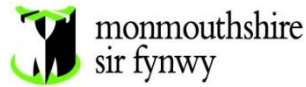


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Friday 25th April 2025

Notice of meeting:

Planning Committee

Tuesday, 6th May, 2025 at 2.00 pm
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with
remote attendance

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	1 - 4
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	
4.	To consider the following Planning Application reports from the Chief Officer, Place (copies attached):	
4.1.	Application DM/2024/01281 - Proposed 2no. detached dwellings with on-site parking. Land to rear of Rosemary, Beaufort Road, Osbaston, Monmouth.	5 - 20
5.	FOR INFORMATION - The Planning Inspectorate - Appeals / Costs Decisions Received:	21 - 26
5.1.	Appeal Decision - 1 Monnow Keep, Monmouth, Monmouthshire, NP25 3EX.	
5.2.	Costs Decision - 1 Monnow Keep, Monmouth, Monmouthshire, NP25 3EX.	27 - 28

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillor Jill Bond	West End;	Welsh Labour/Llafur Cymru
County Councillor Fay Bromfield	Llangybi Fawr;	Welsh Conservative Party
County Councillor Emma Bryn	Wyesham;	Independent Group
County Councillor Jan Butler	Goetre Fawr;	Welsh Conservative Party
County Councillor John Crook	Magor East with Undy;	Welsh Labour/Llafur Cymru
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor Steven Garratt	Overmonnow;	Welsh Labour/Llafur Cymru
County Councillor Meirion Howells	Llanbadoc & Usk;	Independent
County Councillor Su McConnel	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Jayne McKenna	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Maureen Powell	Pen Y Fal;	Welsh Conservative Party
County Councillor Sue Riley	Bulwark and Thornwell;	Welsh Labour/Llafur Cymru
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Ann Webb	St Arvans;	Welsh Conservative Party
County Councillor Laura Wright	Grofield;	Welsh Labour/Llafur Cymru

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Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon two working days before the meeting. Details regarding public speaking can be found within this agenda

Access to paper copies of agendas and reports

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

Watch this meeting online

This meeting may be viewed online by visiting the link below.

<https://democracy.monmouthshire.gov.uk/ieListMeetings.aspx?Committeeld=141>

This will take you to the page relating to all Planning Committee meetings. Please click on the relevant Planning Committee meeting. You will then find the link to view the meeting on this page. Please click the link to view the meeting.

Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with 5 days notice prior to the meeting should you wish to speak in Welsh so we can accommodate your needs.

Aims and Values of Monmouthshire County Council

Our purpose

To become a zero-carbon county, supporting well-being, health and dignity for everyone at every stage of life.

Objectives we are working towards

- Fair place to live where the effects of inequality and poverty have been reduced.
- Green place to live and work with reduced carbon emissions and making a positive contribution to addressing the climate and nature emergency.
- Thriving and ambitious place, where there are vibrant town centres and where businesses can grow and develop.
- Safe place to live where people have a home where they feel secure in.
- Connected place where people feel part of a community and are valued.
- Learning place where everybody has the opportunity to reach their potential.

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

Purpose

The purpose of the attached reports and associated officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule, having weighed up the various material planning considerations.

The Planning Committee has delegated powers to make decisions on planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an officer recommendation to the Planning Committee on whether or not officers consider planning permission should be granted (with suggested planning conditions where appropriate), or refused (with suggested reasons for refusal).

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the Monmouthshire Local Development Plan 2011-2021 (adopted February 2014), unless material planning considerations indicate otherwise.

Section 2(2) of the Planning (Wales) Act 2015 states that the planning function must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.

The decisions made are expected to benefit the County and our communities by allowing good quality development in the right locations, and resisting development that is inappropriate, poor quality or in the wrong location. There is a direct link to the Council's objective of building sustainable, resilient communities.

Decision-making

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary to make the proposed development acceptable;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions, or against the failure of the Council to determine an application within the statutory time period. There is no third party right of appeal against a decision.

The Planning Committee may make decisions that are contrary to the officer recommendation. However, reasons must be provided for such decisions, and the decision must be based on the Local Development Plan (LDP) and/or material planning considerations. Should such a decision be challenged at appeal, Committee Members will be required to defend their decision throughout the appeal process.

Planning policy context

Future Wales – the national plan 2040 is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales – the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Monmouthshire's Local Development Plan (LDP) sets out the Council's vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over a 10 year period to 2021. The plan area excludes that part of the County contained within the Brecon Beacons National Park. It has a fundamental role in delivering sustainable development. In seeking to achieve this it sets out a framework for the development and use of land and for the protection of the environment. It also guides and facilitates investment decisions as well as the delivery of services and infrastructure. It determines the level of provision and location of new housing, employment and other uses and sets the framework for considering all land use proposals during the plan period. The LDP contains over-arching policies on development and design. Rather than repeat these for each application, the full text is set out below for Members' assistance.

Policy EP1 - Amenity and Environmental Protection

Development, including proposals for new buildings, extensions to existing buildings and advertisements, should have regard to the privacy, amenity and health of occupiers of neighbouring properties. Development proposals that would cause or result in an unacceptable risk /harm to local amenity, health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk:

- Air pollution;
- Light or noise pollution;
- Water pollution;
- Contamination;
- Land instability;
- Or any identified risk to public health or safety.

Policy DES1 – General Design Considerations

All development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. Development proposals will be required to:

- a) Ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community safety and encourages walking and cycling;
- b) Contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;
- c) Respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;
- d) Maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable;
- e) Respect built and natural views and panoramas where they include historical features and/or attractive or distinctive built environment or landscape;

- f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials;
- g) Incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;
- h) Include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- i) Make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion l) below;
- j) Achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- k) Foster inclusive design;
- l) Ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

Other key relevant LDP policies will be referred to in the officer report.

Supplementary Planning Guidance (SPG):

The following Supplementary Planning Guidance may also be of relevance to decision-making as a material planning consideration:

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (revised version) (adopted July 2019)

- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017
- Affordable Housing Supplementary Guidance July 2019
- Infill Development Supplementary Guidance November 2019

National Planning Policy

The following national planning policy may also be of relevance to decision-making as a material planning consideration:

- Future Wales: the national plan 2040
- Planning Policy Wales (PPW) edition12
- PPW Technical Advice Notes (TAN):
 - TAN 1: Joint Housing Land Availability Studies (2015)
 - TAN 2: Planning and Affordable Housing (2006)
 - TAN 3: Simplified Planning Zones (1996)
 - TAN 4: Retail and commercial development (November 2016)
 - TAN 5: Nature Conservation and Planning (2009)
 - TAN 6: Planning for Sustainable Rural Communities (2010)
 - TAN 7: Outdoor Advertisement Control (1996)
 - TAN 8: Renewable Energy (2005)
 - TAN 9: Enforcement of Planning Control (1997)
 - TAN 10: Tree Preservation Orders (1997)
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 13: Tourism (1997)
 - TAN14: coastal planning (2021)
 - TAN 15: Development, flooding and coastal erosion (March 2025)
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (2007)
 - TAN 20: The Welsh Language (2017)
 - TAN 21: Waste (2014)
 - TAN 23: Economic Development (2014)
 - TAN 24: The Historic Environment (2017)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

Other matters

The following other legislation may be of relevance to decision-making.

Planning (Wales) Act 2015

As of January 2016, Sections 11 and 31 of the Planning Act come into effect meaning the Welsh language is a material planning consideration.

