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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
Tuesday, 12th September, 2023 at 2.00 pm**

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

County Councillors: Jill Bond, Emma Bryn, Jan Butler, Ben Callard,
John Crook, Tony Easson, Steven Garratt, Meirion Howells,
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
Adam Foote	Senior Development Manager
Paige Moseley	Solicitor
Richard Williams	Democratic Services Officer

County Councillor Jayne McKenna left the meeting following consideration of application DM/2022/00473 and did not return.

County Councillor Meirion Howells joined the meeting during consideration of application DM/2022/01155. He took no part in the discussion or voting in respect of this application.

County Councillor Jan Butler left the meeting following consideration of application DM/2022/01155 and did not return.

APOLOGIES:

None.

1. Declarations of Interest

County Councillor Jayne McKenna declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2023/00939 as a family member works for the applicant.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 1st August 2023 were confirmed and signed by the Chair.

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3. Application DM/2023/00063 - Conversion of barn to dwelling and installation of sewage treatment plant. Proposed Barn Conversion, Gethley Road, Parkhouse, Trellech

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

The local Member for Mitchel Troy and Trellech United, County Councillor Richard John, attended the meeting by invitation of the Chair and outlined the following points:

- Gethley Barn was originally built in the 1700s. Recently, the property has fallen into disrepair.
- The applicant is an agricultural worker at Llan Y Nant Farm and wants to remain in her community but also needs to be close to the family farm itself for work and health purposes. The applicant has had serious health issues recently. The barn conversion would provide ideal accommodation for an agricultural worker.
- Currently, the building is falling into ruin and was considered to be out of keeping with the landscape.
- Approval of the application would provide a low impact, affordable property for a young person.
- The application differs from other similar applications due to its proximity to the family farm and the applicant's specific personal circumstances.
- The proposed design is sympathetic to the building's historic background and its rustic character is proposed to be protected.
- The visual impact on the Wye Valley AONB is minimal and the building is proposed to be in keeping with similar barns within the area.
- The local Member asked that the Committee considers approval of the application due to the very specific circumstances outlined.

The applicant's agent, David Glasson, attended the meeting by invitation of the Chair and outlined the following points:

- This is not a typical Monmouthshire barn. Research indicates that it goes back to 1765 and is a survivor of the ancient Gethley Farm hamlet.
- Repairs have been undertaken over the years. All barns require repairs, but new uses must be found, or they will be lost.
- The applicant has tried to unsuccessfully purchase a one bedrooled property in Devauden but is unable to obtain a mortgage as a single person with an

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agricultural wage. The applicant requires a permanent home for her health and work and to receive family support.

- The proposed conversion will not impinge on the Wye Valley AONB.
- The applicant will contribute to a Section 106 agreement if required and subject to the details.
- The report of the application has appended a previous appeal decision for a rural enterprise dwelling, and it was considered not to be relevant for this application. It was lodged by the applicant's father under a different policy context.
- The application is for a conversion and should be considered under planning policy H4.
- Policy H4 is satisfied in all respects. The report of the application is misleading in its claim that only a small part of the original walls is being retained. The majority is being retained.
- The report of the application bears no relationship to the structure report. It was considered to be false to state that the majority of the barn required rebuilding. Barn conversions often need an element of repair allowing for up to 30% rebuilding.
- Most barn conversions require a new roof, timbers, insulation, and slates.
- Previous surveys did not identify evidence of bats emerging from the barn during surveys. The agent had only been advised some weeks ago regarding the need for an updated bat survey.
- The barn is located in good draining countryside and surface water can be discharged sustainably.
- The applicant's agent disputes that a public footpath crosses the site.
- This is an opportunity to retain an historic building, not only for the applicant but for posterity as part of the County's heritage.
- The barn conversion will provide a home for a local person who is unable to provide any affordable accommodation locally.
- This is not a new build dwelling but a conversion. Materials used will be traditional and appropriate for the Wye Valley AONB.
- The Agent requested that the Committee considers approval of the application. If a deferral was required for a new bat survey, the applicant would oblige.

