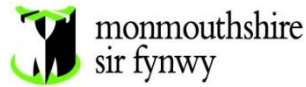


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 1 September 2025

Notice of meeting:

Planning Committee

Tuesday, 9th September, 2025 at 2.00 pm
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 6
4.	To consider the following Planning Application reports from the Chief Officer Place and Community Wellbeing (copies attached):	
4.1.	Application DM/2024/01294 - The retention of retaining wall and terrace/patio (as built) and change of use of agricultural land to residential curtilage. Ty'r Berllan Llangwm to Nantygelli Farm, Llangwm, Monmouthshire, NP15 1HB.	7 - 16
4.2.	Application DM/2024/01295 - Outline planning application for residential development of up to 110 dwellings with landscaping, public open space and associated infrastructure works at Drewen Farm, Monmouth. All matters reserved except for access points. Land At Drewen Farm, Watery Lane, Monmouth, NP25 5AT.	17 - 56
4.3.	Application DM/2024/01513 - This is an existing double garage with flat over, approved under application number DM/2021/01503. The application seeks to change the use of the flat to an air b&b. There will be no construction or alteration to the internal layout as approved. The bnb will let out to a 1 car family, couple or party of max 3 people. The building had building regulation approval upon completion of construction in 2023. Rosewood, A48 Chepstow Garden Centre to Pwllmeyric Hill, Pwllmeyric, Monmouthshire, NP16 6LA.	57 - 66
4.4.	Application DM/2025/00717 - Application to retain the two existing internally illuminated fascia signs. 43 Frogmore Street, Abergavenny, NP7 5AN.	67 - 74

5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	Land at Severn Bridge Industrial Estate, Pill Row, Caldicot, Monmouthshire, NP26 5PR.	75 - 82
5.2.	Land near Plas Ivor Cottage, Hill House to Llymon Brook, Cross Ash NP7 8PT.	83 - 88
5.3.	The Old Forge, Main Road, Portskewett, NP26 5SG.	89 - 94
5.4.	Land at 8 Woolpitch Wood, Bayfield, Chepstow, Monmouthshire, NP16 6DW.	95 - 98

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 Rachel Buckler	Devauden;	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;	Independent
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

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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.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
In the Council Chamber, County Hall, The Rhadryr, Usk, NP15 1GA on Tuesday, 5th
August, 2025 at 2.00 pm**

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

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

OFFICERS IN ATTENDANCE:

Philip Thomas	Development Services Manager
Andrew Jones	Development Services Manager
Joanne Chase	Head of Commercial Law
Richard Ray	Paralegal
Richard Williams	Democratic Services Officer

County Councillor Fay Bromfield left the meeting following her declaration of interest in respect of application DM/2022/01525 and did not return to the Planning Committee meeting.

APOLOGIES:

County Councillor Meirion Howells

1. Declarations of Interest

County Councillor Fay Bromfield declared a personal interest pursuant to the Members' Code of Conduct in respect of application DM/2022/01525 as the applicant is known to her. She regularly donates to him in his role within a Rotary Club. In the interest of transparency, she did not feel it appropriate to take part in the discussion or vote on this application and therefore left the meeting.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 1st July 2025 were confirmed as an accurate record.

3. Application DM/2022/01525 - Construction of proposed bungalow with parking on land at rear of 11 Park Close. Land rear of 11 Park Close, Abergavenny, NP7 5SU

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report with two additional conditions, as presented. Also, that a Section 106 Agreement be sought.

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The application had been presented to Planning Committee at its January 2025 meeting with an officer recommendation for approval subject to two additional conditions. However, Members had been minded to refuse the application on highway safety grounds and resolved that it be re-presented to a subsequent Planning Committee meeting.

The application was then re-presented to the February 2025 Planning Committee meeting for refusal for the reason outlined in the report. However, the proposition to refuse the application had not been carried. It had been agreed that the application be re-presented to a future Planning Committee meeting with the original officer recommendation for approval, subject to the amended plan layout showing a turning area illustrating how a vehicle may enter and leave in a forward gear. The applicant subsequently provided an updated site plan showing the parking and turning area.

Following the deferral of the application, it was also noted that there were outstanding issues in relation to biodiversity and surface water drainage. As such, the applicant had also provided a Green Infrastructure Statement including net benefit for biodiversity and provided surface water drainage calculations and plans (Causeway Technologies). The submission of the amended details necessitated a full re-consultation.

<https://www.youtube.com/live/XpDYGvZdEsc?si=oO8eAeFOOeW7ipjL&t=262>

An electronic vote was undertaken. However, due to the closeness of the vote whereby the outcome was within two or fewer votes, paragraph 27.27.6 of Monmouthshire County Council's Constitution was invoked:

When the outcome is 2 or fewer votes or will require the Chair to consider casting a deciding vote, a roll-call will be carried out in the same style of a recorded vote so the result is beyond question. The number of votes for each option will be noted in the minutes.

In noting the detail of the application and the views expressed, it was proposed by County Councillor Ann Webb and seconded by County Councillor Tony Easson that application DM/2022/01525 be approved subject to the conditions outlined in the report with the following additional conditions:

- No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

- 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 buildings or the completion of the development, whichever is

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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 safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

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

In favour of the proposition	-	6
Against the proposition	-	5
Abstentions	-	3

The proposition was carried.

We resolved that application DM/2022/01525 be approved subject to the conditions outlined in the report with the following additional conditions:

- No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

- 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 buildings 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 safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

4. Application DM/2024/00355 - The creation of a Travellers' site incorporating four bespoke family related pitches with one static and touring caravan and day/utility room per pitch, emergency flood access, installation of private treatment plant and ecological enhancements (partially retrospective). New Stables, land opposite Llancayo House, Abergavenny Road, Llancayo, Usk

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

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The application had been approved by Planning Committee on 9th July 2024 subject to an acceptable Habitats Regulations Assessment in relation to potential impacts on the River Usk Special Area of Conservation (SAC).

<https://www.youtube.com/live/XpDYGvZdEsc?si=S9hUGzBfLcEedUlq&t=4178>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Ann Webb and seconded by County Councillor Jan Butler that application DM/2024/00355 be approved subject to the conditions outlined in the report.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2024/00355 be approved subject to the conditions outlined in the report.

5. Application DM/2025/00717 - Application to retain the two existing internally illuminated fascia signs. 43 Frogmore Street, Abergavenny, NP7 5AN

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

<https://www.youtube.com/live/XpDYGvZdEsc?si=EBiA2bO-4m65F3Xq&t=5329>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Maureen Powell and seconded by County Councillor Rachel Buckler that application DM/2025/00717 be refused for the one reason outlined in the report.

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

For refusal	-	5
Against refusal	-	9
Abstentions	-	0

The proposition was not carried.

We resolved that consideration of application DM/2025/00717 be deferred to a future Planning Committee meeting to be considered with a recommendation for approval with conditions. In the meantime, Planning officers would negotiate with the applicant's agent with a view to reducing the impact of the sign.

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6. Application DM/2022/01511 - Change of use from empty residential land to tourism for camping/glamping. Construction of wash facilities supplemental to the glampsite. Construction of a field shelter for animals. Swallows Nest, Ty'r Pwll, Parc Llettis Road, Hardwick, Abergavenny, NP7 9AB

We considered the report of the application which was presented for refusal with two reasons outlined in the report.

The application had been presented to the Planning Committee on 1st July 2025 with a recommendation for approval subject to conditions. However, Planning Committee had not agreed with the officer recommendation for approval and resolved that consideration of the application be deferred to the next available Planning Committee meeting with reasons for refusal.

https://www.youtube.com/live/XpDYGvZdEsc?si=mgHY_JL4d3NdSlvK&t=7672

In noting the detail of the application and the views expressed, it was proposed by County Councillor Rachel Buckler and seconded by County Councillor Maureen Powell that application DM/2022/01511 be refused for the two reasons outlined in the report.

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

For refusal	-	12
Against refusal	-	0
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2022/01511 be refused for the two reasons outlined in the report.

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

<https://www.youtube.com/live/XpDYGvZdEsc?si=4abr12awlEMlm56D&t=7848>

7.1. North Barn, Whitehouse Farm, Llanfair Grange Road, Llanfair Kilgeddin, Monmouthshire NP7 9BB

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at North Barn, Whitehouse Farm, Llanfair Grange Road, Llanfair Kilgeddin on 18th June 2025.

Appeal A

We noted that the appeal was dismissed.

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Appeal B

We noted that the appeal was dismissed.

7.2. 1 Pen Y Wern Cottage, Pen Y Wern Road, Penperlleni, Goytre, NP4 0AB

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at 1 Pen Y Wern Cottage, Pen Y Wern Road, Penperlleni, Goytre on 1 May 2025.

We noted that the appeal was dismissed.

The meeting ended at 4.28 pm.

Application Number: DM/2024/01294

Proposal: The retention of retaining wall and terrace/patio (as built) and change of use of agricultural land to residential curtilage

Address: Ty'r Berllan Llangwm to Nantygelli Farm, Llangwm, Monmouthshire, NP15 1HB

Applicant: Mr Gavin Gerrish

Plans: All Drawings/Plans PP01 A, All Existing Plans 1727, Drainage Statement (Hydrogeo July 2025), Drainage - Drawing 2 - 'Existing and Proposed Site Block Plan' by Griffiths Design. Green Infrastructure Statement & Landscaping Plan

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham
Date Valid: 17.10.2024

This application is presented to Planning Committee due to five or more objections being received.

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to a dwelling known as Ty'r Berllan which lies in a rural location to the east of the village of Llangwm 5 miles south of Usk.

The property is not within a flood plain, is not a listed building, nor is it within a Conservation Area or a National Landscape. It is however located within the Nutrient Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

1.2 Value Added

The description of development changed to include works to a patio and retaining wall and additional surface water drainage details were provided. Drawings were updated with cover levels and invert levels for all of the drainage features including chambers, pipes and trenches.

1.3 Proposal Description

This retrospective planning application is for a change of use of 360sqm of agricultural land to residential curtilage associated with the dwelling Ty'r Berllan together with the retention of a patio and retaining wall which have not been built in accordance with a previous approval, reference DM/2023/00795.

The new extended garden curtilage is to be enclosed with a post and rail fence to denote the boundary between residential curtilage and agricultural land. The land will remain as grass with the remaining land retained for agricultural purposes.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2020/01504	Demolition of existing single storey side extension replaced with proposed two storey side extension.	Approved	09.03.2021
DM/2022/01237	Non-Material Amendment to planning decision DM/2020/01504: 1). To include a small Dormer where the original Velux window was situated. 2). To square off the ground floor plan at the rear of the property.	Approved	04.10.2022
DM/2023/00795	The proposal involves the building of a retaining wall at the rear of the property to allow a level surface for safe access into and out of the house. The level surface will contain a small patio area and the rest will be grassed as per the submitted drawings. There will be steps built at the back to allow a safe point of access. Railings will be installed around the perimeter, on top of the wall to ensure area is safe and secure.	Approved	20.09.2023
DC/2012/00518	Breach of condition 5 of planning permission A31210 (Certificate of Lawfulness to demonstrate failure to comply with an agricultural occupancy condition)	Approved	24.08.2012
DC/2014/01163	Removal of condition 5 from previous application ref A26974	Approved	23.06.2015
M07244	New Double Garage.	Approved	18.07.2002
31210	New Agricultural Dwelling.	Approved	14.08.1989

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S12 LDP Efficient Resource Use and Flood Risk

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development
GI1 LDP Green Infrastructure
LC5 LDP Protection and Enhancement of Landscape Character

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

Llantrisant Fawr Community Council – Councillors considered the Assessment report but no further comments have been raised in relation to this. However, they confirm their original observations set out in the response provided on the 16th July, 2025, should be upheld:

Councillors would like to strongly express that there is concern for the drainage on this Planning Permission and it is understood investigations are currently taking place into this. The Council is aware there has historically been some drainage issues on a neighbouring property and requests this be taken into account. The Council does not object to the proposal but are concerned that the Planning Permission should result in a good conclusion for all concerned.

MCC Biodiversity - No objections subject to condition securing net gain for biodiversity.

MCC SAB - No objection subject to condition. As the site is below 100m² of new structures (68m² of patio) SAB approval will not be required on this site therefore we need to manage the drainage via the planning process.

The application has demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer). The proposed drainage should suitably capture runoff from the new area and divert it into the soakaways located to the north-east. This should reduce the amount of groundwater impacting neighbouring properties. The system has been sized to manage the 100 year plus climate change event.

Condition - All drainage works to be carried out in accordance with the approved plans with the filter drain at the base of the wall graded to drain to the soakaway.

Reason - To reduce the risk of surface water runoff impacting neighbouring properties.

MCC Lead Local Flood Authority - No objection.

Flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding. Our database of historic flood events does contain records of surface water flooding in close proximity to the site which could be exacerbated by development in this location. The proposed drainage strategy will mitigate against any potential issues. Our database of drainage and flood assets does not contain records of drainage or flood assets in close proximity to the site which may be impacted by the development.

MCC Building Control - Confirm that Building Control would have no objections to this work and as external works, it would not require an application for building regulation approval.