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do not apportion any additional weight to the Welsh language in comparison to other material

considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the local planning authority, and the decision whether or not to take Welsh language issues into account should be informed by the consideration given to the Welsh language as part of the LDP preparation process. Section 11 requires the sustainability appraisal, undertaken as part of LDP preparation, to include an assessment of the likely effects of the plan on the use of Welsh language in the community. Where the authority's current single integrated plan has identified the Welsh language as a priority, the assessment should be able to demonstrate the linkage between consideration for the Welsh language and the overarching Sustainability Appraisal for the LDP, as set out in TAN 20.

The adopted Monmouthshire Local Development Plan (LDP) 2014 was subject to a sustainability appraisal, taking account of the full range of social, environmental and economic considerations, including the Welsh language. Monmouthshire has a relatively low proportion of population that speak, read or write Welsh compared with other local authorities in Wales and it was not considered necessary for the LDP to contain a specific policy to address the Welsh language. The conclusion of the assessment of the likely effects of the plan on the use of the Welsh language in the community was minimal.

Environmental Impact Assessment Regulations 2016

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are relevant to the recommendations made. The officer report will highlight when an Environmental Statement has been submitted with an application.

Conservation of Habitat & Species Regulations 2017

Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. Examples of EPS are all bat species, dormice and great crested newts. When considering planning applications Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests are set out below.

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Well-being of Future Generations (Wales) Act 2015

This Act is about improving the social, economic, environmental and cultural well-being of Wales. The Act sets out a number of well-being goals:

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;

- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

- **Long term:** balancing short term need with long term and planning for the future;
- **Collaboration:** working together with other partners to deliver objectives;
- **Involvement:** involving those with an interest and seeking their views;
- **Prevention:** putting resources into preventing problems occurring or getting worse;
- **Integration:** positively impacting on people, economy and environment and trying to benefit all three.

The work undertaken by Local Planning Authority directly relates to promoting and ensuring sustainable development and seeks to strike a balance between the three areas: environment, economy and society.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

Equality Act 2010

The Equality Act 2010 contains a public sector equality duty to integrate consideration of equality and good relations into the regular business of public authorities. The Act identifies a number of 'protected characteristics': age; disability; gender reassignment; marriage and civil partnership; race; religion or belief; sex; and sexual orientation. Compliance is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. Due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Consultation on planning applications is open to all of our citizens regardless of their age: no targeted consultation takes place specifically aimed at children and young people. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Climate Emergency

In May 2019 Monmouthshire County Council declared a Climate Emergency with unanimous support from Councillors. The Cabinet Member for Infrastructure and Neighbourhood Services has been appointed as the member responsible for climate change and decarbonisation.

Tackling climate change is very important, because if the planet's temperature rises by 2°C there are risks of drought, flood and poverty, impacting on hundreds of millions of people. In Monmouthshire impacts that could happen include more extreme weather events (such as storms), water shortages, droughts, species loss and risk of flooding. Planning has a key role in addressing climate change through the promotion of sustainable development.

The Council has formulated a draft action plan which will be subject to Member approval and will form the Council's response to tackling this issue. Council decisions will need to take into account the agreed action plan.

Protocol on Public Speaking at Planning Committee

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below. **The conventional protocol has been modified to allow public speaking via pre-recorded videos or to attend the meeting in person and address the Planning Committee.**

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee via a pre-recorded video or in person at the meeting.. Only elected members of community and town councils may speak. Representatives will be expected to uphold the following principles: -

- (i) To observe the National Code of Local Government Conduct. (ii)

Not to introduce information that is not:

- consistent with the written representations of their council, or
- part of an application, or
- contained in the planning report or file.

When a town or community councillor has registered to speak in opposition to an application, the applicant or agent will be allowed the right of reply.

Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public may appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where, by the deadline, letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday.

The number of objectors and/or supporters will be clearly stated in the officer's report for the application contained in the published agenda.

The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application. This will also be via a pre-recorded video or in person at the Planning Committee meeting.

When is speaking permitted?

Public speaking will normally only be permitted on one occasion where applications are considered by Planning Committee. When applications are deferred and particularly when re-presented following a committee resolution to determine an application contrary to officer advice, public speaking will not normally be permitted. Regard will however be had to special circumstances on applications that may justify an exception. The final decision lies with the Chair.

Registering Requests to Speak

Speakers must register their request to speak as soon as possible, between 12 noon on the Tuesday and 12 noon on the Friday before the Committee. To register a request to speak, objectors/supporters must first have made written representations on the application.

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request by calling 01633 644219 or by email to registertospeak@monmouthshire.gov.uk. Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

Parties are welcome to address the Planning Committee in English or Welsh, however if speakers wish to use the Welsh language they are requested to make this clear when registering to speak, and are asked to give at least 5 working days' notice to allow the Council the time to procure a simultaneous translator.

Applicants/agents and objectors/supporters are advised to stay in contact with the case officer regarding progress on the application. It is the responsibility of those wishing to speak to check when the application is to be considered by Planning Committee by contacting the Planning Office, which will be able to provide details of the likely date on which the application will be heard. The procedure for registering the request to speak is set out above.

The Council will maintain a list of persons wishing to speak at Planning Committee.

Once the request to speak has been registered by the Council the speaker must submit their pre-recorded video by midday on Monday before the Committee meeting. The video content must comply with the terms below and be no more than 4 minutes in duration. If the third party does not wish to record a video they will need to submit a script to the Council by the deadline above, that will be read out by an officer to the Committee Members at the meeting. The script shall contain no more than 500 words and shall also comply with the terms below. Speakers will also have the option to attend the meeting in person and address Planning Committee.

Content of the Speeches

Comments by the representative of the town/community council or objector, supporter or applicant/agent should be limited to matters raised in their original representations and be relevant planning issues. These include:

- Relevant national and local planning policies
- Appearance and character of the development, layout and density
- Traffic generation, highway safety and parking/servicing;
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Speakers should avoid referring to matters outside the remit of the Planning Committee, such as;

- Boundary disputes, covenants and other property rights
- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

The procedure for dealing with public speaking is set out below:

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- If applicable, the video recording of the representative of the community or town council will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the community or town council has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the community or town council representatives may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the objector's video recording will then be played to the Members (this shall be no more than 4 minutes in duration) Alternatively, if a third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the objector may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the supporter's video recording will then be played to Members (this shall be no more than 4 minutes in duration) Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the supporter may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the applicant's (or appointed agent's) video recording will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to submit a video of their response of up to 5 minutes in duration. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting up to 5 minutes in duration.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - Speakers may speak only once.
 - Committee Members may then raise technical questions with officers.
 -
- Planning Committee members will then debate the application, commencing with the

local member if a Member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.

- Where an objector or supporter or applicant/agent community or town council has spoken on an application no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the Committee unless there has been a material change in the application.
- The Chair's decision regarding a procedural matter is final.
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly.
- When the motion has been seconded the Chair shall identify the Members who proposed and seconded the motion and repeat the motion proposed (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.
- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention.
- The Legal Officer shall count the votes and announce the decision.
-
- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.

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Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
At the Council Chamber, County Hall, The Rhadry, Usk, NP15 1GA with remote
attendance on Tuesday, 1st April, 2025 at 2.00 pm**

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

County Councillors: Jill Bond, Fay Bromfield, Emma Bryn, Jan Butler,
John Crook, Tony Easson, Steven Garratt, Meirion Howells,
Su McConnel, Jayne McKenna, Maureen Powell, Ann Webb,
Laura Wright

County Councillor Peter Strong attended the meeting by invitation of
the Chair.

