the local Member requested that there be a variation of the conditions. The exterior of the buildings to have soft render and be painted yellow to be more in keeping with the bungalow next door and with the property opposite. Also, a request was made that there be a restriction on permitted development rights due to the potential for unsightly outbuildings being located near to an historical building. Concern was also expressed regarding the height being 8.2 metres. The height of the land is higher than that height opposite. The scale of the buildings was considered to be too great and would not conform to Policy DES 1. As the properties will be higher than the surrounding buildings the Juliet balcony will result in overlooking.

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

- The proposed dwellings are in keeping with nearby properties. However, the colour of the proposed dwellings need to be in keeping with these properties to maintain consistency.
- If the pub were to re-open then there would be far more vehicle movements compared to an additional two private houses.
- With regard to the density of the dwellings in front of the former public house, the proposed dwellings do not look out of place.
- The proposed properties would look better with window headers over the windows which would match the properties opposite.

The local Member summed up as follows:

- Soft render should be considered instead of rough render.
- Permitted development rights should be removed to prevent additional outbuildings being built, as the proposed dwellings would be located next to an historical building.
- The local Member expressed disappointment that the affordable housing policy was not being considered as it was considered that there was room within the site for three smaller dwellings with one of these dwellings being an affordable property.

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- The eastern side of the village has had some affordable housing so the additional affordable housing provision could be managed by a housing association.
- The local Member recommended that the application be refused on the grounds that the affordable housing policy has not been considered.
- If the application is approved, the local Member requested that conditions be added to provide soft render, window headers be placed over the windows to match the properties opposite and that permitted development rights be removed.

Following the local Member's summing up it was suggested that the render specification should be considered by the Delegation Panel if the application were approved.

The Development Management Area Team Manager provided the Committee with the following information:

- The application is for two dwellings on this area of land that is part of the curtilage of the Tan House and not for the conversion of the Tan House.
- Whilst the loss of the play area is not great it does not preclude the use of the pub to operate as a pub restaurant facility.
- The pub has been closed for a considerable period of time, in the region of 10 years. This needs to be considered when looking at the viability of the pub.
- There are other pubs in the area with facilities. Therefore, there is not a requirement to look at marketing this facility.
- With regard to parking provision and the protection of the residential parking places, condition 9 within the report of the application addresses this matter.
- In relation to affordable housing provision and the capacity of the site, the application is for two dwellings and it is considered that the site is able to accommodate two dwellings which are of a size, scale, mass and design that are appropriate within that context. The proposed dwellings are similar to those properties close by which sit appropriately within their scale and format.
- The proposed two dwellings are under the threshold and the commuted sum is in line with the affordable policy. There is no deviation from the policies.
- With regard to the colour, condition 3 requests samples of all of the proposed external finishes. This condition could be amended to specifically include colour. As the proposed properties would be located within the conservation area, it was suggested that Heritage Officers be consulted specifically on discharging that condition. This would allow officers to provide advice on the render type and colour that would be appropriate in the conservation area.

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- Window headers to be placed over the windows to match the properties opposite were noted.
- With regard to the pub, any change of use or proposals for the pub to not operate as a pub would have to be presented to Planning Committee as a separate planning application.
- Permitted development rights could be removed for the change of external materials. In relation to outbuildings there are limitations on what the permitted development rights would be available on the property as it is located within the conservation area.

It was proposed by County Councillor A. Davies and seconded by County Councillor D. Evans that application DM/2019/01495 be approved subject to the 12 conditions outlined in the report and subject to the following:

- Include window headers front and rear on the two new dwellings via amended elevation drawings before issuing permission.
- Amend condition 3 to include details of the type and colour of the external render.
- Agree the render specification via consultation with Heritage and the Delegation Panel.
- Remove Permitted Development Rights to change external materials.

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

In favour of the proposal	-	12
Against the proposal	-	1
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/01495 be approved subject to the 12 conditions outlined in the report and subject to the following:

- Include window headers front and rear on the two new dwellings via amended elevation drawings before issuing permission.
- Amend condition 3 to include details of the type and colour of the external render.
- Agree the render specification via consultation with Heritage and the Delegation Panel.
- Remove Permitted Development Rights to change external materials.