I would make the suggestion that the newly formed raised area should be subject to some protection from a fall to the lower ground. It is clearly over the height of 600mm, at which protection from a fall would be advised. The retaining wall would need to be deemed a suitable construction to retain the ground and also would need to incorporate a suitable method of surface water disposal. Also I would comment that the steps should be well designed with equal and suitable rise and tread and the incorporation of a handrail would be sensible.

MCC Heritage – No comments received to date.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Nine representations received objecting to the application on the following grounds:

Surface Water

- We are highly concerned to understand what SuDS actions are required for this development and whether it has been properly and correctly assessed against SuDS requirements.
- The consequences of drainage and potential pollution from this development, both now and in the future as the development continues to expand, is not apparent from the documentation and may not be apparent to the Planning Committee without their diligent scrutiny of the scheme in its entirety.
- The application should be accompanied by the relevant SuDS and Building Regulations evidence necessary to demonstrate that it will not cause either nuisance or environmental harm either to the neighbouring property or to the stream that passes close to my property at Geryllan.
- There are three septic tanks affected by the run-off i.e. Ty Berllan, Owls Barn and Pwll. Concerned that the surface water run-off will result in pollution of the adjacent ground and also the water courses which run through Pwll Farm.
- Concern that the Hydrogeo Assessment is silent on impacts on existing infrastructure in Ty'r Berllan. In particular, the detailed Building Regulation drawings (by CMB Design & Build Ltd.) for the Ty'r Berllan house extension approved under DM/2022/01237 gave no details as to where the roof rainwater was to be disposed of, and no details as to the sewer pipe to the septic tank.
- The layout of the existing pipe network should be included in Hydrogeo's Assessment, together with details of where the existing soakaways/drainage fields are, and details of how the retaining wall has been constructed so as not to damage the pipes.
A water supply pipe traverses the Ty'r Berllan field, and there is a former well/spring in the field; the Hydrogeo Assessment needs to state how the new rainwater drain will interact with the existing infrastructure.

Visual Impact/ loss of agricultural land

- Spoils the view of the lovely old Pwll Farm - now overlooked and spoilt.
- The new house at Ty'r Berllan is already far too large. Adding a huge terrace will further damage our beautiful countryside.
- Loss of Agricultural land is always a concern.
- The scale of the new patio and the combined run-off of surface water from it and the drive directed towards Pwll Farm is significant.
- I am not in agreement for the retaining wall and its change of use of 360sqm of agricultural land to residential curtilage.
- We are very concerned that the continuous development of this property, without the openness to planning intentions, has been shrouded in obfuscation.

Further comments following the submission of additional surface water drainage information:

- The site is unsafe and has not been proven to be safe. A letter has been presented and verbal conversation with MCC SAB backs this up.
- No additional development should be granted until the site has been proven to be safe.
- I still have question about the new drainages system. And privacy has not been met. It's pointless dealing with these issues until site safety has been confirmed.
- Information was withheld or not presented in the passing of DM/2020/01504 which would have flagged up the site safety.

Four representations received in support of the application:

- The planning application needs to be put into perspective, it's a small patio and raised grass area at the back of the property. When the planned Hedgerows have been planted there will be a large biodiversity enhancement and full natural screening provided to the neighbouring properties.
- Significant surface water run-off from the small patio/raised grass area hasn't been backed up with any significant evidence.
- It's great to see a family trying to improve, modernise and reduce the environmental footprint of their property.
- There is no clear evidence of any large surface water run-off. The soil in and around the area of Llangwm is designated free draining.
- The retaining wall is very small in scale when comparing it to others in the area. Due to the topology of the land, retaining walls are very common in and around Llangwm to create a level and safe access into the properties.
- I anticipate there are far bigger polluters than a small family home with a new small, raised patio/grass area.
- Changing a small area of agricultural land into residential, including the planting of hedgerows, will be a positive change and enhance the ecological footprint of Ty'r Berllan.
- It would be dangerous not to have a patio at the back of this property due to the fall of the land.
- Building Regulations state you require a landing after an entrance before a ramp or stairs. This patio is in proportion to the house and its extension; it's the obvious solution to complete this build.
- Comments suggesting privacy will be lost are relevant, but this works both ways, and a solution has already been mentioned, so I feel this has no bearing on the decision.
- It's a short-term issue for a long-term structure, if we always used factors like this to make decisions nothing would ever progress.
- Suggestions of the water ways being polluted from this patio are very inaccurate, this will not be the case.
- One look on google maps will show you the main potential source of water pollution at this location would be farm effluent, which I'm sure is already closely monitored and would still not be a concern with the large run off area the water has.
- There is no evidence that Ty'r Berllan's patio will cause any environmental issues to the brook below as run off rainwater will soak away in the field as it already does now.

- The retaining wall and patio is in proportion to the much improved house and once a hedge has been planted there will be privacy from neighbouring properties.
- The request to approve a patio and retaining wall to complete the renovation project is not unreasonable.

5.3 Other Representations

None.

5.4 Local Member Representations

Local Member – No comments received to date.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The site is not within any settlement and is therefore considered to be open countryside. The proposed extension to a residential curtilage and works undertaken to create a patio and retaining wall are acceptable in principle subject to detailed planning considerations seeking to protect the landscape, residential amenity and biodiversity and provision of suitable surface water drainage.

6.2 Good Design/ Place making

6.2.1 The proposal seeks to regularise and complete a level patio and grassed area. The approved patio projected 5m from the rear elevation of the dwelling. This has been extended to 6.2m (as scaled from the submitted drawing) curving and returning to the dwelling's side elevations. The patio will extend into curtilage land that falls away from the house requiring a retaining wall to create a level surface. The wall is 1.4m in height extending the length of the rear of the property and wrapping along the south-east (side) elevation. The retaining wall is to be of rendered block to match the dwelling. The retaining wall would include steps to access land aligned with the rear door to the property and a low parapet railing fence, scaled on plan, at 400mm. The proposed garden area then extends a further 4.2m.

6.1.3 Ty'r Berllan is a domestic two-storey modern dwelling, therefore in this context a patio (which is a domestic feature) and garden area is considered to be in keeping with the site. The size of the patio and garden are considered proportionate to the dwelling. A post and rail fence will be erected to separate the garden area the adjacent agricultural land. This type of enclosure is typically used to retain stock and is appropriate in this rural setting.

6.1.2 On the basis of the above, it is considered that the development will not have an adverse impact on the valued Monmouthshire landscape at a localised and wider scale. The scale of development in the context of the property and land holding is proportionate and is considered to adhere with the relevant criteria of policies DES1 and EP1.

6.2 Historic Environment

6.2.1 There is a nearby listed building, Pwll Farm (CADW ref - 24121) which is located approximately 40m to the east of Ty'r Berllan. Given this substantial distance and the fact there is a dwelling that sits between Pwll Farm and Ty'r Berllan, no adverse impacts on this listed building have been identified as a result of the development.

6.3 Impact on Residential Amenity

6.3.1 Existing neighbouring dwellings known as Owl Barn and Pwll Farm lie to the west of the application site. It is noted that patio area may provide elevated views across adjacent properties, however these views are not considered to cause an impact that is unacceptable due to the existing topography of the land and the distance to the neighbouring properties. Ty'r Berllan is set

at a higher level than the dwellings to the south-east and as such there is already a degree of overlooking. The patio will not significantly increase this.

6.3.2 It should also be noted that the applicant has indicated additional planting to the south-east boundary which will also soften any overlooking impacts. It had been previously suggested that the new boundary hedge along the south-east boundary be maintained at a height of 3m. However, on balance, officers are of the view that firstly planting is not an appropriate form of mitigation in any context as it is a living object and secondly such are the distances to neighbouring boundaries that mitigation is not required. As noted, the planting - the implementation of which is managed via condition - would soften views but the direct line distance from the patio area to the boundary of Pwll Farm is approximately 30m, the more angled view to Owl Barn approximately 10m.

6.3.3 On the basis of the above, the development would maintain reasonable levels of privacy and amenity to occupiers of neighbouring properties, therefore being in compliance with policies DES1 and EP1 of the LDP.

6.4 Access / Highway Safety

6.4.1 There are no highway implications as a result of this change of use. There will be no loss of parking as a result of the change of use.

6.5 Green Infrastructure

6.5.1 Chapter 6 of Planning Policy Wales (PPW) 12 highlights that a Green Infrastructure (GI) statement should be submitted with all planning applications and will be proportionate to the scale and nature of the development. The statement which will need to be informed by a GI assessment of the site will describe how green infrastructure will be incorporated into the proposal and how the step wise approach to protecting biodiversity, habitats and GI onsite will be managed. A step wise approach considers what impacts may occur as a result of development activity to any identified biodiversity, habitats and green infrastructure assets and networks that may be present on or bounding a site. The approach then seeks to manage any harm that may occur by (a) avoiding (b) minimising (c) Mitigate / Restore.

6.5.2 The GI Statement submitted as part of the application provides that the land to be used as garden will remain under grass and will undergo regular mowing to keep the sward height low. The agricultural land to the north is also within the applicant's ownership and will be retained for agricultural purposes. New hedging will be planted on the south-eastern boundary, the eastern corner and the northern corner of the site.

6.5.3 It is considered that impacts of the development on the GI assets will be minimal and new hedge planting will result in an overall enhancement of GI at the site. The development therefore accords with PPW12 and LDP Policy GI1.

6.6 Biodiversity

6.6.1 The existing agricultural land comprises short semi-improved grassland considered unlikely to offer more than low biodiversity value. After the change of use, the garden will be retained as grassland managed as part of the residential amenity of the site

6.6.2 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" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

6.6.3 It is proposed that native hedgerow planting is undertaken on the south-eastern boundary and the northern/ eastern corners of the site. The submitted Green Infrastructure Statement details acceptable management of the hedgerow. The 'Existing and Proposed Site Block Plan' by Griffiths Design also details the provision of bat and bird boxes on site. These can be secured via condition

should Members be minded to approve the application. Thus, it is considered that the proposals will provide an overall net benefit for biodiversity in line with PPW12.

6.6.4 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site, the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new nutrient standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of nutrient within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

6.6.5 This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (v4 issued 28th June 2024). It is considered that this development is unlikely to increase nutrient inputs because the development does not increase the volume and concentration of nutrients in wastewater.

6.7 Surface Water Drainage

6.7.1 As the site is below 100m² of new structures (68m² of patio) SAB approval will not be required on this site, therefore the drainage must be managed via the planning process. As such a Drainage Strategy has been prepared by Hydrogeo in support of the application.

6.7.2 Soakaway testing has been undertaken at the site. The best infiltration to the weathered St Maughans Formation is at shallower depth; with design infiltration rates ranging between 8.9x10⁻⁷m/s and 1.39x10⁻⁶m/s. Taking the slowest of the design infiltration rates, attenuation calculations have been undertaken for the only impermeable contributing area proposed as part of the development at the retaining wall to the rear of the dwelling: 68m².

6.7.3 A total of two linked shallow parallel infiltration trenches are proposed to be installed perpendicular to the slope of the land, to the north of the dwelling. Run-off from the proposed patio will be collected in slot drains / threshold drains and conveyed to the two infiltration trenches in a pipe network. The two infiltration trenches will be linked by a pipe and water will be dispersed through each trench by a perforated pipe. A filter drain will be installed at the base of the retaining wall to collect water from the steps and water emerging from the weep holes. Water collected by the filter drain will be conveyed to the two infiltration trenches.

6.7.4 Attenuation calculations indicate that sufficient storage has been provided for a 1 in 100 year rainfall event, including 40% climate change and 10% urban creep. In order to ensure surface water does not leave the site down the steep slope to neighbouring properties, it should be ensured that all weep holes from the retaining wall are picked up by the proposed pipe and trench drainage strategy. Hedge planting to the boundary will provide a buffer to any overland flows and could be supplemented by rough sedges/grasses.

6.7.5 The surface water drainage has been carefully considered by the Council's drainage engineer and is deemed acceptable. A condition requiring that all drainage works be carried out in accordance with the approved plans with the filter drain at the base of the wall graded to drain to the soakaway, should be added to any consent Members are minded to approve to ensure compliance with the agreed scheme.

6.8 Response to the Representations of Third Parties and/or Community Council

6.8.1 It has been noted that the detailed Building Regulation drawings (by CMB Design & Build Ltd.) for the Ty'r Berllan house extension approved under DM/2022/01237 gave no details as to where the roof rainwater was to be disposed of, and no details as to the sewer pipe to the septic tank. The existing extension does not form part of this planning application and therefore it would be unreasonable to require these details to be provided at this stage.

6.8.2 The surface water issue is historic. The existing house, garage (2006), and driveway (c.1992) are historic features, outside the scope of this application. The extension has only modestly increased the roof area. The applicant is voluntarily going beyond the application requirements to address local residents' concerns.

6.8.3 Other concerns regarding surface water drainage and visual impact have been addressed above in 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 change of use will not adversely affect the character of the rural area, nearby heritage assets, or the local landscape.