OFFICERS IN ATTENDANCE:

Amy Longford	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Joanne Chase	Solicitor and Head of Commercial Law
Richard Ray	Paralegal
Richard Williams	Democratic Services Officer

County Councillor Fay Bromfield left the meeting following determination of application
DM/2025/00043 and did not return.

County Councillor Ann Webb left the meeting following determination of application
DM/2024/01188 and did not return.

County Councillor Tony Easson left the meeting following determination of application
DM/2024/01188 and did not return.

APOLOGIES:

County Councillor Sue Riley

1. Declarations of Interest

None received.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 4th March 2025 were confirmed
as an accurate record.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
At the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 1st April, 2025 at 2.00 pm**

3. Application DM/2025/00043 - Rear single storey extension and conversion of semi-detached house to 3 No. one- bedroom flats. 9 St Mary's Crescent, Rogiet, Monmouthshire, NP26 3TB

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

<https://www.youtube.com/live/J0v6TiKKxZE?si=HK-p3fOzfNOIJVDj&t=92>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Su McConnel and seconded by County Councillor Jan Butler that application DM/2025/00043 be approved subject to the conditions outlined in the report with an amendment to condition 5 to include the statement that the surface of the extended driveway area shall be made up of a permeable material.

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

For approval	-	10
Against approval	-	4
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2025/00043 be approved subject to the conditions outlined in the report with an amendment to condition 5 to include the statement that the surface of the extended driveway area shall be made up of a permeable material.

4. Application DM/2020/01345 - Proposed development of tourist accommodation in the form of three glamping pods, as well as associated access and ancillary works. Land at Wern y Cwrt, Croes Bychan Hall to Raglan, Wern y Cwrt, Bryngwyn, Monmouthshire

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

<https://www.youtube.com/live/J0v6TiKKxZE?si=h8kVwYSLYcWrfZwr&t=3692>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Su McConnel and seconded by County Councillor Maureen Powell that application DM/2020/01345 be approved subject to the conditions outlined in the report.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held At the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 1st April, 2025 at 2.00 pm

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

For approval	-	11
Against approval	-	3
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/01345 be approved subject to the conditions outlined in the report.

5. Application DM/2024/01188 - Mixed use development comprising shop extension to accommodate a new entrance and rear storeroom area; flatted development comprising 3 no. flats and associated development thereto following the demolition of dormer bungalow. 7-9 Main Road, Portskewett, NP26 5SG

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

<https://www.youtube.com/live/J0v6TiKKxZE?si=vEESBaBVgXrx8si5&t=6060>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Su McConnel and seconded by County Councillor Ann Webb that application DM/2024/01188 be approved subject to the conditions outlined in the report, with an additional condition to require details of the surfacing of the car parking area at the front of the site to be submitted to and approved by the Local Planning Authority prior to the use commencing and carried out in accordance with the approved details; also, the three parking spaces shall be marked out and available for use prior to the use commencing.

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/2024/01188 be approved subject to the conditions outlined in the report, with an additional condition to require details of the surfacing of the car parking area at the front of the site to be submitted to and approved by the Local Planning Authority prior to the use commencing and carried out in accordance with the approved details; also, the three parking spaces shall be marked out and available for use prior to the use commencing.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
At the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 1st April, 2025 at 2.00 pm**

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

<https://www.youtube.com/live/J0v6TiKKxZE?si=YQnQtE3xvyO3Eknz&t=7270>

6.1. Rear Barn, Manor Farm, St Bride's Road, St Brides Netherwent, NP26 3AT

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Rear Barn, Manor Farm, St Bride's Road, St Brides Netherwent on 5th March 2025.

We noted that the appeal had been allowed, and planning permission had been granted for a modest two storey extension to create larger kitchen / dining on the ground floor with home office over at Rear Barn, Manor Farm, St Bride's Road, St Brides Netherwent, NP26 3AT, in accordance with the terms of the application, Ref DM/2024/00516, dated 20 April 2024, subject to the conditions set out in the schedule to the decision.

The meeting ended at 4.06 pm.

Application Number: DM/2024/01281

Proposal: Proposed 2no. detached dwellings with on-site parking

Address: Land to rear of Rosemary, Beaufort Road, Osbaston, Monmouth

Applicant: Dr R Handley

Plans: 1757[PL]01 B
1757[PL]102 A
1757[PL]103 A
Preliminary Ecological Appraisal 26 April 2024
BCP/RBR/001 C
OS Location Plan
1757[PL]104
GI Statement 1757
Hydrogeo Surface Water Drainage Statement HYG1336
Proposed North West Elevation (Beaufort Road)

RECOMMENDATION: Approve subject to a s106 agreement

Case Officer: David Wong
Date Valid: 14.10.2024

This application is presented to Planning Committee as there have been five or more objections

1.0 APPLICATION DETAILS

1.1 Site Description

1.1.1 The site falls continuously from the roadside (Beaufort Road) to its east, and is flanked on all sides by existing residential properties, with ground floor levels below those of Rosemary. Rosemary, the host property, was recently demolished as part of planning approval DM/2021/01336 that included its replacement. A 2020 permission (DM/2019/00898) also granted approval for a two-storey dwelling at the rear garden's southern end, sharing the existing vehicular access.

1.1.2 This application proposes two detached dwellings with on-site parking, replacing the previously approved schemes. While the number of residential units remains the same, this application features a revised design and separate access points for each dwelling.

1.1.3 The proposed dwelling on Plot 1, intended as a replacement, involves a reduced footprint compared to the approved scheme DM/2021/01336. The dwelling is set further back from the road, does not extend beyond the neighbouring property 'Downlea', and presents a shorter front elevation facing Beaufort Road. The ridge height of Plot 1 is 250mm lower than the approved dwelling.

1.1.4 Plot 2, corresponding to the 2020 permission (DM/2019/00898), presents a more contemporary architectural design than the previous approval. The overall height and finished floor level (ffl) of this proposal remain consistent with the previously approved version, at 7.7m and 49.00m AOD, respectively. The access arrangement for this plot differs from the approved plan; a new, separate access is proposed between Plot 1 and Downlea. The proposed dwelling on Plot 2 would be positioned at a greater distance from 11 Charles Close, while the separation from 12 Charles Close would be maintained at the previously approved distance.

1.1.5 The external finishing materials for both proposed dwellings will consist of a combination of render and horizontal cladding, and natural slate roofing. The windows are proposed to be either aluminum or uPVC double glazing, subject to product availability. Similarly, the doors will be either aluminum or composite.

2.0 RELEVANT PLANNING HISTORY

Reference Number	Description	Decision Date
DM/2019/00898	New detached two storey dwelling with integral garage and driveway access from highway with on-site parking and turning	Approved 11.09.2020
DM/2021/01336	Demolition of existing two storey dwelling. Construction of new dwelling & associated works.	Approved 12.01.2022
DM/2022/00953	Discharge of conditions 3 and 4 relating to application DM/2021/01336: Landscape proposals	Approved 21.09.2022

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial Distribution of New Housing
S4 – Affordable Housing Provision
S13 – Landscape, Green Infrastructure & the Natural Environment
S16 – Transport
S17 – Place Making and Design

Development Management Policies

DES1 – General Design Considerations
EP1 – Amenity & Environmental Protection
EP3 - Lighting
GI1 – Green Infrastructure
H1 – Residential Development in Main Towns etc.
NE1 – Nature Conservation & Development
MV1 – Proposed Developments & Highway Considerations
LC5 – Protection & Enhancement of Landscape Character

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Guidance July 2019

Infill Development (Policies H1, H2 and H3) November 2019

Monmouthshire Parking Standards (January 2013)

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

4.0 NATIONAL PLANNING POLICY Future

Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 12

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Monmouth Town Council - Recommendation: REFUSAL on the following grounds:

- i. The proposed was not in-keeping with the surrounding area;
- ii. the real potential for over-development on the site and sub-sequential loss of privacy for neighbouring properties;
- iii. lack of required parking capacity and subsequent safe vehicular access, and
- iv. the potentially negative ecological impact.