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6. Application DM/2020/00390 - Change of use of existing agricultural building to B1 use. Gaerllwyd Farm, Gaerllwyd Farm To Gethley Road Newchurch, Devauden Chepstow

We considered the report of the application and late correspondence which was recommended for approval subject to the nine conditions outlined in the report with condition 9 being amended to ensure the parking layout includes a minimum of two electric vehicle charging points to be operational before the B1 use commences.

Shirenewton 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:

'Shirenewton Community Council strongly objects to this application.

Our responses dated 8th June 2020 and 14th April 2021 are summarised in the Planning Officer's Report so we won't restate them here.

PPW11, Monmouthshire County Council's comments in the LDP on policy RE2 and RE2 itself all acknowledge that development is not at any cost to the environment. Developments must be carefully controlled and a balance is required to protect the character and appearance of the surrounding area. Whilst the shell of the building is largely retained, this application would be the first B1 site in this deeply rural countryside, industrialising a nature driven farming area. Tourists and residents alike highly value our landscape and environment.

Gaerllwyd Farmhouse (now a private residence) is close by, Chapel Cottage is across the B4235, the barn conversion directly opposite the site is currently being rebuilt for residential occupation, the adjacent milking parlour has consent for conversion to a dwelling, and Glenmore, another residence, is barely 100m from the site, all of which would be directly affected by any increase in activity.

There are 19 parking spaces suggesting around 38 vehicle movements daily, plus deliveries and collections, all impacting on our residents. Access past the building is unsatisfactory as the marked loading bays will inevitably obstruct access to the car park with consequential difficulties for emergency vehicles.

Whilst the Planning Report envisages unobtrusive offices, the Environmental Officer reminds us that the definition of class B1 includes research and development of products or processes, and any industrial process being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. We are further concerned that Wales may follow England in combining B1 in a new use class E with retail goods, financial and professional services.

We note this is a speculative development with no specific end user in mind. The internal layout of the building is unsuitable for offices, lacking heating and insulation, with a ceiling height to the roof ridge of 6.46m. The shutter doors are 2.95m high permitting the movement of large plant and machinery.

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Were Councillors minded to grant consent we would request stricter limits on the operating hours particularly to exclude use at weekends and bank / public holidays and the operation of any plant, process or machinery outside working times, and an Article 4 direction confining use B1(a) as three offices.

If a farmer applied under RE3 a business case would have to be submitted showing the viability of the proposed use. Given the Covid-19 consequence for home working particularly for office workers, the need for offices and local workers is greatly reduced. We do not accept B1 use would bring any advantage in local prosperity, only detriment for our residents and the rural characteristic.

Were Councillors minded to grant consent we would request a limit of three years to demonstrate, or otherwise, the viability of the proposal and benefit to the community.'

The applicant's agent, Mr. Stephen Williams, had prepared a video recording which was presented to Planning Committee and the following points were outlined:

- The existing use of the farm is mainly agricultural and there are a number of large agricultural buildings which are coming to the end of their usable life in terms of agricultural use.
- The applicant has considered there is an opportunity to change the use of these buildings for a different purpose, namely, light industrial use.
- The buildings at Gaerllwyd are part of an existing range of agricultural buildings which include the car parking area to the rear.
- The existing agricultural building will be kept in its current form. The only changes will be that the south facing aspect of the building will have roller shutter doors attached to them in order to secure the units.
- The car parking area is existing hard standing at the rear of the buildings. This will be retained with no plans to change the material.
- The proposal brings benefits to the local environment. A new hedgerow will be planted along the bank at the north and eastern side of the development and will be integrated into the existing hedge providing increased biodiversity. Bat and sparrow boxes will be attached to the side of the agricultural building, further enhancing the biodiversity.
- The application will provide employment for local people.
- The scheme is well thought out. It adds environmental and biodiversity enhancement to the local area whilst making use of an existing agricultural building without fundamentally changing the fabric of the building. It provides employment opportunities in the local area.