6.10.2 The proposal includes new hedge planting, which will enhance biodiversity and provide natural screening.

6.10.3 The Council's drainage engineers have confirmed that the application has demonstrated that discharge of surface water to infiltration trenches is viable. As such, the development will not adversely affect the amenity of any neighbouring occupiers as a result of increased surface water run-off / flooding.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 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.

2 The mitigation and enhancements for biodiversity shown on approved drwg 'Existing and Proposed Site Block Plan' by Griffiths Design shall be provided prior to the first beneficial use of the development hereby approved and shall be completed within 3 months of the date of the decision and retained as such in perpetuity.

REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 12, the Environment (Wales) Act 2016 and LDP policies S13, and NE1.

3 All drainage works set out in Drawing 2 of the approved Soakaway and Drainage Assessment Report by Hydrogeo (Version 1) shall be completed within 3 months of the date of the decision and retained as such in perpetuity.

REASON: To reduce the risk of surface water runoff impacting neighbouring properties.

4 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1.

5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes E & F of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no outbuildings shall be erected or constructed and no new hard surfaces shall be constructed.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and also to reduce the risk of surface water runoff impacting neighbouring properties.

6 All planting, seeding or turfing comprised in the approved details of landscaping as set out in the approved Green Infrastructure Statement & Landscaping Plan shall be carried out in the first planting and seeding season following the occupation of the buildings 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 safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

2 As of 7th January 2019, all construction work in Wales with drainage implications, of 100m² or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage.

The SuDS Approving Body (SAB) is a service delivered by the Local Authority to ensure that drainage proposals for all new developments of at least 2 properties OR over 100m² of construction area are fit for purpose, designed and built in accordance with the National Standards for Sustainable Drainage published by Welsh Ministers.

If you are in any doubt as to whether you require SAB approval, please contact:

SAB@monmouthshire.gov.uk

For advice regarding the application process and general enquiries - 01495 768306

For technical advice regarding your SuDS design and meeting the National Standards - 01633 644730

3 The application has demonstrated that discharge of surface water to infiltration trenches is viable. To ensure surface water does not leave the site down the steep slope to neighbouring properties, it should be ensured that all weep holes from the retaining wall are picked up by the proposed pipe and trench drainage strategy. Furthermore, hedge planting to the boundary should provide a buffer to any overland flows and could be supplemented by rough sedges/grasses.

Proposal: Outline planning application for residential development of up to 110 dwellings with landscaping, public open space and associated infrastructure works at Drewen Farm, Monmouth. All matters reserved except for access points.

Address: Land At Drewen Farm, Watery Lane, Monmouth, NP25 5AT

Applicant: Lucy Atkins

Plans: Site Plan CB_78_363_000 - E, All Drawings/Plans CB_78_363_900 - D, All Drawings/Plans CB_78_363_AI01 - E, All Drawings/Plans CB_78_363_PARAM_002 - E, All Drawings/Plans CB_78_363_PARAM_003 - D, All Drawings/Plans CB_78_363_PARAM_004 - D, All Drawings/Plans CB_78_363_PARAM_005 - E, All Drawings/Plans GLS_083_158_1201_ - C, Ecology Report Outline Dormouse Mitigation Strategy. Land at Drewen Farm. EDP, dated October 2024 - edp2843_r010a, Ecology Report Ecological Technical Note for the Pipeline Route (produced by EDP Ecology) - edo2843_r014_DRAFT, Ecology Report Ecological Appraisal (produced by EDP dated October 2024) Ecological Appraisal - edp2843_r009B, Ecology Report EDP243_R015 Ecological Technical Note Active Travel Route Connection(produced by EDP June 2025) - , Other 28887-LIGH-0401ALighting Impact Assessment report dated October 2024 - , Transport Assessment P24_0693_TR02 - , Other Framework Residential Travel Plan - , Other EDP2843_r007-B Arboricultural Baseline Note - , Other EDP2843_r008-A Arboricultural Impact Assessment - , Landscaping Plan GLS_083_158_1200 Rev C - , Green Infrastructure Appraisal/Statement EDP2843_R011A - , Green Infrastructure Appraisal/Statement EDP2843_R013 B - , Other EDP2843_R010A - , Landscaping Plan GLS_083_158_1000_LVA REV.A - , Green Infrastructure Appraisal/Statement GLS_083_158_1900 - B, Transport Assessment P24-0693 TR01 - , Design and Access Statement DESIGN AND ACCESS STATEMENT - (Rev.D), All Drawings/Plans CB_78_363_PARAM_002 LAND USE PLAN - F,

RECOMMENDATION: Approve

Case Officer: Jo Draper

Date Valid: 21.10.2024

This application is presented to Committee due to the number of objections received exceeding five households

1.0 APPLICATION DETAILS

1.1 Site Description

1.1 This is an outline planning application for residential development of up to 110 dwellings with landscaping, public open space and associated infrastructure works at Drewen Farm, Monmouth. All matters are to be reserved except for access points.

1.2 The Application Site measures approximately 7.1 hectares and is part of the Wonastow Road Strategic Site allocation. It comprises two agricultural fields, divided north and south into two fields. The southern part of the Application Site comprises a single agricultural field, bound by hedgerows and scattered trees. The northern portion of the Application Site is similar in character, comprising a single agricultural field which is dissected from east to west. The topography of the Application Site is gently sloping undulating lowland. An existing overhead power line routes broadly north-west to south-east through the Application Site.

There are no statutory or non-statutory nature conservation or archaeological designations that apply, there are Tree Preservation Orders situated on the boundary of the Application Site. The field to the south of the site is a designated Site of Importance for Nature Conservation (SINC).

1.3 Watery Lane abuts a small part of the north-east boundary of the site. There are fields to the north and south, with the existing Kingswood Gate development being the completed remainder

of the Wonastow Road strategic site allocation comprising 340 homes and 6 hectares of employment land bounding the western edge.

1.4 Vehicular access to the Application Site is via the existing Wonastow Road residential development to the south-west via Kingfisher Way and Belle Etoile Drive. There are no Public Rights of Way (PRoW) which cross or abut the site. However, the Kingswood Gate Meadow Active Travel Path (PRoW footpath 375 267/1) runs on a broadly east-west alignment to the south of the site, providing a connection between Midsummer Way and Wonastow Road via the Wonastow Road Industrial estate, Kings Fee and Williams Field Lane.

1.2 Value Added

Revised red line boundary at the south of the site (drainage route shifted slightly east) to accommodate the agreed drainage solution and to respect root protection zones (RPZs) on the southern boundary.

Significant negotiation to secure additional active travel routes. This site now connects with Active Travel Network Map routes MCC-M08A, MCC-M17B/C and MCC-M17A, which are part of the Welsh Government's Active Travel Network Map (ATNM). MCC-M08A

Active Travel (AT) route Williamsfield Lane (Phase 3 is in construction in the SINC south of the site). Inclusion of additional land at the active travel point on the western side of the southern boundary (encompassed by the re-located drainage route) - as requested.

An active travel route is to run from the Belle Etoile Drive vehicle access south towards the south-west corner. A surfaced path has replaced the original proposal for a mown path for reasons of maintenance and accessibility.

This route along Watery Lane is to be improved with the following measures:

- (i) Watery Lane to form a quiet lane for the entire length
- (ii) Improvements from Watery Lane to access point linking in with St Thomas Road
- (iii) Pedestrian links to Jordan Way linking with community facility beyond.

1.3 Proposal Description

1.3 This outline planning application seeks permission for residential development for up to 110 dwellings with landscaping, public open space and associated infrastructure works. All matters are to be reserved except for access points which are identified.

The Illustrative Masterplan indicates the key features of the Proposed Development, which include the following:

110 1-to-4-bedroom residential homes including 35% affordable housing. This will provide a mix of dwellings in terms of size and tenure. The precise mix will vary across the Application Site in response to a variety of influences including market demand and development character.

The scale and massing of buildings will be limited to 2-storey.

The application site will have two vehicular access points from the west, one off Kingfisher Way to facilitate access to the northern part of the site (i.e. properties north of the public open space) and via Belle Etoile Drive to the southern part of the site which will serve the majority of the site. A new active travel link is proposed to the southern boundary

Additional pedestrian and cycle links and emergency access are provided via Watery Lane to the east.

Parking will be designed in line with the current guidance contained within Manual for Streets.

1.4 The supporting information submitted with the application states that the proposal delivers the following:

- Low carbon, energy efficient homes that are gas-free and reliant upon renewable technologies;
- Retaining existing vegetation where possible and protecting the central trees as a feature

of the Proposed Development;

- A central focal area creating an amenity space and community growing space;
- Sustainable Urban Drainage System basins and rain gardens along the highways. The majority of roads will include rain gardens to intercept run-off with the remainder utilising permeable surfacing. Attenuation will be provided in five detention basins, with some permanent features provided in the larger basin.
- A cycle link from west to east, providing active travel links to the surrounding area; Community orchards;
- Extensive landscaped public open space and habitat areas (equating to over a third of the Application Site) with a circular pedestrian route and picnic areas, and biodiversity gains, including enhanced dormouse and bat habitat provision.

1.5 The Proposed Development provides approximately 3.27 ha of blue and green infrastructure (i.e. approximately 46% of the Application Site) through retention of buffers at the application site boundaries, incorporation of a central feature of publicly accessible open space and attenuation basins. There is no formally defined play area proposed, 'Play-on-the-way' features, community growing spaces and active travel links are proposed

1.6 The supporting information states that "the overall block structure has been designed to comply with well-established separation distances of 21m back-to-back and 11m side-on in order to maintain the privacy of private amenity spaces and ensure natural surveillance of streets.

Within the block forms, localised residential variations will provide opportunity for subtle variations in urban form and create distinctive pockets which will add variety to the masterplan.

1.7 A Landscape and Visual Appraisal has been prepared by Green Landscape Studio in July 2024 in support of the Outline Application.

The supporting information states that Green Infrastructure as a proportion of the site is indicated as being 2.88ha which is approximately 40% of the total site area not including SuDS features and rain gardens. This equates to approximately 260m² of Green Infrastructure per dwelling. An indicative layout shows points of access, development and infrastructure along with the proposed areas for SuDS, public open space (POS), active travel and pedestrian access.

The site is divided into two development areas accessed from Kingswood Gate via Kingfisher Way to the north and Belle Etoile drive to the south. The northern development layout has most of the dwellings fronting onto shared vehicle access or private shared drives. Streetscapes are indicated as being treelined in places with rainwater gardens in the streetscape and circular pedestrian access set apart from vehicle areas.

1.8 Vehicular access to the site is proposed off Belle Etoile Drive with additional pedestrian and cycle links to Kingfisher Way to the west, and Watery Lane to the east. A 3.7 metre wide Non-Motorised User (NMU) access point with a collapsible bollard is proposed onto Watery Lane to the east of the site. This facility would also enable an emergency access point to be provided to the Kingswood Gate development, which it does not currently benefit from at present. The NMU access point will connect with an internal footway / cycleway that will span across the site and connect the northern and southern development parcels, and also connect with Belle Etoile Drive and Kingfisher Way.

1.9 A network of pedestrian and cycle infrastructure is proposed to be provided throughout the scheme, connecting into the existing provision within Kingswood Gate and south onto Wonastow Road. The supporting information states that the development will be designed to retain an informal connection at the southwest corner of the site onto the Kingswood Gate Meadow Active Travel Path.

A pedestrian access is proposed onto the Active Travel Path from the south of the site

There are footpaths and active travel routes proposed with paths and wayfinding both within and beyond the site. The site connects to the Kingswood Gate Meadow Active Travel path to the south, with provision of paths, wayfinding and facilities. There would also be an Active Travel link leading from the site in the East onto Watery Lane. It is proposed that there will be works to this route secured via S278 and S106 funds to ensure this is a safe, attractive route for active travel, Watery Lane to form a quiet lane for the entire length, with improvements from Watery Lane to an

access point linking in with St Thomas Road and pedestrian links to Jordan way linking with community facilities beyond.

1.10 The proposed scheme is anticipated to provide car parking levels generally in accordance with the MCC guidance on parking ratios that prevail at the time of the subsequent reserved matters submission. This will be confirmed at the reserved matters stage.

Cycle parking in accordance with the Welsh Government Travel Act Guidance (2021) will be provided as appropriate. The guidance suggests that dwellings should be provided with one cycle parking space per bedroom, and the spaces should be secure and ideally covered. It is proposed in the supporting information that cycle parking will be provided within the curtilage of each plot, either within garages or sheds. For dwellings without garages, consideration to the provision of cycle hangars as part of on-street parking will be given.

2.0 RELEVANT PLANNING HISTORY

Reference Number	Development Description	Decision	Decision Date
DC/1974/00506	Open Storage Of AGR.MACHINERY APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 341550211505	Refused	11.04.1975

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision S2
LDP Housing Provision
S3 LDP Strategic Housing Sites
S4 LDP Affordable Housing Provision
S5 LDP Community and Recreation Facilities S7
LDP Infrastructure Provision
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment S16
LDP Transport
S17 LDP Place Making and Design SAH4
LDP Wonastow Road, Monmouth

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD2 LDP Sustainable Construction and Energy Efficiency SD4
LDP Sustainable Drainage
EP3 LDP Lighting
NE1 LDP Nature Conservation and Development G11
LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations MV2
LDP Sustainable Transport Access
MV3 LDP Public Rights of Way MV4
LDP Cycleways
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character

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: Refusal on the following grounds:

- i. Concerns regarding impact of flooding in the area.
- ii. A negative ecological impact on the biodiversity with a significant concern regarding the habitat of dormice.
- iii. Concerns regarding access for construction vehicles.
- iv. Concerns regarding increased vehicular movements through an established housing estate.
- v. The potential detrimental archaeological impact;
- vi. Concerns about site contamination as a result of the historic rifle range.