Councillors noted the report from NRW and agreed with their condition to conduct a Construction Environmental Management Plan (CEMP) and the recommendation to further consult an in-house ecologist on the appropriate surveys needed.

Councillors were minded that the majority of the public comments referenced that the proposed tandem houses would not be in-keeping with the area and that the neighbouring bungalows could potentially lose some privacy.

The Committee agreed with the public comments and raised concerns that the proposal was not in-keeping with the area and felt that should it be approved it would be an over-developed site.

Further concerns were raised regarding the potential increase in water run-off and foul drainage as well as the lack of required parking spaces and subsequent safe vehicular access.

MCC Landscape and GI - No objection. Further information submitted includes an acceptable GI statement (BCP ref 1757) and amended plan (ref 1757(PL)01B) detailing ecological enhancements. Additionally, drawing 1757(PL)104 showing low-level planting set back to ensure visibility from Plot 2's entrance onto the highway, while maintaining some planting within the streetscape, is acceptable from a Landscape and GI perspective.

MCC Environmental Health - There are no objections from Environmental Health; a pre-commencement Construction Environmental Management Plan (CEMP) is requested.

MCC Highways - No grounds to object to the application. The latest drawings have addressed the concerns by providing the correct level of parking (3 parking spaces) for Plot 1 in accordance with the Monmouthshire Parking Standards.

A visibility splay from the new access to Plot 2 is also provided which demonstrates that the visibility splay is in accordance with the minimum standards contained within Manual for Streets for a 20mph speed limit road. Considering that Beaufort Road is a single carriageway there is additional visibility available beyond the minimum of 22m to the centre line of the carriageway, where vehicles will typically be travelling due to the nature of the road. There are no highway grounds to sustain an objection to the application subject to the following conditions being applied to any grant of planning approval:

1. The development is constructed strictly in accordance with the approved drawings.
2. A Construction Traffic Management Plan is submitted for approval prior to commencement of the development.

Dwr Cymru - Welsh Water (DC-WW) - No objection. The development requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features.

The proposed development site is located in the catchment of a public sewerage system which drains to Monmouth (Wyesham) Wastewater Treatment Works (WwTW) and ultimately discharges to a river Special Area of Conservation (SAC). We would advise that this WwTW has a phosphorus consent limit of 2mg/l and is currently compliant with the 95% quartile for its flow passed forward (FPF) performance, at the time of this consultation. Accordingly, we would advise there is currently suitable hydraulic capacity in the public sewerage system and downstream WwTW to accommodate foul water flows from the development subject of this application.

Requested that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

The application site is located in a foul only drainage network where the discharging of surface

water into the public sewer would not be permitted. Therefore, a condition is requested to ensure no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Natural Resources Wales (NRW) - The application site is within the catchment of the River Wye Special Area of Conservation (SAC). In line with our Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments. To overcome these concerns, further consideration is required regarding foul drainage. In addition, the site is bordered by a watercourse (unnamed) which flows into the River Monnow. Therefore, a pre-commencement Construction Environmental Management Plan is requested for the protection of the environment during construction.

MCC Ecology - Initial concerns addressed. Further to previous ecology comments, an email from Buckle Chamberlain dated 11 December 2024 and Green Infrastructure Statement have been submitted. Based on the submitted information, the impacts can be screened out. In addition, a lighting condition along with conditions that were highlighted on the previous response are requested. The measures to ensure net benefit for biodiversity are detailed on revised drawing and in the Green Infrastructure Statement are welcomed and implementation will need to be secured by condition if consent is granted. Make sure that there is no phosphate issue as per NRW's response.

MCC SAB Team - The watercourse at the bottom of the site is an appropriate surface water discharge location. The proposed development will require a Sustainable Drainage System (SuDS).

5.2 Neighbour Notification

Ten neighbour objections received. The planning-related objections are summarised below.

Principle

The proposed infill development is inappropriate.

There are no tandem properties in the area and by allowing this, it will set a precedent for the locality.

MCC is committed to achieve zero-carbon status while championing the well-being and dignity of all residents. Therefore, this proposal will surely be declined and plans for a single dwelling in keeping with the neighbourhood.

Design

This is a near-identical tandem-building application that attracted significant objection. The design of the properties are out of keeping with the surrounding area.

The external finishes for both properties are not in keep with the surrounding construction. The ridge line of plot 1 is too high and does not respect the streetscene and the adjoining bungalows.

Rosemary is an attractive single dwelling and its replacement/removal is unacceptable.

The proposal will reduce the amount of garden space for the property which is unacceptable.

The proposal will destroy the character of the village.

The proposal is considered to be an over-development of the site and will harm the well-being of neighbours.

Biodiversity/Ecology

The proposal will increase sewage and have an adverse impact towards the Wye catchment area. The treeline (bat flight path) and the brook (pathway to the Monnow and further to the river Wye SAC) will be directly affected by the proposed development.

A scheme of biodiversity net gain enhancement is required.

An additional tandem dwelling to the rear garden will adversely affect ground water drainage and ecology.

There has already been expressed concern by NRW over the drainage and water run-off issues by building on a saturated area.

Drainage

The kerb side drain on the highway is no longer fit for purpose.

A proper surface water scheme is required.

The position of the access manhole shown on the drawing is totally incorrect.
The proposal will put extra strain on the water and sewage system.

Highways

The construction movement associated with this development will further damage boundary walls and road surface.

More cars in the area would have an impact on the surrounding roads.

Neighbour Amenity

The proposal will have a negative impact on air and noise quality.

Loss of light and privacy to Llyswen and Charles Close properties

Planning permission is being sought on many occasions over many years and is affecting the health and wellbeing of the residents.

5.4 Local Member Representations

None received.

Please note all representations can be read in full on the Council's website: <https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.1 EVALUATION

6.2 Principle of Development

6.2.1 The site is inside the Monmouth Development Boundary (LDP Policy H1). Monmouth is one of the Main Towns for the purposes of LDP Policy S1. Both LDP policies S1 and H1 presume in favour of new residential development subject to detailed planning considerations. The site is located within one of the County's most sustainable settlements, which aligns with Planning Policy Wales (PPW12) that supports new residential development in sustainable locations.

6.2.2 The Council's Infill Development Supplementary Planning Guidance (SPG) (in relation to Policies H1, H2, and H3), adopted in November 2019, provides further guidance on the considerations employed by the Council.

6.2.3 It is noted that planning permissions have already been granted for replacing the host property, Rosemary, under DM/2021/01336, and a 2020 permission (DM/2019/00898) for a two-storey dwelling at the rear garden of the site. The current application proposes a revised scheme in relation to the above planning permissions. Given that there is no increase in residential units and the principle of a residential plot towards the rear has been established, there are no objections to the principle of this proposal.