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The Development Management Area Team Manager responded as follows:

- Planning Officers respectfully disagree with the agent's view in respect of Policy H4.
- Part of the barn was rebuilt in 2012 which is considered to be a new build.
- Policy H4 does not permit building of this kind to be brought into residential use.
- Officer advice to the Planning Committee is consistent with Planning policies since the original application.
- This application has not been made on the basis of a TAN 6 dwelling and the consideration of TAN 6 was considered in a previous application and did not meet the tests at that time.
- The spirit of Policy H4 has been correctly interpreted with regard to the preservation of buildings and the bringing of buildings into reuse on the basis that they are structurally sound and capable of being done so without substantial rebuilding.

The local Member for Mitchel Troy and Trellech United, County Councillor Jayne McKenna, also a Planning Committee Member, outlined the following points:

- This is a new application with amendments, biodiversity enhancements and a new applicant.
- The applicant has offered to enter voluntarily into a Section 106 agreement.
- The local Member has looked at the application with a balanced approach and taken into account the guidelines.
- Taking into account the planning history, there are more benefits than negatives to this application.
- The barn has been standing in the open countryside for over 300 years with the footprint being established for this period. It is an old stone barn that is constructed of local stone.
- Pictures had been shown at the site visit from 30 years ago with the barn being in good condition and having a full roof of Welsh slate. It was noted that during the 1990s the roof slates were regularly stolen leading to the deterioration of the barn and repairs had to be undertaken which has been sympathetically done and in character using local materials. Old barns will always require maintenance.
- The local Member questioned whether this application could be considered a new build in the open countryside as the barn had existed since the 1700s.

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- The previous application had received 12 letters of support from local residents. The community would like to see this barn used as a residential dwelling for a local female farmer who has lived in the area all her life.
- There are benefits to bringing this conversion into housing stock. More houses are required in Monmouthshire, in particular for young people and those employed in agriculture and rural enterprise.
- The applicant had applied but failed to purchase an affordable property that became available in the local area.
- Agricultural workers are unable to buy a property in the Park House area due to high property values. The local Authority should be helping local first-time buyers to get onto the housing market to allow them to live and work locally.
- Monmouthshire has a housing shortage and an aging demographic. Excessive house prices are pushing young people out of the County.
- Further benefits include more council tax for the local Authority.
- Park House is a hamlet with a small number of residents. If this building became a residence the occupants could bring a range of skills and contributions to enhance the vibrancy of this small community.
- The applicant wishes to encourage wildlife via tree planting and a wildflower meadow as well as intending to keep bees.
- The applicant would be able to walk to work having zero carbon emissions.
- The applicant needs to live locally near to her work and family for health reasons and to receive family support.
- If the application is not approved the barn is likely to continue to fall into disrepair.
- On balance the local Member asked the committee to not just focus on the planning history of the site but to look at the many benefits that the conversion would bring to the local community and the local Authority.
- If approved, it was suggested that a rural enterprise condition be applied to the dwelling.
- The local Member asked for the outcome of the enforcement case to be provided and whether there was an issue with the maintenance of the barn and how it was constructed and why hadn't it been taken down.
- The applicant enquired how long does it take for new build to be no longer considered new.

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The Development Management Area Team Manager responded as follows:

- Planning history is a material consideration. Previous applications have been considered against planning policy.
- Planning Policy H4 is policy and not guidance. It is to safeguard against new build development in unsustainable locations in the open countryside.
- Part of the footprint was lost and rebuilt in 2012, which is regarded as new build.
- Local support for the conversion is not a material planning reason to override the conflict with the Local Development Plan (LDP).
- Additional Council tax from this property and a range of skills brought by the applicant are not material reasons to override the conflict with Policy H4. Personal circumstances would not be a reason to override Planning Policy H4.
- A building falling into disrepair is not a reason to allow a new build. This is contrary to Policy.
- The application has not been submitted with a rural enterprise condition.
- The enforcement case in 2012 was not considered in the context of a new build dwelling.
- The amount of rebuild work in 2012 is very recent in the building's life span and with the additional new build it is considered to be beyond the realms of conversion. Policy H4 is still not satisfied.

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

- The ruined barn adds character to the landscape.
- There is sympathy for the applicant with regard to her circumstances. However, planning considerations have to take into account the longer view. Decisions made will last many years to come.
- The barn could be restored as a barn in order to keep it from falling further into disrepair.
- The application is contrary to many planning policies.
- This development in the open countryside will not only bring a house but also a driveway and the potential for hard landscaping and surrounding amenity space.