Councillors remain significantly concerned about the lack of consideration included in the plans and reports of the impact construction vehicles will have on the residents of Kingswood Gate if the proposed access routes are maintained. As an established estate, Kingswood Gate residents, including young children, are already using the space freely and there are serious concerns regarding the health and safety if construction vehicles are using the residential streets as access. Councillors looked at alternative access routes and ask that the Applicant consider using access from Wonastow Estate (by NAF building) or the established access route off Rockfield Road that was put in place for the Rockfield Estate development:

In addition, the Committee remained concerned about the impact of flooding in the area although they recognised that the Applicants had included plans that suggested mitigation.

LQAS: No comment

Thank you for consulting the Department regarding agricultural land quality and best and most versatile (BMV) agricultural land (referenced by the applicant as Agricultural Directorate). The Department has no comment to make

MCC Affordable Housing:

There are currently 1998 households on Monmouthshire's Common Housing Register with an identified housing need. Of these, 544 would prefer to live in the Monmouth area. The majority require 1 bedroom accommodation, followed by 2 bedroom accommodation. There is also a need for older person/accessible accommodation in the area.

The preference is for the homes to be neutral tenure, where tenure of housing is not

predetermined but can vary according to needs, means and preferences of households to whom it is offered.

However, for the purposes of viability modelling it can be assumed that 100% of the affordable housing units will be for social rent

Number of units (110 @ 35% = 39 units)

Mix required:

2 person 1 bedroom flat*	62%
4 person 2 bedroom house	23%
5 person 3 bedroom house	10%
7 person 4 bedroom house	3%
3 person 2 bed bungalow	2%

*walk ups, blocks of 4

Welsh Water: No objection subject to conditions

We have reviewed the submitted allocation and note that the site is allocated under Policy SAH4 in the Monmouthshire County Council Local Development Plan (LDP) 2011-2021, it is also noted that this site has been proposed to be an allocated site within the Revised Local Development Plan.

We acknowledge that the deposit plan is currently out for statutory public consultation/engagement. In light of the above, we provide the following comments for the proposed development of 110 dwellings proposed on land at Drewen Farm.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010 and the disposal of surface water will be assessed in greater detail at this stage. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, from the determining SuDS Approval Body (SAB), in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. DCWW is a statutory consultee for the SAB process and we will therefore, comment on Surface Water drainage at this stage. However, it is acknowledged that the submitted details indicates that Surface Water will be drained of via sustainable means and welcome this approach. It should be noted that the drainage system in the immediate area is for the disposal of Foul Water only and the discharging of surface water would not be permitted.

The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991). Information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you within information relating to this process.

The site forms part of the allocated site under Policy SAH4. We can confirm that hydraulic capacity exists in the public sewerage network to accommodate this development. However, limited information has been submitted showing where the development intends to connect. We therefore, request that prior to development, a drainage scheme is submitted and approved in writing to the Local Planning Authority. In regard to capacity at the WwTW we make the following comments. The proposed development site is located in the catchment of a public sewerage system which drains to Wastewater Treatment Works (WwTW) and ultimately discharges to a river Special Area of Conservation (SAC). We would advise that the WwTW is currently compliant with the 95% quartile for its flow passed forward (FPF) performance, at the time of this consultation. We would also advise that this WwTW has a phosphorus consent limit but is currently failing to meet the requirements of the permit. Therefore, there is currently a lack of biological headroom at the WwTW to accommodate foul water flows from the development subject of this application. Works are due to be completed at Monmouth (Wyeesham) WwTW by March 31st 2025. It is not anticipated that the developer will connect to the public sewerage network before March 31st 2025. However, if this isn't the case we request that the developer and LPA contact us.

Notwithstanding the above, we request that the following Condition and Advisory Notes are included within any subsequent planning permission.

MCC Building Control: Following our review of the submitted documents, including the Design and Access Statement, Drainage Strategy, and Flood Risk Assessments, we would like to offer the following considerations:

1. Ground Conditions and SuDS:

We note that SuDS solutions are being further investigated. Based on our experience with foundation inspections in the local area, it is common to encounter red to brown clay up to a depth of approximately 1.5 meters, with minimal occurrence of mudstone or rock layers within this range. This information may assist in evaluating drainage and foundation strategies. Additionally, DCWW has confirmed that capacity exists for the proposed 110 houses, but careful consideration is required for rainwater management.

2. Fire Safety and Access:

Fire service access and hydrant placement must be integral to the site layout from the early design stage. We strongly recommend liaising with the local fire service to ensure compliance with relevant fire safety requirements.

3. Regulatory Compliance:

Please be reminded that the proposed development will be subject to the current Welsh Building Regulations at the time of construction. Welsh regulations often differ from and take precedence over English equivalents. A comprehensive list of the applicable building regulations can be accessed through the following link: [<https://www.gov.wales/building-regulations-approved-documents>].

We trust this information will be beneficial during the design stage, and we remain available for any further consultation as the project progresses.

South Wales Fire and Rescue Service: No objection

Heneb: No objection subject to a condition.

Thank you for consulting us about this application; consequently, we have reviewed the detailed information contained on your website and can confirm that the proposal requires archaeological mitigation.

The proposal is in an area of archaeological potential. Previous work in the vicinity has identified with the potential of encountering archaeologically significant remains during any development. Although given the nature of the discoveries to the south, it is our opinion that geophysics/trial trenching would not be appropriate for this site.

Recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

Cadw: No objection

This outline planning application is for residential development and associated works on land at Drewen Farm, Monmouth. The designated historic assets are located inside 3km of the proposed development, but intervening topography, buildings and vegetation block all views between them except for MM159 Monmouth Castle. Consequently, the proposed development will have no impact on the settings of these designated historic assets other than MM159 Monmouth Castle

Building scale and design will respond to adjacent residential contexts of an area of detached and semi-detached houses and an area of lower density rural edge houses. The proposed development is not within the extent of the identified significant views from the Castle and though visible from it will be seen with the housing development to the west of Rockfield Road in front. As such, any impact on the setting of the Castle will not be significant and can be reduced by careful design of the development. Consequently, the proposed development will not have an unacceptably damaging effect upon the setting of scheduled monument MM159.

MCC Environmental Health: No objection subject to a condition

I am aware of the proximity of the Wonastow East and Wonastow West industrial estates. There is approximately 100m distance from the boundary of the proposed residential development site to the closest boundary point at the nearby industrial estate.

I have concerns therefore in relation to existing noise sources at the nearby industrial estates and how these may impact on the amenity of the proposed residential development. Existing noise sources include but are not restricted to mechanical plant noise, noise from vehicle movements

etc at the nearby industrial estates. I would therefore recommend as part of a full application a noise assessment should be provided assessing the impact of the existing noise sources, including those at the above locations, on both the internal and external elements of the proposed development. The assessment shall be undertaken by a suitably qualified acoustic consultant .It shall have regard to relevant current standards such as BS8233:2014 and 'guidance on sound insulation and noise reduction for buildings' , BS 4142:2014 A1:2019 'Methods for rating and assessing industrial and commercial sound' and WHO Guidelines for Community Noise 1999 and any relevant updates .

The assessment report should include any proposed noise mitigation measures that will be implemented at the residential development.

Full regard should be given to the Acoustics, Ventilation and Overheating Residential Guide Jan 2020 as part an integrated approach to consider noise, ventilation, and overheating in the proposed residential development.

The noise impact of the proposed heating systems should also be considered where for example Air Source Heat Pumps/Ground Source Heat Pumps or similar are to be utilised.

Recommended that a Construction Environment Management Plan be submitted with the reserved matters application, to detail how the applicant will manage the creation and impact of issues such as noise, vibration, dust etc throughout the various stages of the development process from site preparation, groundwork and construction phases through to completion of the development.

The impact of artificial lighting has also been considered in the following report Lighting Impact Assessment October 2024 Report Ref: 28887-LIGH-0401 Rev A. The final lighting scheme should not impact on existing residential areas.

MCC Active Travel: No objection.

Site Access/ off-site connections

This site connects with Active Travel Network Map routes MCC-M08A, MCC-M17B/C and MCC-M17A, which are part of the Welsh Government's Active Travel Network Map (ATNM). MCC-M08A Active Travel (AT) route Williamsfield Lane Phase 3 is in construction in the SINC south of the site.

The plans show a footpath from the Belle Etoile Drive vehicle access south towards the south west corner of the site which is welcomed. No measurements are shown, so it would be requested that this meets pedestrian provision standards from the Active Travel Act guidance. As stated by PROW colleagues, a surfaced path would be preferred instead of the mown path, for reasons of maintenance and accessibility. 2.5m paths can be used in place of 3m paths in other areas of the site (please see ATA for Shared Use Path widths). Path surfaces should be machine-laid.

MCC-M17B/C These route alignments to be confirmed within site plan, with reference to PPW 4.1.32 the design of development proposals should, in accordance with the sustainable transport hierarchy, start with identifying the shortest, most attractive walking and cycling connections and then addressing the other transport needs.

MCC-M17A This route along Watery Lane currently fails AT audit for walking, so we have made specific S278 and S106 requests to ensure this is a safe and attractive route for active travel. o These cover:

- Watery lane to form a quiet lane for the entire length
- Improvements from Watery Lane to access point linking in with St Thomas Road
- Pedestrian links to Jordan way linking with community facility beyond Active Travel Wayfinding

The site must assist people in finding the active travel routes to Monmouth Town Centre and to the Rockfield area, respectively - this is emphasised because the likely route to town for active travel is counterintuitive (requiring people to head away from the town before turning towards it. We can suggest signage, facilities to increase the visibility of the path (such as an archway, sculpture or other way of enhancing the visibility and attractiveness of the route) and through the provision of a map on site and provided with the sustainable travel pack for new residents.

Details of signage and design features can be discussed further when detailed designs are provided.

Signage should be provided for walking and cycling routes and times/distances to Monmouth town centre and Rockfield Community Centre, this should follow Active Travel Act Guidance section Signs should also indicate Offa's Dyke link. Destination/time sign
Cycling connection to MCC-M08A will be via Belle Etoile Dr and Midsummer Way - this should be signposted.

Site design

The site should be designed to Manual for Streets 2 with minimal junction radii to ensure short crossing distances for pedestrians and provide traffic calming to allow for cycling on road. Wide junction radii divert or inconvenience pedestrians and encourage faster vehicle turning.

Vehicle parking should be allowed in defined spaces and places where parking is not intended should be protected from overparking, in recognition of the impact of the presence of vehicles on active travel.

The vehicle entrance on Kingfisher Way incorporates a footway to the south side and a branch to a path on the north side. Considering the narrowness of some footways/median kerbs on the Kingswood Gate side, there should be accessible transitions between these and route coherence for users

Site permeability

The filtered access onto Watery Lane is welcomed and will support the use of active travel for short local trips, increase use of the nearby Active Travel infrastructure in the Rockfield new estate and avoid impact from the site on the national walking trail along Watery Lane (Offa's Dyke).

Staggered bollards/bollards for modal filters to be used where needed. (Staggered barriers are not acceptable because of their effect on ease of use for legitimate users)

MCC Landscape/GI: No objection subject to conditions

The applicant has provided a comprehensive suite of supporting information at this outline stage which is welcome.

The LVA ref GLS_083_158_1000_LVA REV.A has been reviewed against the LI Technical Guidance Note 1/20 (10 Jan 2020). The appraisal is proportionate and is sufficient to be able to make an informed planning decision.

The GI statement ref edp2843_r011a is comprehensive. As described in the DAS the landscape design interventions within the landscape of the principle of 'ecotones', ie biodiverse transitions between habitats is welcome and the space afforded to POS buffers to the site will help to realise meaningful areas of GI / biodiversity net benefit.

The site is broadly level falling circa 1.5m-2.5m from north to south over the two fields. Infrastructure, housing platforms and SuDS basins will realise excavated materials (soils/ subsoils) a principle of reuse on site wherever possible to support design and GI indicated in the GI Statement would be welcome. Slight topographical contouring / bunding in POS can provide interest. To be supported by cut / fill / materials use plan at RM.

An indication in the GI statement of intended aftercare direction ie Green infrastructure management plan as part of RM would be welcome along with envisaged responsibility for aftercare. It is noted that the GI statement does not include the proposed southern SUDS outfall spur and subsequent plans in the GI Statement

GI Assets and Opportunities.

Plan ref GLS_083_158_1900 has provided an overview of the GI assets on the site and the opportunities to provide new and or enhance existing assets.