6.2 Good Design

6.2.1 The details of the previous permissions are material and must be taken into consideration as a fall-back position.

6.2.2 This part of Monmouth is characterised by a mix of properties with a variety of finishing materials and architectural styles, and Rosemary is located next to properties with various plot sizes. Thus, there is no single design pattern to which this new development should have regard.

6.2.3 Due to the topography of the land (the land slopes away to its east), when the previously approved replacement dwelling (DM/2021/01336) on Plot 1 is viewed from the highway, it has the appearance of a single storey property. The previously approved replacement dwelling is in fact a two-storey property. It is considered that the proposed dwelling on Plot 1 under this application would result in a reduced visual impact on the streetscene as it features a narrower front elevation than the previously approved replacement dwelling. Also, the overall height of this proposal is lower than the approved version.

6.2.4 In terms of the proposed dwelling on Plot 2, it has a more contemporary architectural design than the previous approval. The overall height and finished floor level (ffl) of this proposal remain consistent with the previously approved version, at 7.7m and 49.00, respectively.

6.2.5 There is no objection from the Council's Landscape and GI Officer. Further information has been submitted that includes a GI statement (BCP ref 1757) and amended plan (ref 1757(PL)01B) detailing ecological enhancements. Additionally, drawing 1757(PL)104 shows low-level planting set back to ensure visibility from Plot 2's entrance onto the highway, while maintaining some planting within the streetscape. This is considered acceptable from a Landscape and GI perspective.

6.2.6 The proposed dwellings under this scheme largely occupy the same footprints as the previously approved permissions. It is considered that the scale, mass, design and materials of the proposals are appropriate, simple and well-mannered and would complement the existing streetscene. Consequently, the proposal is considered to be in accordance with LDP Policy DES1.

6.3 Biodiversity/Phosphate

6.3.1 There was an initial holding objection from the Council's Ecologist relating to the lighting design of Plot 2 and a demonstrable lack of net benefit for biodiversity.

6.3.2 Following this, the agent provided additional information to address the ecological concerns. The submitted information, including the Green Infrastructure Statement, confirms that the closest area of the building will be 6.5m from the boundary fence and 13m from the ditch at the rear of the garden. A 1.8m high close-boarded fence will be installed 5m from the ditch which will provide some interception of light spill. It has been confirmed that there will be no external lighting to the rear of Plot 2. As such, it is considered that there is unlikely to be a credible risk of significant adverse impacts on the bat corridor as a result of the relatively sensitive scheme design. Therefore, impacts can be screened out. Prevention of installation of lighting to the rear of Plot 2 would need to be secured by condition.

6.3.3 The measures to ensure net benefit for biodiversity have now been detailed on a revised drawing and the submitted Green Infrastructure Statement and are welcomed. Their implementation would need to be secured by condition if consent is granted.

6.3.4 NRW confirmed that the application site is within the catchment of the River Wye Special Area of Conservation (SAC). In line with NRW's Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation, under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

6.3.5 There is no increase in the number of residential units created. The principle of a residential plot (Plot 2) and the replacement dwelling at Rosemary have already been established. Therefore, essentially, this is a revised scheme for the design of the already approved development. Under the Phosphate Guidance published by NRW, when development proposals involve connection to public wastewater treatment works (which this proposal does) planning authorities should consult with the sewerage undertaker to determine whether the environmental permit for the associated wastewater treatment works has been assessed against the revised nutrient targets set out in the conservation objectives for the river SAC.

6.3.6 Welsh Water, the sewerage undertaker, confirms that the proposed development site is located in the catchment of a public sewerage system which drains to Monmouth (Wyesham) Wastewater Treatment Works (WwTW) and ultimately discharges to a river Special Area of Conservation (SAC). They advise that this WwTW has a phosphorus consent limit of 2mg/l and is currently compliant with the 95% quartile for its flow passed forward (FPF) performance. Accordingly, they advise there is currently suitable hydraulic capacity in the public sewerage system and downstream WwTW to accommodate foul water flows from this proposed development.

6.3.7 The site is bordered by a watercourse (unnamed) which flows into the River Monnow. There is no pollution objection from NRW. However, a pre-commencement Construction Environmental Management Plan is proposed as a condition to protect the environment during construction.

6.3.8 Given the above, the proposal would comply with LDP Policy NE1.

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6.4 Impact on Amenity

6.4.1 The distance of the proposed dwellings under this scheme is set further away from the side

boundaries, running along the north-east and the south-west, allowing more separation space.

6.4.2 There will be upper window openings on the side elevations of these dwellings. However, none of these would be habitable room windows; they are to serve the staircase and the toilets.

6.4.3 The separation distance between the proposed dwelling on Plot 2 and no.12 Charles Close will be maintained at the previously approved distance.

6.4.4 It is considered that this scheme will not have any greater impact on the amenity of the neighbouring properties. Subject to a Construction Environmental Management Plan (CEMP), the Council's Environmental Health Department has raised no concerns. Therefore, subject to the securing of obscure glazing to the windows of the proposed toilets and submission of a CEMP, this application is deemed compliant with LDP Policies DES1 and EP1.

6.5 Highways

6.5.1 The Council's Highways Department had initial concerns regarding the proposed parking provision for Plot 1, and the visibility sprays for the new access to Plot 2. Subsequently, further information was submitted to address these concerns. The revised drawings have now shown the correct level of parking (3 spaces) for Plot 1 in accordance with the Monmouthshire Parking Standards. Also, it has now been demonstrated that the visibility splay for the proposed access would be in accordance with the minimum standards contained in Manual for Streets for a 20mph speed limit road. Considering that Beaufort Road is a single carriageway there is additional visibility available beyond the minimum of 22m to the centre line of the carriageway, where vehicles will typically be travelling due to the relatively narrow nature of the road.

6.5.2 Considering the foregoing, there are no highway grounds to sustain an objection to the application, subject to the condition that the development is constructed strictly in accordance with the approved drawings and that a Construction Traffic Management Plan is submitted for approval prior to the commencement of development. The Council's Highways Department raised no concerns regarding the road conditions due to any increase in traffic movements associated with one additional dwelling. Consequently, with the imposition of appropriate conditions, the application is considered to comply in compliance with LDP Policy MV1.

6.6 Surface Water Drainage/SuDS

6.6.1 A drainage strategy has been submitted for consideration and the Council's Lead Local Flood Authority and SuDS Approval Body offers no objection to the proposal as they confirmed that the watercourse at the bottom of the site is an appropriate surface water discharge location. An informative is requested to remind the developer that the proposed development will require a Sustainable Drainage System (SuDS) designed, constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB). Therefore, there is no objection to this element of the proposal.

6.7 Affordable Housing

6.7.1 Policy S4 of the LDP requires that all new housing developments contribute to affordable housing within the County. Single dwellings are required to make a financial contribution to this and the amount will depend on the size and location of the proposed dwelling. No affordable housing contribution is required for the replacement dwelling at Plot 1 while the financial contribution required for Plot 2 would be £9,630 that would be secured through a section 106 Legal Agreement.

6.8 Response to the Representations of Third Parties and Town Council

6.8.1 In respect of the neighbour objections:

Principle

The proposed infill development is inappropriate in this location.

The plot towards the rear is tandem development that is out of character.

MCC is committed to achieve zero-carbon status while championing the well-being and dignity of all residents. Therefore, this proposal will surely be declined and plans for a single dwelling in keeping with the neighbourhood.