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It was proposed by County Councillor Ben Callard and seconded by County Councillor Dale Rooke that application DM/2023/00063 be refused for the reasons outlined in the report.

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

For refusal	-	11
Against refusal	-	3
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2023/00063 be refused for the reasons outlined in the report.

4. Application DM/2022/00473 - Proposal of 7 mews cottages to replace Hebron Hall, a disused Pentecostal chapel and community room positioned off Monnow Street in Monmouth. Proposed removal of an existing garage. Creation of a new public through route from Monnow Street to Howell's Place. Pentecostal Church, Monnow Street, Monmouth, NP25 3EQ

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

The application had been presented to Planning Committee on 4th July 2023 with a recommendation for refusal. However, the Committee had been minded to approve the application subject to the conditions being confirmed by the Delegation Panel. The conditions, outlined in the report, had been presented to the Council's Delegation Panel on 10th August 2023.

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

- At the July 2023 Planning Committee meeting and after detailed debate, the Committee used planning balance to depart from Planning Policy in relation to flooding given the regeneration of the site, the provision of the pedestrian link and that the consequences of flooding could be reasonably managed with living accommodation being on the first floor.

It was proposed by County Councillor Ben Callard and seconded by County Councillor Maureen Powell that application DM/2022/00473 be approved subject to the conditions outlined in the report.

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

For approval	-	13
Against approval	-	0
Abstentions	-	1

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The proposition was carried.

We resolved that application DM/2022/00473 be approved subject to the conditions outlined in the report.

5. Application DM/2022/01155 - Hybrid application comprising: 1) Full planning for the erection of a roadside facility comprising petrol filling station, 2no. drive through units and associated development; and 2) Outline application for storage and distribution / logistics or industrial / manufacturing floor space and associated development (B2/B8 use class). Land At Newhouse Farm Industrial Estate, Chepstow

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report with an additional condition to secure the provision of electric vehicle charging points on site in accordance with details to be agreed with the local planning authority prior to works commencing on site, and to be installed in accordance with the approved details and available for use by customers prior to the development being brought into use.

The local Member for Bulwark and Thornwell, County Councillor Sue Riley, also a Planning Committee Member, outlined the following points:

- The petrol station will take pressure off Highbeece roundabout.
- The employment prospects are welcome.
- Concerns were expressed regarding the safety of the roundabout where some pedestrians will take the shortest route. Further consideration is required regarding the safety of the most direct route from Bulwark to the takeaway site.
- Complaints have been received regarding accumulation of rubbish at a takeaway site. A request was made for additional bins to be located on the route to and from the site.

The Development Management Area Team Manager responded as follows:

- A request had been made for additional bins to be located on the site plan. The public is expected to be socially responsible and to use the bins provided on site. However, this is not an issue for the Planning Department to manage.
- The Planning Department wants to actively discourage pedestrians crossing the roundabout. Crash barriers are in place to prevent pedestrians from doing this. The underpass nearby allows pedestrians to safely travel from Bulwark to the south of the roundabout. The pedestrian route then continues towards the site.
- The applicant will provide additional signage regarding access to the site along the route which will be secured via a Section 106 agreement.

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The Member for Wyesham outlined the following points:

- Information was requested regarding how the site will be used by passing motorists and its effect on the vitality of neighbouring town centres.
- Consideration should be given to the provision of a controlled pedestrian crossing near the site.
- Litter on the site is a concern.

Councillor Dominic Power, representing Chepstow Town Council, attended the meeting by invitation of the Chair and outlined the following points:

- Chepstow does require enhanced employment opportunities for its young people.
- Concern was expressed regarding the safety of people using the site via pedestrian access.
- The site neighbours Thornwell and Bulwark and there will be many people attracted to the site from these locations. Concern was expressed that the roundabout will be used as a direct route to the site rather than using the conventional safe routes. This is an overriding safety concern.
- Chepstow Town Council considers that insufficient consideration had been given to this proposal to allow it to progress.