Broadly this is acceptable, however it is noted that no opportunities or enhancements are identified through the site for the retention of surface water nearer to source . This can be provided as part of the RM landscape detailing.

which is circa 40% of the total site area (exclusive of SuDS and rain gardens). This equates to approximately 260m² GI / dwelling which is acceptable and will provide adequate space for biodiversity habitats, POS and habitat corridors to coexist and provide benefit.

Plan ref CB_78_363_AI01 provides an indicative layout of the site inclusive of points of access, development and infrastructure along with the proposed areas for SuDS, POS, active travel and pedestrian access. The site is divided into two development areas accessed from Kingswood gate via Kingfisher way to the north and Belle Etoile drive to the south.

The northern development layout has most of the dwellings fronting onto shared vehicle access or private shared drives. Streetscapes are indicated as being treelined in places with rainwater gardens in the streetscape and circular pedestrian access set apart from vehicle areas.

The southern development area does not have a vehicular connection with the northern development area but pedestrian and GI permeability is adequately provided with direct and circuitous routes and space. The proposed principle tree lined access includes rain gardens and separated pedestrian access on both sides of the first three development areas of the access is welcome with development set back from street thoroughfare.

It is noticeable that areas of water management and retention (B3 on plan ref GLS_083_158_1201_) are spread through the site and will be complemented with 'in street' rainwater gardens, if appropriately planted and managed will provide an additional GI and habitats resource to compliment the balance ponds to the south of the site.

The retention of the central oak tree and framing within the context of open space as well as a transition route linking Watery lane and Monmouth west settlement to Kingswood gate via Kingfisher way is welcome. The provision of POS to the NE area of the site bounding open countryside and providing a substantial area of grassland for informal recreation or community use is welcome. The bolstering and buffering of all site boundaries is welcome and will ensure resilience and an opportunity for wilding through appropriate management. Plan ref CB_78_363_PARAM_004 open space plan shows the indicative areas of open space and distribution through the site and accessibility to each dwelling.

The general layout provides a well-balanced edge of settlement development that transitions in development density from the Kingswood Gate development to existing dwellings density on watery lane and buffering open countryside.

Built form

The plan ref CB_78_363_PARAM_004 BUILDING HEIGHTS PLAN REV D indicates development will be up to 2 storey through the site. This will reflect the surrounding context in terms of built form. Material choice for the site will be important and will need to respond to both local character and context as well as provide an identity of its own through design and material use.

Lighting

The lighting strategy and plan appears to focus on street lighting. This will need to be addressed as part of RM should the application progress.

From a Landscape and GI perspective there is no objection to the outline application. The site is within the Monmouth settlement boundary and is an LDP allocated strategic development site SAH4. Sufficient information has been provided to support the outline application with any outstanding detailed matters to be addressed as reserved matters conditions.

Should the application progress to reserved matters other detailed matters from a Landscape and GI perspective to be determined under reserved matters will include:-

Appearance: - Detailed designs, elevations and cross sections of the proposed SuDS features and outfalls, buildings, infrastructure and any retaining features. Existing and updated proposed site levels, building ridge heights, orientation and parking, built form materials palette and parking arrangements inclusive of EV charge points

Green Infrastructure masterplan and Green Infrastructure management plans (GIMP):- Informed by GI assets and opportunities framework, ecological, drainage, tree and LVIA surveys and proposals. The GIMP needs to clearly indicate how the strategic landscaping, especially that which is shared within the site, will be managed

Landscaping:- To include details and specifications relating to any soft and hard landscaping, green roofs (if applicable), planting, SuDS and rain gardens, play and growing space provision, mitigation for loss, establishment and after care maintenance and management programme. (aftercare prescription can be incorporated within the GIMP). All areas of new planting should allow access for management and maintenance and should be appropriately protected to ensure establishment. Details for any hedge removal and mitigation for loss will be required along with details of methodology for translocation

Light spill will be an important consideration for both the landscape and biodiversity as well as the setting. To include product details, location and light spill.

It is noted that LVA 5.13 and 7.4 recommends a winter assessment of intervisibility with key receptors. This would be appropriate and can either accompany an outline application LVA or be part of the RM where more detail can inform the LVA and subsequent layout / mitigation.

MCC Tree Officer: No objection

There are 48 trees on this site with 3 'low value' trees that require removing, a hawthorn and two ash (With ash die back). The root protection zones of all the remaining trees are outside of any proposed development.

Natural Resources Wales: No Objection

We note the applicant has submitted new/amended information. We have reviewed the following document:

Land at Drewen Farm, Wonastow Road, Monmouth - Ecology Technical Note - Pipeline Route edp2843 r014 DRAFT We note within the Technical Note, a small quantity of habitat suitable for dormice (namely dense scrub) will be lost to the pipeline. We welcome the indication that vegetation removal in areas of dormouse habitat will be undertaken under the auspices of a European Protected Species licence. We have no further comments to make at this stage and refer you to our previous response letter dated 27 November 2024 (CAS-267431-F8R8)

Response letter dated 27 November 2024 (CAS-267431-F8R8)

No objection subject to plans and reports being listed on Decision Notice and planning conditions

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition(s) to any planning permission granted:

Condition 1: Foul drainage

Condition 2: Landscape Ecological Management Plan

Condition 3: Construction Environmental Management Plan We also advise that based on the information submitted to date, the document(s) identified below should be included in the approved plans and documents condition on the decision notice:

- Ecological Appraisal prepared by The Environmental Dimension Partnership Ltd, dated July 2024
- Outline Dormouse Mitigation Strategy prepared by The Environmental Dimension Partnership Ltd, version 010a FINAL dated October 2024
- Drawing number CB_78_363_Ai01 titled Illustrative Masterplan by Cooper Baillie Limited, revision E dated 15.10.24
- Drawing number GLS_083_158_1200 titled Landscape and Green Infrastructure Strategy Plan by Green Landscape Studio Limited, revision A dated 08.10.24
- Impact Assessment prepared by MEC Consulting Group, dated October 2024

Nutrient Sensitive River SAC and Foul Drainage

We note that a consultation response has been received from Dwr Cymru Welsh Water (DCWW) which confirms that the WwTW has a phosphorus consent limit but is currently failing to meet the requirements of the permit and there is a lack of biological headroom to accommodate foul water flows from the proposed development. DCWW note that works are due to be completed at Monmouth (Wyesham) WwTW by March 31st 2025. We are satisfied that our concerns can be overcome by attaching a condition preventing connection until the planned reinforcement works at Monmouth (Wyesham) WWTW have been completed and that they are able to accommodate the foul flows from the development

European Protected Species - Legislation and policy Bats, dormice, and their breeding sites and resting places, are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where these species are present and where a development proposal is considered likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any European Protected Species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. On the basis of the information in the document named above, we do not consider that

the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, provided that the mitigation measures stipulated in the above Ecological Appraisal report, Outline Dormouse Mitigation Strategy, and Lighting Impact Assessment document are adhered to.

Condition required for a Landscape Ecological Management Plan (LEMP), which illustrates habitat areas to be retained and/ or enhanced, plus the protective measures to ensure these habitat corridors remain intact during and post-development.

We would be content for your Authority's ecologist to review the LEMP without further reference to NRW.

Pollution Prevention The application site is within 15m of a watercourse which is hydrologically linked to the River Monnow. There is potential for pollution of these watercourses during the construction phase and we advise that the following condition is attached to any planning permission granted.

MCC Highways: No objection

The site is an allocated strategic site in the Local Development Plan, Policy SAH2, the principles of the development and the suitability of the location were widely consulted upon as part of the wider Wonastow Road development which consisted of a mixed development of residential and commercial buildings. A Transport Assessment was submitted which considered the impact of the wider allocated site on all related transport modes. The allocated site was approved for a large mixed development of residential and commercial. A large proportion of the commercial and residential development has already been completed with the exception of some commercial land at the entrance to the site and the allocated site subject to this application.

The current outline application proposes the construction of a residential site of up to 110 dwellings, all matters except access are reserved at this time. The site is to be extension of the recent estate off Wonastow Road, and is bounded by the historic C504.5, Watery Lane, & associated properties to the NE.

The application proposes the creation of two separate cul-de-sacs approximately divided along the location of the existing field boundary. The northwest site is accessed via a continuation of Kingfisher Way, while the larger site is accessed via a continuation of Belle Etoile Drive, and there is to be no vehicular connection between the two sites, only footpath and cycle links. Further connections are provided by an active travel and emergency vehicle only route onto the unclassified C504.5, Watery Lane, and two footpath connections to the southern field.

The site that proceeds from Belle Etoile Drive comprises approximately 65% of the entire proposal and is a functional spine road design with several branches that provide access for most of the dwellings. The existing point of access functions as a turning head for the junction of Belle Etoile Drive & Midsummer Way. Belle Etoile Drive was designated as a "village street" under the plans for the existing site, which was the largest highway design for the site, with a 5.5m carriageway and 2m footways either side. Kingfisher Way was designated as a "Quiet Lane" under the plans for the existing site, which was the smallest public highway design for the site, with a 5m carriageway, a 2m footway to the south, and a 1m service strip to the north. This access will only provide access to the smaller site. Both sites are indicated to prioritise pedestrian movement and safety.

The application is supported by a transport assessment which forms the major body of supporting evidence. The original development and the related TA concluded that the existing nearby highway network could handle the trip generation and traffic of the initial development prior to the introduction of the offsite junction rearrangement. This TA has considered the existing highway network, both within the residential site and the neighbouring areas.

An ATC and MTC's were conducted to measure existing trip rates, showing that the morning and evening two-way peaks are approximately 180 vehicles, with a trip rate of 0.5 based on the existing 340 dwellings. Based on this data, the proposal would result in an approximate additional 60 vehicles within those peaks. The proposed total of approximately 240 vehicles in each peak is considered acceptable for the design of the existing residential area. The TIA shows that most of the increased traffic volume impact will be localised within the residential site, with minor impact on the wider highway network. Additional junction capacity analysis has been undertaken that shows the Kingswood Gate roundabout will operate within capacity despite the increase in volume.

A parking survey was undertaken in response to the concerns raised by the Highway Authority during the allocated LDP site consultation process. There were concerns raised over the potential impact existing on-street parking on the neighbouring residential estate roads may have on access to the application site. The parking survey was undertaken in the evening, during which the site would be expected to have the highest level of on-street parking stress. It noted that the

main routes are not suffering from high levels of on-street parking and excluding some instance inconsiderate parking near junctions and on sharp corners, the application site is accessible. The existing bus service also confirms accessibility regardless of on-street parking.

Highway Safety - Personal injury collision data was collected for the nearby highway network showing no pattern of concern for the existing site.

Public Transport -The site is served by public transport, namely the M3 bus route which enters the site and connects into the town centre. While the TA has considered rail, Monmouth features no real access to the network and can therefore be discounted from active travel considerations.

Cycling & Walking -The TA considers the site within the framework of the active travel hierarchy. Pedestrian/cycle routes (connections) would follow the footways within the existing residential development, and proposed footpath connections to the south of the site, and a further one onto Watery Lane. Watery Lane has been identified as a future active travel route, however it is currently a low-trafficked rural lane that forms the boundary of the urbanised area. The footpath to the south forms part of the active travel path being upgraded by the LA, however it isn't clear how the estate will tie into these or whether a contribution to allow the LA to tie them in is expected.

Means of Access

Both accesses have been considered in terms of size and existing design and are noted to be continued into the site based on their existing design. The separate accesses have been designed after RSA advice based on the existing highway design at the access points, however it is noted that the RSA states that their connection would be unlikely to have serious highway safety impacts.

The emergency route to/from watery lane has also been considered and is noted to provide visibility splays in excess of 90m. Watery Lane is a low trafficked route and the infrequent proposed use by emergency vehicles is considered acceptable and does not form a standard site access for residents/visitors by car, though it should be noted the provision of such an access is not required.

Internal Layout

The indicative layout shows the approximate relationship of the public/private streets, all roads intended for adoption must be designed to existing standards, which will require appropriate turning provision at their termination points and appropriate footway widths depending on the environment. Clear distinction by way of materials and/or design should be incorporated to indicate the limit of the public highway.

As mentioned in our comments when the site was brought forward under the LDP, we would advise increased permeability within the new estate design instead of the creation of two divided cul-de-sacs. This would further promote more traffic through the wider residential estate road and more robust access onto Belle Etoile Drive and is in keeping with the design philosophy of the existing development.

The proposal will require an appropriate CTMP that considers the access route through the existing residential site and/or surrounding areas, especially regarding their feasibility with vehicle types travelling through the existing estate. The feasibility of construction access is beyond the scope of the outline application; however we reserve concerns over the feasibility of such traffic within the site and would require such concerns to be addressed within the CTMP. The applicant has considered the current MCC Local Parking Standards that stipulate the requirement that each property provides one parking per bedroom, up to a maximum requirement of three spaces per property. All private parking spaces should be contained within the curtilage of the property and should be accessed perpendicular to the carriageway, and additional visitor bays if appropriate.

Further detail regarding the proposed footpath connections is expected to be submitted at the reserved matters application stage.

Based on the details provided within the TA and other supporting detail/drawings there are no highway grounds to object to the outline application as it is considered that the existing highway network and accesses are considered acceptable for the proposed development and associated increase in traffic volumes.