LPA response: Please refer to section 6.1 of this report.

This is a near-identical tandem-building application that attracted significant objection. The design of the properties are out of keeping with the surrounding area. The external finishes for both properties are not in keep with the surrounding constructions. The ridge line of plot 1 is too high and does not respect the streetscene and the adjoining bungalows. Rosemary is an attractive single dwelling and its replacement/removal is unacceptable. The proposal will reduce the amount of garden space for the property which is unacceptable. The proposal will destroy the character of the village. The proposal is considered to be an over-development of the site and will harm the well-being of neighbours. LPA response: Please refer to section 6.2 of this report.

Biodiversity/Ecology

The proposal will increase sewerage flows and have an adverse impact towards the Wye catchment area. The treeline (fat flight path) and the brook (pathway to the Monnow and further to the river Wye SAC) will be directly affected by the proposed development. A scheme of biodiversity net gain enhancement is required. An additional tandem dwelling to the rear garden will adversely affect on ground water drainage and ecology. There has already been expressed concern by NRW over the drainage and water run-off issues by building on a saturated area. LPA response: Please refer to paragraph 6.3 of this report.

Drainage/ Highways

The kerb side drain on the highway is no longer fit for purpose. A proper surface water system is required. The position of the access manhole shown on the drawing is totally incorrect. More cars in the area would have an impact on the surrounding roads. The proposal will put extra strain on the water and sewage system. The construction movement associated with this development will further damage boundary walls and road surface. LPA response: Please refer to sections 6.5 and 6.6 of this report.

Neighbour Amenity

The proposal will have a negative impact on air and noise quality. Loss of light and privacy to Llyswen and Charles Close properties. Planning permission has been sought on many occasions over many years and is affecting the health and wellbeing of the local residents. LPA response: Please refer to paragraph 6.4 of this report.

6.9 Well-Being of Future Generations (Wales) Act 2015

6.9.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.10 Conclusion

6.10.1 The principle of development at this site has been established by previous planning permissions. The current proposal is acceptable having regards to planning policy and all other material considerations and would not cause harm to neighbouring dwellings as a result of traffic, loss of amenity, flooding or drainage or cause any loss to biodiversity, subject to conditions.

7.0 RECOMMENDATION: APPROVE subject to a s106 agreement

- The provision of an off-site financial contribution towards affordable housing in the locality totalling £9,630.

1 This development shall be begun within 5 years from the date of this

permission. REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

4 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP.

REASON: To ensure the development is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

5 Construction Ecological Management Plan

No development shall take place (including ground works, vegetation clearance) until a Construction Ecological Management plan, which includes but is not limited to measures detailed in Section 10 of the Preliminary Ecological Appraisal report (Just Mammals Limited, April 2024), has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of works to avoid harm to biodiversity features
- e) Responsible persons and lines of communication.
- f) Use of protective fences, exclusion barriers and warning signs.
- g) General site management: details of the construction programme including method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes.
- h) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan.
- i) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard the adjacent watercourse and associated habitat and wildlife in accordance with the Wildlife and Countryside Act 1981 (as amended) and LDP Policy NE1.

6 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the buildings or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and

specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the Local Planning Authority.

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

7 All works shall proceed in accordance with proposed measures to secure net benefit for biodiversity in accordance with Section 10 of the Preliminary Ecological Appraisal report (Just Mammals Limited, April 2024) and Drawing 1757[PL]01A. Evidence of implementation of measures to achieve net benefit for biodiversity must be provided to the LPA no more than three months later than the first beneficial use of the development.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 12, the Environment (Wales) Act 2016 and LDP policy NE1.

8 No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- o Construction methods: how waste generated will be managed - must comply with the Duty of Care regulations with regard to the use, storage, transport and disposal of waste material.
- o General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain. Measures proposed to prevent any contaminated material, suspended solids entering the watercourse.
- o Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- o Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- o Details of how surface water, including dewatering excavations, will be managed. Any discharge must comply with NRW Regulatory Position statement (attached) or a discharge permit will be required. If a permit is required, this must be in place before work commences.
- o Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

REASON: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

9 The windows on the first floor of any side elevation of the dwellings hereby approved, shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

10 Prior to the commencement of development full and comprehensive details of soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- o Soft landscape details for landscaping to include planting plans, specifications including species, size, density, number and location, cultivation and other operations associated with planting and seeding establishment.

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan.

11 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. Planting of Trees shall

be in accordance with BS8545:2014 Trees: from nursery to independence in the landscape. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES1, S13, and GI1 and NE1.

12 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing and shall include details of the arrangements for its implementation inclusive of roles and responsibilities. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

INFORMATIVES

1 Dwr Cymru – Welsh Water

Advice

SURFACE WATER

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

SEWERAGE

The proposed development site is located in the catchment of a public sewerage system which drains to Monmouth (Wyesham) Wastewater Treatment Works (WwTW) and ultimately discharges to a river Special Area of Conservation (SAC). We would advise that this WwTW has a phosphorus consent limit of 2mg/l and is currently compliant with the 95% quartile for its flow passed forward (FPF) performance, at the time of this consultation. Accordingly, we would advise there is currently suitable hydraulic capacity in the public sewerage system and downstream WwTW to accommodate foul water flows from the development subject of this application.

ASSET PROTECTION

After reviewing the submitted information we advise that the proposed development site is crossed by a 150mm public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Having regard to the submitted drawing titled 'Site Plan as Proposed' it appears that no operational development will occur within the required 3m protection zone either side of the centreline.

In light of the above, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is a mandatory requirement to first enter into a Section 104 Adoption

Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership

by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption.

We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

As of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. In the event this proposed development amounts to a total impermeable area of 100sqm or more, approval of Sustainable Drainage Systems (SuDS) features will be required in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It would therefore be recommended that the developer engage in consultation with Monmouthshire County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

2 MCC Highways - NOTES TO APPLICANT

It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

3 NRW Advice:

Pollution prevention guidance is available on the NetRegs website. In particular, we refer the applicant/developer to Guidance for Pollution Prevention (GPP) 5: Works and maintenance in or near water, and GPP 6: Working on construction and demolition sites. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

4 MCC Landscape/GI Informative: **Page 18**

NESTING BIRDS - Please note that all birds are protected by the Wildlife and Countryside Act

1981 (as amended).

The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September. BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection Policy NE1 - Nature Conservation and Development seeks to ensure the protection and enhancement of wildlife and landscape resources by appropriate building design, site layouts, landscaping techniques and choice of plant species.