The applicant's agent, Matthew Gray, attended the meeting by invitation of the Chair and outlined the following points:

- The site has been allocated for employment generating development and planning policy at a local level for in excess of 10 years.
- Viability issues surrounding development of the application site are significant. The most recent employment land review identified topographical challenges and limited options for access meaning a viable solution coming forward enabling its development was deemed as unlikely.
- The application proposes slightly in excess of 9000 sq.m of floor space which accords with the long-term unfilled allocation of the site. To enable the floor space to be delivered in accordance with market requirements and operator interest it is proposed in outline form.
- The roadside services scheme comprises enabling development adding viability to the scheme.
- The site location south of the M48 comprises evidence to serve passing motorists. A need for the facility has been evidenced and accepted by Council officers.

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- The proposed development will serve the requirements of passing motorists including EV charging at a level in excess of the 10% requirement of Planning Policy Wales (PPW) with the ability to increase provision over time.
- Comments from objectors have been noted and acknowledged. However, the proposed development has been deemed acceptable by Welsh Government Transport, Monmouthshire County Council's Highways Engineer and via third party independent review undertaken by highways consultancy.
- The development is clear in its intentions to serve passing motorists primarily. At the request of officers, a pedestrian crossing and shortening of the walking distances from residential areas are proposed. Evidence has been provided and accepted by officers highlighting that the topography of the wider site, including a 30° slope would result in engineering and earthworks which would result in the development being unviable if lines of desire on 2D plans are followed.
- Beyond Highways, statutory consultees confirm no objection to the proposed development in respect of land use policy, ecology, archaeology, amenity, flood risk, noise, drainage, and arboricultural matters.
- The roadside services will deliver around 75 jobs based on employment density guidance provided by the UK Government. It would be a realistic expectation to result in the creation of in the region of 200 new positions. The significant job creation across a wide range of job types comprises of a material consideration in the determination of the application.
- This proposal will enable the development of a site which has been allocated for employment purposes for in excess of 10 years and will result in significant job creation in the region of 275 jobs.

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

- Concern was expressed that the two further access points on the slope road to the roundabout could be a cause for future road traffic accidents. It was suggested that a filter lane be installed at the first entrance to the services and have a no right turn into the industrial unit. The applicant's agent responded stating that the application had been rigorously assessed by Welsh Government Transport, the County Council's Highways Engineers and twice by a third-party independent consultant. All had deemed the highways proposals as acceptable in terms of a safety perspective.

The Development Management Area Team Manager responded to questions raised, as follows:

- The site is allocated for employment. It had been considered by the Inspector via the Local Development Plan (LDP) process and had been viewed as an

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appropriate site for employment use. All forms of access to the site are encouraged and the underpass provides suitable access from Bulwark to the south to the industrial estate. Appropriate signage will be put in place. Access to the site across the roundabout is not to be encouraged and measures have and can be put in place to deter access in this way.

- The roundabout is in Welsh Government ownership. Any alterations to the roundabout would need to ensure that they are compliant with highway safety and the visibility off drivers.
- The pedestrian linkage is not exactly on the desire line but in order to achieve a desire line as one comes from the underpass towards the site one would have to climb up the embankment which is a significant slope. In order to provide a fully accessible ramp up the slope would require a significant engineering operation to ensure the gradient is suitable for all users. This would be financially costly and 'land hungry' which would impact on the viability of the site.
- There are two pedestrian crossings, one which connects the Wales coastal path, and the additional crossing is proposed at a place that is considered most convenient to provide a ramp of an appropriate gradient.
- With regard to the potential impact on retail in Bulwark, surveys have indicated that items mainly being sold are not comparison goods. The offer at the site is not a primary trip attractor. Access to the site would generally be undertaken by car. It would not divert from the comparison offer from Bulwark.
- A full traffic assessment has been undertaken for this application which has been reviewed by the Authority's Highways Officer. Also, an independent review has been undertaken to ensure highway safety and compliance. The data compiled is sufficient and the conclusions drawn are reasonable and acceptable. Therefore, there is no need for a further traffic assessment to be undertaken. Monmouthshire County Council's Highways Officer accepts the findings of the review that the two accesses off the slip road are considered to be safe.
- The addition of a third lane had originally been a concern of the Highways Officer. However, the traffic assessment indicated that the data does not suggest that that is a safety problem and is therefore not necessary. Creating a third lane would be 'land hungry' and financially costly and would significantly impact on the viability of the proposals.
- The infrastructure for EV charging would be put into the ground under the main parking area for future use. There is a condition proposed to ensure the additional 10 EV chargers are to be installed prior to occupation. Full details of those chargers could be requested at the appropriate time to ensure the kilowatts provided are sufficient.
- There will be an additional pedestrian crossing resulting in two crossings at the site.