The Highway Authority offer no objection subject to appropriate conditions being applied or included in a Section 106 Agreement

MCC Public Rights of Way (PROW): No objection (initial objection removed with hard surfacing of previously annotated mown paths).

MCC Biodiversity: No objection

An Ecological Appraisal (produced by EDP, dated October 2024) has been provided with the application. The report meets required standards and gives sufficient detail to be reasonably certain of the conclusions. The site comprises two arable fields, bordered by hedgerows with many large mature tree standards. Five of eight hedgerows are species-rich and qualify as important under the Hedgerow Regulations. There are seasonally wet ditches associated with three boundaries and areas of scrub encroachment.

A Lighting Impact Assessment report (produced by MEC Consulting Group, dated October 2024) has been provided which includes baseline lighting conditions and assessing effects of proposed lighting on surrounding sensitive receptors. The site is described as Rural Zone E2; the only current light intrusion is from the housing development to the west.

Protected Sites - Statutory Designations

The site is within the nutrient sensitive catchment for River Wye SSSI and SAC. The development will connect to the main sewer served by Wyesham WwTW. NRW Guidance v4 states that where developments connect to a WwTW which has a permit reviewed against revised conservation objectives, there is unlikely to be a significant effect on the SAC if there is capacity in the system. DCWW have a permit and are undertaking works to improve treatment facilities in order to meet the limits set by the permit; NRW have recommended a condition is used to ensure that there are no active connections to the sewer before DCWW have confirmed they have capacity and can meet the permit limits.

The site is over 3km from the greater horseshoe bat roost at Newton Court SSSI (part of Wye Valley and Forest of Dean Bat Sites SAC); it is not within the core sustenance zone. There is unlikely to be an impact on bat populations associated with the protected sites.

Protected Sites - Non-statutory designations

The site is immediately adjacent to Wonastow Road Field SINC, a site designated for marshy grassland. The PEA report includes assessment of the potential impacts of the on-site development, excluding additional drainage that was added later. There is an appropriate buffer between built development and the SINC and appropriate measures to reduce construction impacts have been recommended, which will need to be secured with a CEMP. The impacts of changes in water flow into the site has not been addressed in the report, but has been discussed in person. One option that has been discussed is ensuring overland flows from north of the proposed development site will be directed past the development and discharged in to the SINC to minimise the change in water flows into the SINC. The biodiversity officer recommends that this option is followed to minimise impacts on the SINC.

An additional area was added to the redline boundary after ecology surveys and assessment were undertaken. This area was to provide a connection between the SUDS features onsite to an offsite watercourse to the south of the SINC. An Ecological Technical Note for the Pipeline Route (produced by EDP Ecology, document reference edo2843 r014 DRAFT) has been submitted to inform this additional area. The submitted technical note assessment is based on the pipe through the SINC being piped under the SINC via directional drilling. However, the SAB approving body have confirmed that this methodology is not suitable. There are no other potential outflows for the SUDS scheme and so trenching across the SINC is required. The applicants have been granted by the landowners a 6m easement across the SINC to work in.

SINCs make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems and are protected in the development process by both national and local policies.

PPW12 does not "preclude appropriate developments (in a SINC), where there are no adverse impacts on the features for which a site is designated and on wider ecosystem resilience".

PPW12 paragraph 6.4.33 states that when developments on non-statutory sites are permitted and "harm is unavoidable it should be minimised by mitigation measures and offset as far as possible by compensation measures designated to ensure there is no reduction in the overall conservation value of the area or feature, and a net benefit for biodiversity secured."

Monmouthshire LDP policy NE1 states that "development proposals that would have a significant adverse effect on a locally designated site... will only be permitted where:

(a) the need for development clearly outweighs the nature conservation... importance of the site; and

(b) it can be demonstrated that the development cannot reasonably be located elsewhere".

Monmouthshire LDP policy goes on to state

"Where development is permitted, it will be expected that any unavoidable harm is minimised by

effective avoidance measures and mitigation. Where this is not feasible appropriate provision for compensatory habitats and features of equal or greater quality and quantity must be provided." The applicant has agreed that the SINC within the 6m easement will be returned to its previous state upon completion of the pipe installation. A method statement will be required to secure the detail will be required. However, the landowner will not allow works to be undertaken outside the redline boundary. Therefore, to ensure the development will result in net benefit for biodiversity, a financial contribution to facilitate grassland restoration off-site is required to be secured with a Section 106. Without this agreement the proposal would not meet our obligations under Planning Policy Wales and LDP Policy NE1.

Protected Species - Bats

The site provides suitable habitat for foraging/commuting bats. Transect and static detector surveys recorded activity from 11 species/species groups. The site should be considered as regional importance for foraging bats.

Most boundary hedgerows which have been identified as associated with the most bat activity will be retained with appropriate buffers. The Lighting Impact Assessment report has predicted that light levels will be less than 1 lux at hedgerow boundaries. The plans show that light will fall on the hedgerow at the two new access points. The biodiversity officer is concerned that this will reinforce the fragmentation of the hedgerow and make it more unsuitable for commuting bats and other species known to use the hedges (e.g. dormouse). We recommend that lighting is adjusted in this area to low level bollards with cowls to prevent backward light spill. We would be happy for this to be secured with a condition.

Surveys identified eight trees with features suitable for bat roosts (including two with high potential, three with moderate potential, and three with low potential). A building just off site was noted as being used as a night roost or occasional day roost for lesser horseshoe bats. All trees and the offsite building will be retained; to avoid damaging and disturbing habitats a CEMP and long-term management plan is required to be secured by condition.

Protected Species - Dormouse

Surveys of the site have confirmed continued presence of dormouse in boundary hedges. The dormouse population is judged to be of local importance. An Outline Dormouse Mitigation Strategy (produced by EDP, dated October 2024) has been submitted with the application. The strategy includes suitable measures to avoid and mitigate construction risks and loss of habitat. The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species.

The LPA need to consider tests i and ii; test iii is considered by NRW who have confirmed they are satisfied that with appropriate conditions to secure mitigation and compensation; the proposal should not impact the favourable conservation status of the species. One of the conditions recommended by NRW is a Landscape Ecological Management Plan to include details of how habitats shall be managed and protected from disturbance for the life time of the development; the biodiversity officer has recommended a condition for a Green Infrastructure Management Plan which incorporates the requirements of the LEMP requested by NRW.

The majority of habitat on site is of low ecological importance. Boundary hedgerows with trees, standalone trees in the fields and ditches of greater importance. Most of hedgerows on site meet criteria to be considered priority habitats for species conservation. Most hedgerows will be retained but there will be some breaks for access created and internal losses. The report has identified appropriate avoidance measures to protect the hedgerows during construction and provision of replacement planting, including translocation where possible, to compensate for the loss.

Maintaining and Enhancing Biodiversity

Planning decisions must result in maintained and enhanced ecological networks and must deliver net benefits for biodiversity. Enhancements must be secured by delivering a biodiversity benefit over and above that required to mitigate or compensate for any negative impact (PPW12, paragraph 6.4.11). The submitted PEA report clearly demonstrates which features are being avoided, how loss is being minimised and mitigated. As well as compensation habitat a variety of ecological enhancements have been suggested to provide net benefit for biodiversity. A suitable plan and long term management plan can be secured with a condition to secure delivery.

Additional comments provided regarding the proposed active travel connections on Watery Lane. The applicants have been asked to provide further ecological information to inform proposed active travel connections from the new housing development including from Watery Lane to St

Thomas Road (Route A) and from Watery Lane to Jordan Way (Route B).

An Ecological Technical Note (produced by EDP, dated June 2025) has been provided; the scope of the survey area was agreed with the biodiversity officer prior to the survey.

The report provides a detailed description of the two areas and assessment of the potential impacts.

The stream along Watery Lane is shallow and canalised the entire length, with numerous crossings and culverts. It is an important resource for local wildlife but doesn't meet priority habitat criteria and isn't suitable to support protected species associated with watercourses. With appropriate working methods to prevent pollution, proposed crossings are unlikely to have a significant negative impact on the stream or wildlife utilising it.

At Route A the habitats comprise hard standing, walls and fences, with areas of tall ruderal vegetation. The stream is crossed with a concrete slab. Ruderal vegetation has some limited ecological value but unlikely to support protected or priority species. Access improvements at this location are unlikely to affect priority habitats or protected species.

At Route B, an informal path uses a culvert to cross the stream and access a drainage feature. The proposed access will not be able to use this route as the drainage feature needs to be retained. Access will be to the west affecting a species-poor hedge with trees bordering Watery Lane, and area of woodland within the public open space on Jordan Way. The assessment identified one tree with low potential to support bats; the lane is suitable for use by foraging bats. Habitats are also suitable to support nesting birds, small mammals and invertebrates. There are no designs at present but it is likely to require a minimum of 5m to create an access, in an area where the canopy is approximately 15m deep. Careful design will be required to avoid, minimise and compensate for loss of vegetation and retain as much canopy as possible. Other habitats within the Jordan Way area which will need to be avoided during the design and construction of an active travel link include species rich hedge, scattered scrub and further areas of woodland. The biodiversity officer considers there is unlikely to be a significant negative impact on ecological features resulting from active travel links, providing suitable designs informed by the ecological surveys are delivered.

Conditions recommended to safeguard habitats and species and ensure the proposal delivers net benefit for biodiversity. In addition to these conditions, an appropriate financial contribution to facilitate off-site grassland restoration is required to ensure the development complies with LDP Policy NE1. This is to be secured by a Section 106 Agreement

MCC Land Drainage: Approve subject to conditions

It is recognized that there are complications and issues with the surface water drainage, this is an issue that is to be covered at reserved matters stage. The land drainage condition has been framed to ensure all details are to be submitted as part of the reserved matters agreement. Detailed design of the SuDS (to support a future application for approval of reserved matters and an application for SuDS Approval)

The Flood Map for Planning, provided by Natural Resources Wales, shows the site to be in Flood Zone 1 (an area with a less than 0.1% chance of flooding in a given year) for flooding from rivers. The majority of the site is shown to be in Flood Zone 1 for surface water flooding. Low lying parts of the site, generally around field boundaries are shown to be in Flood Zones 2 and 3 for surface water flooding. This reflects known surface water flows across low permeability sloping countryside. These flows are typical in the locality and such flows have caused difficulty to nearby housing developments. We note that an overland flow ditch has been included on plans for the development. The purpose of this ditch is to collect and safely discharge these flows.

Detailed design to support a future application for approval of reserved matters should:

Carefully model flows from this ditch to ensure that downstream receptors are not placed at detriment. It is possible that some means of attenuation will be required.

Consider maintaining some flows to the blind ditch at the southern corner of the site. These flows currently spread across the SINC and have a role in the biodiversity of this location. Condition proposed.

5.2 Neighbour Notification

The following objections have been received:

Questioning name of landowner in Certificate B

This outline application (OA) includes a new cut-off ditch within the red line boundary contrary to the site boundary in the PAC.

The plan is to drain the new ditch into Watery Lane (WL) stream that will flow to the Wye. The EIA did not consider the potential harm to Wonastow SINCA/Wye AONB from munition residues in groundwater that will undoubtedly be churned up during the development.

A rising bollard at the Watery Lane access will not prevent the use of the new active travel route - NATR by motorcycles from Drewen Farm (DF) or WL directions.

Does not consider the needs of wheelchair/mobility aid users (defined as "walkers") along the entire new active travel route (NATR) including those parts outside the DF site boundary. Watery Lane is susceptible to river flooding; see NRW flood risk map for FZ3 river/sea. Approval to develop Drewen Farm site requires Active Transport Route to town identified along Watery Lane which would be impassable for people and cars during a flood event. The FCA must therefore include consideration of the c.300m length from Chartist Rise/WL junction that is in FZ2+FZ3

The entrance to Kingswood Gate already struggles at rush hour. The estate wouldn't be able to cope with additional cars and through traffic.

No plan to have a community hall or large play area for the children.

No parking spaces catered for visitors to the estate.

Existing parks are not acceptable.

The proposed access route is via a narrow and congested road, which is already struggling with high traffic volumes, particularly during peak times. The road is not well-suited for additional traffic, let alone large construction vehicles, and there are significant safety risks, particularly for pedestrians and children.

Parked cars on the road and on blind corners are dangerous

Negative Impact on residents' quality of life from noise, disruption, and increased pollution caused by construction and additional traffic would severely impact the quality of life for residents in the surrounding area, particularly those living near the access route.

The route of overflow water will go near neighbouring property

If a resident on kingfisher way required emergency services access they are compromised by the current volume of parked vehicles and narrow roads/sharp bends

Water pressure issues and power cuts

The ES and the planning application must be publicised and the public given the opportunity to submit their views on the application."

There is no copy of the Council's report on the reasons why an EIA exemption was justified.

The Environmental Impact Assessment exemption granted 31/03/2019 by the Council (apparently excluding NRW as the decision was reached following internal consultations) did NOT include the additional 0.48Ha land where, if approved, a cut-off ditch will be dug to prevent overland water flows from reaching the DF site

Consideration needs to be made to the management fee Kingswood residents will be paying once the estate is adopted.