Planning Policy Wales - Net Benefit for Biodiversity

Planning Policy Wales (PPW) 12 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity". This policy and subsequent policies in Chapter 6 of PPW 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

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Appeal Decisions

by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date of decisions: 2025/04/24

APPEAL A

Appeal reference: CAS-03489-N9P2F0

Site address: 1 Monnow Keep, Monmouth, Monmouthshire, NP25 3EX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act.
 - The appeal is made by Alex Dawson against an enforcement notice issued by Monmouthshire County Council.
 - The enforcement notice, numbered E23/143, was issued on 16 May 2024.
 - The breach of planning control as alleged in the notice is: 1) Engineering works to raise the ground so that it is level with the domestic garden of No.1 Monnow Keep, with associated retaining wall and timber fence above; and 2) Change of use of riverbank to residential use of the land shown edged blue within Appendix B in association with the dwelling known as 1 Monnow Keep.
 - The requirements of the notice are to 1) Remove the retaining wall (as shown edged in purple Appendices B and C) and return the ground to its original condition and levels prior to the breach of planning control occurring. For the avoidance of doubt the original levels are shown in Appendix C; 2) Remove the timber fencing (as shown in green in Appendix B) in its entirety; 3) All resulting materials from the completion of points 1 and 2 above shall be removed from the site in their entirety; and 4) Cease the residential use of the land as shown edged blue in Appendix A.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (e) and (f) of the Town and Country Planning Act 1990, as amended.
 - A site visit was made on 11 March 2025.
-

APPEAL B

Appeal reference: CAS-03492-Q9Y8Q4

Site address: 1 Monnow Keep, Monmouth, NP25 3EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

- The appeal is made by Mr Alex Dawson against the decision of Monmouthshire County Council.
 - The application Ref: DM/2024/00285, dated 7 March 2024, was refused by notice dated 22 April 2024.
 - The development proposed is change of use of land into garden and first floor rear extension.
 - A site visit was made on 11 March 2025.
-

Decisions

Appeal A - Ref: CAS-03489-N9P2F0

1. The appeal is dismissed and the Enforcement Notice upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended.

Appeal B – Ref: CAS-03492-Q9Y8Q4

2. The appeal is dismissed.

Procedural Matters

3. As set out above, there are two appeals at the site. Whilst I shall consider each appeal on its own individual merits, to avoid any duplication, I shall deal with the two cases together in this document, albeit with separate formal decisions. For the avoidance of any doubt, Appeal A relates to an Enforcement Notice which attacks both matters of operational development and a material change of use, as set out in the decision letter template above. Appeal B relates to an appeal lodged under Section 78 of the above Act, against the Council's refusal to grant planning permission.
4. The Welsh Government published a new Technical Advice Note (TAN) 15: *Development, Flooding and Coastal Erosion* (2025) during the processing of the appeals. That document confirms that it should be read in conjunction with Planning Policy Wales (PPW) and the Welsh National Marine Plan and that it replaces TAN14: *Coastal Planning* (1998) and the previous TAN15: *Development and Flood Risk* (2004). However, the Ministerial Written Statement dated 31 March 2025, which accompanied the publication of the new TAN, confirms that there will be a transitional period for its implementation. Specifically, planning applications that were submitted and registered before the publication of the new TAN, such as those subject of these appeals, shall continue to be assessed against the previous version. I shall consider the appeals accordingly.

Application for Costs

5. Applications for costs have been submitted by the appellant against Monmouthshire County Council. These applications are the subject of separate Decisions.

Reasons

The Appeal under Ground (e) of Appeal A

6. An appeal under ground (e) is that the Enforcement Notice was not served on everyone with an interest in the land. It is well-established in law that, in such cases, it is necessary

to consider whether any issue arising from the service of the Notice resulted in substantial prejudice.

7. In this case, the appellant notes that the Council originally served a Notice with conflicting dates. Specifically, the originally served Notice incorporated an issue date of 16 May 2023 and an 'appeal by' date of 22 February 2024. The appellant also contends that two copies of the Notice should have been served on him and only one was served. The Council acknowledges the errors referred to by the appellant and notes that the Notice was served afresh. It has also demonstrated that there is no legislative requirement for two copies of the Notice to be served. Within this context, and in light of the fact that the appellant was clearly aware of the Notice being served, and managed to lodge a valid appeal, I am not aware of any substantial prejudice arising from the concerns raised. As such, and bearing in mind the principles established through caselaw, I find that substantial prejudice has not been demonstrated and that the appeal under ground (e) must therefore fail.

Appeal B and the Appeal under Ground (a) of Appeal A

8. The proposal subject of Appeal B sought retrospective planning permission for the change of use of land located to the rear of No.1 Monnow Keep to form part of the rear garden area of that property. It also sought planning permission for a proposed first floor extension to the existing garage located to the side of the main dwelling. Planning permission was refused for both elements of the scheme on 22 April 2024.
9. Enforcement action was subsequently pursued against the change of use of the land located to the rear of No.1 and the wider works associated with that act of development. Specifically, an Enforcement Notice was issued on 16 May 2024 attacking: 1) the engineering works associated with the raising of the ground level, the retaining wall and the boundary fence; and 2) the material change of use of the riverbank to residential use.
10. Given that the works to the rear garden area are entirely severable from the proposed first floor extension to the existing garage, and hence raise separate planning issues, I shall consider each matter in turn.

Works to the rear of No.1 Monnow Keep

11. Having regard to the reasons for issuing the Enforcement Notice subject of Appeal A, and the evidence associated with Appeal B, the main issue in respect of the works to extend the garden area to the rear of the appeal property is whether the development is acceptable having regard to issues of flood risk.
12. The works to the rear of No.1 Monnow Keep include the change of use of the land to form part of the garden area of that property, the raising of the ground level, and the construction of a retaining wall with timber fence above. These works replaced a point of access to the river which runs to the rear of the property. Indeed, the Council object to the works on the basis that the development unacceptably interferes with the ability of Natural Resources Wales (NRW) and other bodies to carry out flood control works or maintenance. In setting out such concerns, both the Council and NRW have noted that the land forms part of a strategic flood alleviation scheme on the River Monnow which provides protection to properties at Monnow Keep and the wider area.
13. NRW and the Council indicate that the land and associated access gate has been used to operate, maintain and repair the flood alleviation scheme for a number of years. This alleged interference is said to compromise NRW's ability to exercise its legal powers of flood risk management and may compromise its ability to effectively manage flood risk in the area. Whilst not forming part of the reason for refusal subject of Appeal B, or the

reasons for issuing the Enforcement Notice subject of Appeal A, the evidence also notes that the land in question forms part of Zone C1 of the 'Development Advice Maps' referenced in TAN15 (2004). It is similarly identified as Flood Zone 2 and 3 Rivers in the more up to date 'Flood Maps for Planning' referenced in the more recent TAN15 (2025).

14. The appellant contends that the works have been undertaken on private land. Specifically, it is submitted that the access gate and fence that have been removed to accommodate the works are privately owned and that NRW and other statutory bodies have no access rights over the land. The appellant also notes that the removal of the access gate does not prevent statutory bodies from accessing the land, with other access points available within a short distance from the appeal site.
15. The dispute over land ownership and rights of access are not matters for me to adjudicate on within the context of either the appeal lodged under Section 78 or that lodged under Section 174 of the above Act. Indeed, it would be beyond my jurisdiction to make comment on such matters within this context and a determination in respect of such arguments would need to be pursued through separate legislative processes. Similarly, the matter of whether or not a Flood Risk Activity Permit should have been obtained is also not a matter that weighs heavily in respect of the appeals given that it is a requirement of separate legislation.
16. However, whilst the change of use only relates to 'garden land', it nonetheless comprises a residential use which is highly vulnerable for the purposes of national policy and, as set out above, the development would be located in an area subject of flood risk. Both PPW and TAN15 (2004) are clear that development proposals should be directed away from Zone C wherever possible. Section 6.2 of TAN15 (2004) goes on to state that development should only be permitted within Zones C1 and C2 if determined to be justified in that location. Specifically, such development would only be justified if it can be demonstrated that:
 - i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
 - ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;AND,
 - iii. It concurs with the aims of PPW and meets the definition of previously developed land; and,
 - iv. The potential consequences of a flooding event for the particular type of development have been considered and found to be acceptable.
17. The works in question clearly fail to satisfy the alternative requirements of criteria i) and ii). The development subject of the appeals has also not been subject of a Flood Consequences Assessment (FCA) to determine whether or not the potential consequences of a flooding event would be acceptable. It is clearly relevant to note that Section 11.19 of TAN15 (2004) provides some flexibility for householder applications. However, this would only assist where the development would not be likely to have a direct and adverse effect on a watercourse or its flood defences, would impede access to flood defence and management facilities or where the cumulative impact of such developments could have a significant effect on flood storage capacity or flood flows.
18. Within this context, and even if access to the flood defence and management facilities can be achieved via the alternative routes referenced by the appellant, there are obvious

concerns relating to flood storage capacity and flood flows that have not been properly tested through an FCA. Indeed, the raising of ground levels and the use of retaining walls alongside a riverbank clearly has potential to displace water during a flooding event and thus increase the risk of flooding off-site. On this basis, and in the absence of sufficient evidence to fully assess the consequences of a flooding event, I do not consider that the flexibility provided by Section 11.19 of TAN15 assists the appellant's case. For the avoidance of any doubt, the outcome would not be materially different under the more up to date TAN15 (2025).