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In response to a question raised, the applicant's agent confirmed that speed surveys had been undertaken.

The Development Management Area Team Manager informed that Committee that the pedestrian crossing is a dropped curb with tactile paving.

It was proposed by County Councillor Jan Butler and seconded by County Councillor Maureen Powell that application DM/2022/01155 be approved subject to the conditions outlined in the report with an additional condition to secure the provision of electric vehicle charging points on site in accordance with details to be agreed with the local planning authority prior to works commencing on site, and to be installed in accordance with the approved details and available for use by customers prior to the development being brought into use.

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

For approval	-	10
Against approval	-	1
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2022/01155 be approved subject to the conditions outlined in the report with an additional condition to secure the provision of electric vehicle charging points on site in accordance with details to be agreed with the local planning authority prior to works commencing on site, and to be installed in accordance with the approved details and available for use by customers prior to the development being brought into use.

6. Application DM/2023/00939 - Change of use from residential to mixed use - Residential/Childminder. 75 St Lawrence Park, Chepstow, NP16 6DQ

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

The local Member for Mount Pleasant, County Councillor Paul Pavia, addressed the Committee via video recording and outlined the following points:

- This is a contentious and delicate application.
- From the rationale behind the enforcement investigation as subsequent application for change of use has been laid out in the report of the application.
- The majority of objections raised are from residents in St. Lawrence Park and concerns have been raised regarding a range of issues such as noise and disturbance relating to activity on the site, loss of own personal amenity, lack of

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parking and road safety issues and pollution. All these issues are outlined in the report of the application.

- Whether a residential location in a dense estate and limited cul-de-sac is suitable for such business use. The business has been operating on the site since 2017 and is known by Monmouthshire County Council Early Years Services and by the regulator Care Inspectorate Wales.
- There is also a large number of supporting correspondence from affected parents and from people who know the applicant although many of these do not live in the near vicinity.
- Praise the professional way in which the child-minding business is operated, emphasize the local acute need for such child-minding services and highlight the provisions that are in place that aim to mitigate the disruption.
- It is understood that the applicant has a number of policies that clients are expected to adhere to in order to mitigate the impact of issues such as noise and parking disruption. However, the local Member is unaware if these policies do reduce impact and whether such mitigation steps are considered to be acceptable by neighbours living close to the property in the cul-de-sac. Many of these neighbours have considered it necessary to respond to the application's consultation in order for the Planning Committee to hear their views on this matter.
- There is an acknowledgement in some of the objecting comments that there have been improvements to noise and disruption over recent months. However, the view reflected is that this has been due to the planning applications pending. Concern has been expressed that if this application is approved then the problems may recur.
- The local Member considered that the Planning Committee needed to fully satisfy itself that the residents living directly in the vicinity of the property will not have their own personal peace and amenity infringed if the application is approved and whether any further conditions should be imposed.
- The applicant has informed the local Member that they have no intention of extending their child-minding business. However, there is a degree of scepticism amongst their near neighbours as to whether this is the case in light of the previous approved application.
- If the Committee is minded to approve the application then it should be mindful of the conditions outlined in the report which will provide neighbours with some level of reassurance.

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The Senior Development Management Officer responded, as follows:

- The policies that are in place have been submitted and form part of this application and part of the approved documents. Therefore, non-compliance with those documents would provide officers with a greater level of control than at present. Officers are satisfied that there would not be any adverse impact regarding the living conditions of neighbouring occupiers or in terms of highway or pedestrian safety.

Having considered the report of the application and the views expressed it was proposed by County Councillor Ann Webb and seconded by County Councillor Maureen Powell that application DM/2023/00939 be approved subject to the conditions outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2023/00939 be approved subject to the conditions outlined in the report.

7. New Appeals Received - 1st April to 30th June 2023

We noted the new appeals received by the Planning Department for the period 1st April to 30th June 2023.

The meeting ended at 3.55 pm.