Inadequate Drainage System more development without addressing these deficiencies will only exacerbate the problem and increase the risk of further flooding for both old and new residents.

There is a pressing need for additional schools to accommodate the anticipated influx of families. Our local schools are already at capacity no clear plan for expanding educational facilities to support this new development.

The drainage ditches owned by the landowner, on their land, have been neglected. not been cleared in the time we have lived here. We feel this will only get worse, There is no assurance on clearing, maintenance of this now or in the future.

The proposed path linking Kingswood gate from Midsummer Way to the Wonastow Industrial Estate has still not been completed some approx 5+ years since the estate build was fully completed. Given Monmouthshire Active Travel incentive, it is extremely disappointing not to have a viable pathway to the local Overmonnow School or Monmouth town centre for at least 6 months.

The diesel fumes from lorries accessing site will worsen this health issue

When KG was proposed, a dedicated pedestrian and cycle path was planned and created via

Kings Fee. Since then the safe, paved path has been improved and the pavement widened on Wonastow Road. Why is an alternative path now being suggested which would put pedestrians and cyclists at risk when a safe path already exists?

Flooding in the Drewen Farm area showed clearly the vulnerability of private sewerage systems should drainage fields be rendered incapable of proper operation, even for a short time, due to floods caused by sub/surface flows from land outside the boundary of a property. Watery Lane is not connected to mains drainage.

Storm Denis was the first major hit with gardens and many garages flooded due to not properly preparing the existing ditches and run off points before construction too little too late, Storm Bert compounded the issue again heavy down pours cannot get away as the KWG SuDS has a very narrow escape channel by Eagle Plant.

Clay with the water draining down from Kings Woods is very silty and the land runoff points over flow quickly slowing the main flow.

Residents here on Kingswood Gate have no suitable safe walking route to town after 8 years! The temporary path has broken down is not suitable in the dark, wet, for wheelchair and mobility scooter users ever and is rarely suitable for pushchairs.

We note that a Construction Traffic Management Plan has not been submitted and it will only be supplied after planning has been approved

Drewen Farm lies on an old military firing range, closed in the 60s but probably in existence for many decades if not centuries given that a military unit has been stationed in Monmouth since the 17th Century. Recent storms show that if any additional water was linked to this outflow serious flooding would occur above and beyond the flooding that recently occurred.

Consider a temporary access route, perhaps via the industrial estate, that could be used by the large construction traffic.

A swept path analysis of navigating Ternata Drive with an articulated vehicle will clearly demonstrate the route is unsuitable.

A rising bollard at the WL access point is not going to deter a driver from parking a vehicle on Watery Lane and hopping off to make a quick delivery in Drewen Farm.

Satnav will navigate traffic for Kingswood Gate along Watery Lane.

The traffic assessment provides a theoretical analysis not grounded in the experience of residents. It notes 60 additional trips/day however this is a 100% increase in Belle Etoile drive, from currently zero traffic. This is a fundamental change for immediate neighbours with properties fronting onto the road with minimal space between property frontages and what will become a busy road. Traffic fumes, dust, noise pollution will increase from zero to significant levels. Bedroom windows will have to remain closed. During construction this will be even more intolerable.

Kingswood Gate is now a mature settlement and the proposals will revert it to a live building site with all the associated damage to infrastructure, noise, dirt, disruption, danger, and nuisance. This negates the validity and conclusion of the EIA Exemption, in my opinion; that is part of the foundation upon which the Drewen Farm component of SAH4 was given the go-ahead. Concern regarding use of Watery lane as an access route to Drewen Farm.

Watery Lane cannot cope with amount of traffic too narrow ruining it as a walking and cycling route WL has limited access to a small number of houses not suitable as more intense access route WL is used for the Offas Dyke path, dog walkers, school children, pushchairs, ramblers and local residents - totally out of questions that should be connected for uses by cars to Monmouth.

As DF site shares a boundary field access with Offa's Dyke national trail it is reasonable to expect a pedestrian connection minimum standard STA and integration with existing PROW.

Failure to provide this link would conflict with LDP Policy MV2.

The Transport Assessment (TA) is deficient for the following reasons:

Considers only the DF site and omits the 340 KWG users that would pass through DF to access WL It fails to assess WL which is essential under MV1 for evaluating highway safety and capacity The cumulative impact of extra pedestrian traffic using WL from KWG and DF must be addressed Access proposal will result in brook being covered up impact on character of area. There are no pedestrian pavements on WL unsafe for proposed access.

There is no view given by the Fire Service.

No reference in reports from Highways or from the applicants about safety on WL. Access onto WL during winter months will be in the dark, unsafe for pedestrians including school children.

WL floods and is unsafe and unsuitable to serve as an access and emergency vehicles should not use this route.

Watery Lane is a haven for wildlife that will be impacted by access proposals.

The 2 related GI Masterplans do not show existing ditch on Kingswood gate east boundary - relevant to GI SuDS and flooding

The aerial photos show the aftermath of a downpour from adjacent hillside including 33 springs and overland flows from North. The effect of hydrostatic pressure from the hillside has not been recognised. The hill is a sponge that flushes sometimes but has continual flow. Such surges cause

water to travel east forcing flows from North towards Watery Lane stream.

Despite SuDS flow route generally showing output to SW corner there will continue to be flows to east for contour and surge reasons meaning areas including WL drainage fields may be overwhelmed especially as each new SuDS bason will generate hydrostatic pressure. Because all KWG ditch East and west fills, it may mean filling in of east side would create additional risk of KWG flooding and additional surface flow volume for DF SuDS because of no discharge to east.

Questioned objectivity and openness of dealing with planning application.

It is relevant to record the water level in WL stream at time of survey, to ensure this level is typical

- Areas and ditch cannot be described as dry, these ditches are natural and man made.
- No blue line shown along the north site boundary? This ditch is fed by an active spring.
- Concern that planned SuDS basins will be close to Kingswood Gate (unmarked) ditch, output from the ditch will be at the same location as that of the SuDS, its design and surface water calculations will be wrong.

- The ditch will run west to east and report records overland flows from the west in addition to the north. The ditch will soon overspill at Watery Lane end.

Highways have stated in other application that WL is at capacity but this conclusion has not been carried through in assessment of this application.

If highways are accepting that the ATR is robust/ acceptable in an emergency the next ok will be for construction traffic.

Site geology report which showed the presence of shallow permeable ground on top of heavy clay.

Could the meaning of 'overland flow' and surface water flows' in this context be clarified

Given the inclusion of routes A+ B this brings site into highest flood zone.

Ecological Technical Note EDP June 2025 the scope of survey was agreed with council, discussions that led to this are material matters of interest that should be in public domain.

Routes A+B not in red line boundary with relevant certificates

The ecology report was undertaken during the driest periods.

Need to recognise that Kingswood Gate TRA excluded ATR link to WL.

Ecology survey must cover all WL, without change part of WL route application must be refused for reasons including safety.

Ecology report does not recognise that Route A + B is in a high risk rivers/tidal zone

Dangerous and irresponsible to allow traffic down Watery Lane for 110 houses - hanging and fallen trees makes lane difficult to travel along.

PROW in response have highlighted Multi user and wheelchair access and the need to access

Watery Lane shouldn't the TA assess wheelchair access also, especially given the adverse camber gradient and mud muck in the first 150m from DF, causing safety hazard with watercourse and ice during colder months.

Concern that CTMP if subject to condition will not be open to public scrutiny and will be approved without public consultation.

5.3 Other Representations

No comments received to date

5.4 Local Member Representations

No comments received to date

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The principle and scale of the proposed development is established by virtue of the Wonastow Road Strategic Site allocation (SAH4) in the adopted LDP. The policy states that 33.36 hectares at the Wonastow Road, Monmouth, site are allocated for a mixed use residential and employment development whereby planning permission will be granted provided that:

- a. Around 450 new dwellings are provided, to be phased over the LDP period;
- b. The master plan for the development takes account of the SINC at the site;
- c. Provision is made within the site for 6.5 hectares of serviced land for high quality industrial and

business development (Use Class B1);

d. It can be demonstrated that traffic can be satisfactorily accommodated in relation to the highway network leading to the site and a Section 106 Agreement has been signed that includes provision for any necessary off-site highway works to ensure that this is achieved;

e. It can be satisfactorily demonstrated that the site can be developed with no adverse consequences from surface water flooding and no worsening of flooding conditions in the vicinity of the site and a Section 106 Agreement has been signed that includes provision for any necessary works to achieve the requirements of this criterion;

f. A Section 106 Agreement has been signed that makes provision for any necessary offsite works to improve pedestrian access to and from the site;

g. No highly vulnerable development shall take place in parts of the site that are within the designated C2 flood zone. No other development shall take place in those parts of the site that are within the designated C2 flood zone unless a flood consequences assessment has been carried out to demonstrate that the consequences of flooding in are acceptable.

Land at Drewen Farm has been identified as a 'legacy' site in the September 2023 Preferred Strategy as an existing site allocation to be rolled forward into the Replacement LDP.

6.1.2 The most recent Phosphate Briefing Note (July 2023) confirmed that the Deposit Plan will carry forward three legacy sites from the adopted LDP which have been unable to progress due to the phosphate restriction, including the allocation for 110 homes at Drewen Farm.

6.1.3 The principle of residential development on this site is acceptable. The number of dwellings allocated for the site is capped at 110 to ensure protection of the sensitive landscape.

6.1.4 Policy S2 of the adopted LDP sets out the number of dwellings required for the Plan period (2011 - 2021). The RLDP Preferred Strategy confirms that approximately 5,400 - 5,940 new homes are required over the RLDP Plan period 2018 - 2033 (Strategic Policy S1) of which approximately 1,580 - 1,850 affordable homes are required (Strategic Policy S6). Preferred Strategic Site Allocations are identified in the Primary Settlements, including Land at Drewen Farm, to contribute towards meeting the affordable housing need of the County.

Policy S4 Affordable Housing of the adopted LDP seeks the provision of 35% affordable housing in all new development proposals. As the description of development is for 'up to' 110 dwellings the exact number of affordable dwellings will not be known until the total number of dwellings is fixed at the Reserved Matters stage. However, should the final development be for 110 dwellings then it will include 39 affordable homes.

6.2 Sustainability

6.2.1 The illustrative layout plans show that the development has been designed to optimise solar gain with good solar orientation with well positioned glazing providing good internal light levels and connection to private external space.

6.2.2 In addition to the retention of existing trees and hedgerow, and extensive vegetation and planting throughout the site, the open space is multi-functional and incorporates the proposed attenuation as well as enhancing the biodiversity and visual landscape character of the development. In addition to the extensive on site and off site works proposed to encourage and promote active travel routes.

6.2.3 The supporting information states that the site will deliver resident cycle storage, together with visitor cycle parking within public open spaces, to encourage the use of alternative modes of transport. Furthermore, there is the provision of electric car charging points to all on-plot residential parking spaces.

6.2.4 Sustainability is offered also in building design with a fabric-first approach using low-carbon construction technologies to meet current sustainability requirements through Building Regulations Part L. Dwellings compliant with NDSS requirements. Construction is to include thick insulation within the walls, floor and roof, high specification glazing, and effective airtightness and ventilation strategies, to minimise heat loss and use of energy for heating. Low water use sanitary appliances will reduce the amount of water consumed by the development.

6.2.5 The proposal makes appropriate and proportional measures within the design and supporting information to comply with the spirit of sustainability as set out in national guidance.

6.2.1 Good Design

6.2.1.1 The overall framework as presented in the Illustrative Masterplan has been informed by the on-site constraints and opportunities. This presents a sequence of streets and spaces, that have worked to take account of the context of the natural landscape, green infrastructure and biodiversity enhancements.

6.2.1.2 The block plan has been designed to ensure frontage and back-to-back distances to comply with established guidance on separating distances. Within the block layouts there are opportunities for variations in residential form to create a more distinctive design in the layout.

6.2.1.3 The supporting information states that a central focal space is being created situated around the existing trees. There is additional planting incorporating a play area and a community growing area, which will aid with legibility across the development, as well as integrate the existing development to the west. The large green swathe to the east and north provides a transition to the edge of the development to the existing development on Watery Lane, as well as delivering green infrastructure and a circular walk.

6.2.1.4 The proposal has delivered strong links to the wider area, via active travel routes encouraging community integration and sustainable development

The layout proposes informal 'play-on-the-way' features, community growing, and open spaces linked through footpaths within the site, there is a circular path that connects with the active travel links proposed that are integral part of this site. The supporting information states that they have created a 'multi-functional green and blue infrastructure function' delivering permeability and connectivity through the site. The development footprint has been designed to take account of the topography of the site by restricting the height to two storey only and enclosing the site with existing and proposed landscaping.

The large green swathe to the eastern and northern boundaries provides a transition between the edge of the site and the wider landscape and helps to assimilate this development into the rural setting. The layout plan does provide for a range of dwelling types, sizes and tenure, two storey height restriction enables the development to integrate into the wider area softening the development from key receptors.