19. Such harm and associated policy conflict is not in my view justified by the potential for the antisocial behaviour referenced in the appellant's evidence. The appellant contends that the refusal of planning permission, and indeed the requirements of the Enforcement Notice, interfere with the occupants' rights under Article 1 of the Human Rights Act. However, I am satisfied that the refusal of planning permission would be justified and in pursuit of a legitimate planning aim, namely in the interest of exacerbating flood risks. Indeed, I am satisfied that the decision to refuse planning permission is both reasonable and proportionate and that it is, therefore, justified in light of the available evidence.
20. Therefore, based on the foregoing analysis, I find that it has not been satisfactorily demonstrated that the development would be acceptable in terms of flood risk. The development would therefore conflict with the thrust of Policy SD3 of the adopted Monmouthshire Local Development Plan (LDP). It would also conflict with the clear aims of national planning policy.

Proposed First Floor Extension

21. Having regard to the evidence submitted in respect of Appeal B, the main issue in respect of the proposed first floor extension is whether the development would preserve or enhance the character or appearance of the Monmouth Conservation Area.
22. In this respect, the extension to the existing garage would, by virtue of its scale, siting, form and overall design, represent an insensitive and visually incongruous addition that would injuriously alter the character and appearance of the host property and the area more generally. Such harm would be accentuated in this instance given the prominent location of the garage at the end of the terrace, adjacent to the neighbouring car park and clearly visible in the wider streetscene. Such public harm would not, in my view, be outweighed by the personal benefits that the development would bring to the occupants of the appeal property.
23. On this basis I find that the proposed development would cause material harm to the character and visual amenities of the area and thus fail to preserve or enhance the character or appearance of the Monmouth Conservation Area. The development would therefore run counter to the thrust of Policies DES1(c), HE1(a and b) and HE2 (c) of the adopted Monmouthshire LDP, as well as the placemaking principles that underpin national planning policy.

Conclusion on ground (a) of Appeal A, and Appeal B

24. Based on the foregoing, and having considered all matters raised, I find that the appeal under ground (a) of Appeal A should fail and that planning permission should be refused on the application deemed to have been made under Section 177(5) of the 1990 Act, as amended. Appeal B should also be dismissed.
25. In coming to these conclusions, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future

Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that the decisions are in accordance with the sustainable development principle through their contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

The Appeal under Ground (f) of Appeal A

26. An appeal under ground (f) is that the steps required to comply with the requirements of the Notice are excessive, and that lesser steps would overcome the objections. In this case, the requirements of the Notice are to: remove the retaining wall and return the ground to its original condition and levels prior to the breach of planning control occurring; remove the timber fencing in its entirety; remove all materials resulting from the previous steps; and to cease the residential use of the land.
27. Much of the appellant's arguments relate to the fact that the land is privately owned and that reinstating an access gate would cause a significant risk of antisocial behaviour. It is also submitted that such an act would represent an intrusion of the Article 1 rights under the Human Rights Act. However, I am not convinced that the requirements of the Notice require public access to be reinstated. Indeed, rights of access could be demonstrated or restricted through separate legislative processes and such matters are beyond my jurisdiction in determining these appeals. I have also found under the assessment of planning merits above that the refusal of planning permission is both reasonable and proportionate, and in pursuit of a legitimate planning aim. For this reason, I do not consider the human rights arguments to warrant lesser steps under the ground (f) appeal.
28. On this basis, and bearing in mind the lack of any appropriate lesser steps being advanced by the appellant, I find that the steps required to comply with the requirements of the Notice are not excessive and that the appeal under ground (f) must therefore fail.

Overall Conclusions

29. Based on the foregoing, and having considered all matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

Richard E. Jenkins

INSPECTOR



Costs Decision

by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 24/04/2025

Cost application in relation to Appeal A - Ref: CAS-03489-N9P2F0

Site address: 1 Monnow Keep, Monmouth, Monmouthshire, NP25 3EX

- The application is made under the Town and Country Planning Act 1990, Sections 174, 322C and Schedule 6.
 - The application is made by Alex Dawson for a full award of costs against Monmouthshire County Council.
 - The appeal was against an Enforcement Notice alleging: 1) Engineering works to raise the ground so that it is level with the domestic garden of No.1 Monnow Keep, with associated retaining wall and timber fence above; and 2) Change of use of riverbank to residential use of the land shown edged blue within Appendix B in association with the dwelling known as 1 Monnow Keep.
-

Cost application in relation to Appeal B - Ref: CAS-03492-Q9Y8Q4

Site address: 1 Monnow Keep, Monmouth, Monmouthshire, NP25 3EX

- The application is made under the Town and Country Planning Act 1990, Sections 78, 322C and Schedule 6.
 - The application is made by Alex Dawson for a full award of costs against Monmouthshire County Council.
 - The appeal was against the refusal of planning permission for the change of use of land into garden and first floor rear extension.
-

Decisions

Appeal A - Ref: CAS-03489-N9P2F0

1. The application for an award of costs is refused.

Appeal B - Ref: CAS-03492-Q9Y8Q4

2. The application for an award of costs is refused.

Procedural Matters

3. As set out above, the applications for an award of costs relate to Appeal A (Ref: CAS-03489-N9P2F0) and Appeal B (Ref: CAS-03492-Q9Y8Q4). Given that the

arguments in favour of an award of costs overlap the two cases, I shall deal with both applications together in this single document.

Reasons

4. The Section 12 Annex '*Award of Costs*' of the Development Management Manual advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process
5. I am not persuaded that the delays, allegedly caused by Monmouthshire County Council failing to reply to correspondence, constitute unreasonable behaviour for the purposes of the Development Management Manual. Indeed, the works were undertaken at the appellant's discretion and, notwithstanding this, there is evidence that the Council did engage with the appellant during both the planning application and enforcement proceedings. The planning application also appears to have been determined promptly.
6. An incorrect date was used on the initial Enforcement Notice. However, this did not cause any significant injustice to the appellant and was subsequently corrected. I also have no specific concerns about the chronology of the enforcement proceedings, not least because they followed the refusal of planning permission for the matters that constitute the alleged breach of planning control.
7. On this basis, and in the absence of any evidence to the contrary, I find that the appellant has failed to demonstrate that unreasonable behaviour, that led to unnecessary or wasted expense through the appeals, has occurred. The applications for an award of costs must therefore be refused.

Richard E. Jenkins

INSPECTOR