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

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- Concern was expressed that the application is not ready to be received by the Planning Committee. There is no full site plan covering the development despite the Planning Officer requesting the applicant to improve the plan.
- Planning permission is granted on the basis of approved plans and once planning permission is obtained the site may be developed by anyone, not just the applicant.
- Policy RE2 on conversion of buildings states that these should be checked to ensure they are suitable for conversion before consent is granted.
- There is no structural risk report despite the comment by Monmouthshire County Council's Ecology Officer regarding the poor state of the building.
- It is a speculative application as there is no end user in mind.
- Monmouthshire's Highways Department has commented that the proposal is located in an unsustainable location in Monmouthshire.
- Shirenewton Community Council describes the area as deeply rural and is a remote location away from any settlements.
- The Highways Department has also stated that the level of detail submitted in support of the application is not considered adequate to provide constructive Highway comments.
- The first time the local Member found out that a car park was being dug out at the rear of the site was when she received the photographs for the Planning Committee meeting. Concern was expressed that this will become a pond as there are no details of the surface used, slope or drainage under SuDS. Underground pipework will not cover this new area.
- There are three agricultural buildings on the site. A milking parlour with permission to be converted to residential use. The application was granted on the basis that the same site was unsuitable for business use due to poor broadband and better location of offices in Chepstow. The situation was considered to be no different for this application. It is unclear what the derelict agricultural building opposite will be used for and how that will integrate into the rest of the site.
- In view of the concerns raised, the local Member requested that the Planning Committee consider deferral of the application at this stage.
- If the Planning Committee was minded to approve the application, the local Member referred to page 34 of the officer report and requested that the application should be for B1(a) use only as it is three metres from the milking parlour that has residential consent.

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- The condition referring to the operation of any plant or machinery should be amended to include no work being undertaken on weekends or bank holidays and that there be a three year consent to test its viability.
- There is a need for a structural report.
- The car park should have a hard surface and drainage provision.
- There is a need for an approved layout plan.

The Development Services Manager outlined the following points:

- The plans that have been submitted are sufficient for the application to be validly made and determined.
- Condition 9 needs to be amended to ensure the parking layout includes a minimum of two electric vehicle charging points to be operational before the B1 use commences.
- The broadband issues can be addressed via the new technologies that are emerging. Monmouthshire County Council is promoting this.
- B1 developments are not noisy and it was considered that the application was an acceptable form of use within the range of B1 use. A condition has been put in place to limit the hours of opening which is considered to be acceptable in protecting the amenity of those living near the site.
- A three year temporary consent would be a deterrent for anyone investing in this proposal in terms of economic development. It was considered that the application was acceptable in its own right and should be given the opportunity to establish itself permanently.

In response to questions raised by the local Member the Development Services Manager outlined the following points:

- With regard to drainage, the proposal will need consent from the Sustainable Drainage Authority.
- The car park will have a hard surface and will have SuDS approval to ensure that it drains properly.
- B1 uses are capable of being carried out without detriment to noise in terms of amenity.

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

- There is a need to support rural enterprise. Diversity in rural enterprise is essential.

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- The proposal will be better under B1.
- The proposal would not be disruptive in the countryside.

The local Member summed up as follows:

- She would be unable to support the application as it is a speculative development.
- The broadband provision for the area is poor making it difficult to attract businesses of B1 use to the area.
- There has been no consideration to add the conditions suggested by the local Member.

It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Davies that application DM/2020/00390 be approved subject to the nine conditions outlined in the report with condition 9 being amended to ensure the parking layout includes a minimum of two electric vehicle charging points to be operational before the B1 use commences.

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

In favour of the proposal	-	12
Against the proposal	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/00390 be approved subject to the nine conditions outlined in the report with condition 9 being amended to ensure the parking layout includes a minimum of two electric vehicle charging points to be operational before the B1 use commences.

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

7.1. Appeal Decision - Cwmgyst, Pentre Lane, Abergavenny

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Cwmgyst, Pentre Lane, Abergavenny on 30th April 2021.

We noted that the appeal had been allowed and attached to the decision was a certificate of lawful use or development describing the proposed use of Cwmgyst, Pentre Lane, Abergavenny, NP7 7HE as a dwelling house without any occupancy restriction.

The meeting ended at 4.05 pm.

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