6.2.1.5 The design incorporates east-west connectivity through the central area of public open space and accommodates a direct desire line to the active travel route at the south of the application site. The incorporation of active travel routes throughout the central public open space and the wider site, enhances connectivity and legibility across the development.

6.2.2 Place Making

6.2.2.1 The supporting information states that place-making and green infrastructure are central to the scheme design. This has been reflected in the retention and reinforcement of all external boundaries and trees on site. There is a substantial landscape buffer provided to the SINC. Low-density housing has been provided to reflect the edge of settlement character and the character of Watery Lane. Further details can be conditioned to deliver additional mitigation to take account of the views and vistas that will arise from the landscape and visual appraisal undertaken.

6.2.2.2 There is permeability both within the site and beyond the site through footpaths and active travel routes proposed with provision of paths, wayfinding and facilities in line with the Active Travel Act guidance. The site connects to the Kingswood Gate Meadow Active Travel path to the south, with provision of paths, wayfinding and facilities. There is also to be an Active Travel link leading from the site in the east onto Watery Lane. This will be improved significantly as a result of this development via S278 and S106 agreement funds to ensure this is a safe, attractive route for active travel with Watery Lane to form a quiet lane for the entire length, with improvements from Watery Lane to an access point linking in with St Thomas Road and pedestrian routes to Jordan Way linking with community facilities beyond.

This site forms an important connecting element between Kingswood Gate and the Rockfield Estate; permeability works both ways, but this site enables key amenities to be accessed on foot and bike in a safe and pleasant environment, making a significant positive contribution to the sense of place for both future occupiers and existing occupiers on the adjacent sites.

6.2.3 Green Infrastructure

6.2.3.1 A Green Infrastructure Statement has been prepared to identify how Green Infrastructure (GI) has been incorporated into the landscape design for the proposed development and provides the relevant avoidance, mitigation and/or compensation measures incorporated into the design to ensure the continued functioning of GI assets both within and adjacent to the application site.

6.2.3.2 The proposed development complies with the 3-step process as outlined in the GI SPG regarding embedding GI principles in development. The outcome of this process has informed the submitted GI Opportunities and Assets Plan, Landscape and GI Strategy, and Landscape and GI Masterplan.

6.2.3.3 The Illustrative Masterplan, Landscape and Green Infrastructure Strategy Plan and Landscape and Green Infrastructure Masterplan show the retention and protection of all trees and majority of the hedgerows on-site, losses limited to 123 linear metres of hedgerow. To compensate for hedgerow loss, new hedgerow boundary is being created along the north-eastern edge of the application site with additional tree and shrub planting along the central hedgerow maintaining and further strengthening habitat connectivity. The features retained are further enhanced through the provision of suitable habitat buffers necessary to offset development away from their sensitive edges. The southern development area does not have a vehicular connection with the northern development area but pedestrian and GI permeability is adequately provided with direct and circuitous routes and space.

6.2.3.4 The inclusion of a community orchard and community growing space to provide additional stepping stone habitat across the site, together with sustainable drainage features (including attenuation basins and rain gardens that have the potential to create permanently wet areas) are a valuable addition to this GI proposal. Ecologically, the provision of nest/roost boxes/chambers for dormouse, bats and birds, hibernacula/refugia for herpetofauna, and gaps beneath curtilage boundaries, would positively contribute towards biodiverse habitats and green infrastructure corridors.

6.2.3.5 Subject to implementation of the above measures, it is considered that that the scheme can maintain and integrate GI within the design, whilst delivering benefits to biodiversity as well as connectivity and ecosystem resilience in accordance with relevant national and local development planning policies. Conditions are proposed to secure these measures accordingly.

6.3 Landscape

6.3.1 This application has been informed by a Landscape Visual Assessment.

6.3.2 The details provided as part of the outline application establish the principles of landscaping within the overall layout enabling an assessment of the landscape both from within the site and from key receptors outside the site.

6.3.2 Within the site, there is a principal tree lined access that includes rain gardens and separated pedestrian access on both sides of the first three development areas with development set back from the street thoroughfare. This will be complemented with areas of water management and retention and 'in street' rainwater gardens. The retention of the central oak tree and framing within the context of open space together with transition route linking Watery Lane to Kingswood gate via Kingfisher way is a key landscape feature. There are further landscape measures including the provision of public open space to the north-eastern area of the site bounding open countryside and providing a substantial area of grassland for informal recreation or community use. The proposal looks to bolster site boundaries with further landscaping, this will ensure resilience with opportunity for wilding through appropriate management.

6.3.3 For the purposes of this reserved matters application the level of detail is acceptable to conclude that there is no objection to the general layout; this provides a well-balanced edge of settlement development that transitions in development density from the Kingswood Gate development to the existing dwelling density on Watery Lane and buffering open countryside.

6.3.4 However, to set the context for the reserved matters application from a Landscape (and GI)

perspective, detail shall include:

Appearance: - Detailed designs, elevations and cross sections of the proposed SuDS features and outfalls, buildings, infrastructure and any retaining features. Existing and updated proposed site levels, building ridge heights, orientation and parking, built form materials palette and parking arrangements inclusive of EV charge points

Green Infrastructure Masterplan and Green Infrastructure Management Plans (GI MPs): Informed by GI assets and opportunities framework, ecological, drainage, tree and LVIA surveys and proposals. The GI MP needs to clearly indicate how the strategic landscaping will be managed.

Landscaping to include details and specifications relating to any soft and hard landscaping, green roofs (if applicable), planting, SuDS and rain gardens, play and growing space provision, mitigation for loss, establishment and after care maintenance and management programme.

Light spill will be an important consideration for both the landscape and biodiversity as well as the setting. To include product details, location and light spill.

6.3.5 The LVA recommends a winter assessment of intervisibility with key receptors. This is to form part of a reserved matters application where more detail can inform the LVA and subsequent layout / mitigation.

6.5.6 Conditions are proposed to secure these details, but for the purposes of this outline application this proposal is acceptable in landscape terms and complies with relevant planning policy.

6.4 Historic Environment

6.4.1 There are designated historic assets located within 3km of the proposed development, although the intervening topography, buildings and vegetation block all views between them except for MM159 Monmouth Castle. The only setting to consider therefore is Monmouth Castle. The proposed development is not within the extent of the identified significant views from the Castle and whilst visible from it will be seen with Kingswood Gate housing development to the west and Rockfield Road in front. As such, any impact on the setting of the Castle will not be significant and can be reduced by careful design of the development. Consequently, the proposed development will not have an unacceptably damaging effect upon the setting of the scheduled monument of Monmouth Castle.

6.4.2 The proposal is in an area of archaeological potential. As such there is the potential of encountering archaeologically significant remains during any development. However, given the nature of the discoveries south of the site a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent. A condition is recommended accordingly.

6.5 Biodiversity

6.5.1 This proposal has been assessed by both our internal ecologists and Natural Resources Wales. In both cases there is no objection to the proposal subject to imposition of planning conditions,

6.5.2 The application has been informed by several documents, covering the application site and includes an additional area that was added to the redline boundary after ecology surveys and assessments were undertaken. This area was to provide a connection between the SuDS features onsite to an offsite watercourse to the south of the SINC. The applicants have also provided further ecological information Ecological Technical Note to inform proposed active travel connections from the new housing development including from Watery Lane to St Thomas Road (Route A) and from Watery Lane to Jordan Way (Route B).

6.5.3 The site is immediately adjacent to Wonastow Road Field SINC, a site designated for marshy grassland. There is an appropriate buffer between built development and the SINC, appropriate measures to reduce construction impacts have been recommended, which will need to be secured with a CEMP.

6.5.4 The submitted technical note assessment to cover the connection between the SuDS

features to an off-site watercourse is based on the pipe through the SINC being piped under the SINC via directional drilling. However, the SAB approving body have confirmed that this methodology is not suitable. There are no other potential outflows for the SuDS scheme and so trenching across the SINC is required.

PPW12 paragraph 6.4.33 states that when developments on non-statutory sites are permitted and "harm is unavoidable it should be minimised by mitigation measures and offset as far as possible by compensation measures designated to ensure there is no reduction in the overall conservation value of the area or feature, and a net benefit for biodiversity secured." Monmouthshire LDP policy NE1 states that "development proposals that would have a significant adverse effect on a locally designated site... will only be permitted where (a) the need for development clearly outweighs the nature conservation... importance of the site; and b) it can be demonstrated that the development cannot reasonably be located elsewhere".

To address point(a) and (b) together this is an LDP allocated strategic site, that delivers much needed housing including affordable housing on a planned strategic site. This site is the remaining part of the already developed strategic site, it facilitates links and permeability between existing housing developments and effectively is the missing link that is needed to deliver connectivity between sites to enable the other sites to work better. There is no opportunity to deliver this development on an alternative site that is not already allocated.

Monmouthshire LDP policy goes on to state,

"Where development is permitted, it will be expected that any unavoidable harm is minimised by effective avoidance measures and mitigation. Where this is not feasible appropriate provision for compensatory habitats and features of equal or greater quality and quantity must be provided."

The applicant has agreed that the SINC within the 6m easement will be returned to the previous state upon completion of the pipe installation. A method statement will be required to secure the details required.

To ensure the development will result in net benefit for biodiversity, a financial contribution to facilitate grassland restoration off-site is required to be secured with a Section 106.

Without this agreement the proposal would not meet our obligations under Planning Policy Wales and LDP Policy NE1.

6.5.5 Most boundary hedgerows identified as associated with the most bat activity will be retained with appropriate buffers. Lighting conditions are proposed to control the level of lighting on hedgerow boundaries to protect commuting bats and dormice. The ecological report includes suitable recommendations to avoid damaging and disturbing habitats, which will need to be identified in the CEMP and long-term management plan. Conditions are proposed accordingly.

6.5.6 An Outline Dormouse Mitigation Strategy (produced by EDP, dated October 2024) has been submitted with the application. The strategy includes suitable measures to avoid and mitigate construction risks and loss of habitat. The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species.

The LPA need to consider tests i and ii; test iii is considered by NRW who have confirmed they are satisfied that with appropriate conditions to secure mitigation and compensation, the proposal should not impact the favourable conservation status of the species.

NRW require a Landscape Ecological Management Plan to include details of how habitats shall be managed and protected from disturbance for the life time of the development; the biodiversity officer has recommended a condition for a Green Infrastructure Management Plan which incorporates the requirements of the LEMP requested by NRW.

Three Tests

European Protected Species - Legislation and policy Bats, dormice, and their breeding sites and resting places, are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where these species are present and where a development proposal is considered likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i) The proposed works to be authorised satisfy an appropriate derogation purpose, which in the case of development are for the purposes of preserving public health or 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;

This is an LDP allocated strategic site, that delivers much needed housing including affordable housing on a planned strategic site. This site is the remaining part of the already developed strategic site, it facilitates links and permeability between existing housing developments and effectively is the missing piece of the puzzle of this strategic allocation.

ii) There is no satisfactory alternative;

There is no opportunity to deliver this development on an alternative site that is not already allocated.

iii) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

NRW have confirmed they are satisfied subject to the imposition of appropriate conditions.

6.5.7 The majority of habitat on site is of low ecological importance. Boundary hedgerows with trees, standalone trees in the fields and ditches are of greater importance. Most hedgerows will be retained but there will be some breaks for access created and internal losses.

6.5.8 Biodiversity comments provided relating to proposed active travel connections on Watery Lane have concluded that the works required to Route A are unlikely to affect priority habitats or protected species. With Route B, it is concluded that provided suitable designs informed by the ecological surveys are delivered, there is unlikely to be a significant negative impact on ecological features because of active travel links.

6.5.9 The site is within the nutrient sensitive catchment for River Wye SSSI and SAC. The development will connect to the main sewer served by Wyesham WwTW. NRW Guidance v4 states that where developments connect to a WwTW which has a permit reviewed against revised conservation objectives, there is unlikely to be a significant effect on the SAC if there is capacity in the system. DCWW have a permit and are undertaking works to improve treatment facilities in order to meet the limits set by the permit; NRW have recommended a condition is used to ensure that there are no active connections to the sewer before DCWW have confirmed they have capacity and can meet the permit limits.

6.5.10 Planning decisions must result in maintained and enhanced ecological networks and must deliver net benefits for biodiversity. Enhancements must be secured by delivering a biodiversity benefit over and above that required to mitigate or compensate for any negative impact (PPW12, paragraph 6.4.11). The ecological reports demonstrate which features are being avoided, how loss is being minimised and mitigated. As well as compensation habitat a variety of ecological enhancements have been suggested to provide net benefit for biodiversity. A condition is proposed to secure delivery alongside conditions to safeguard habitats and species and ensure the proposal delivers net benefit for biodiversity. The conditions proposed are at the request of both MCC Ecology and NRW, alongside a S106 agreement for a financial contribution to facilitate off-site grassland restoration as required to ensure the development complies with LDP Policy NE1.

6.6 Impact on Amenity

6.6.1 The potential amenity issues for this outline application are those generated by the proposed access from Kingswood Gate with the occupiers of both Belle Etoile and Kingfisher Way, there is also concerns raised with the potential impact of construction traffic accessing the development on residents of Kingswood Gate.

6.6.2 The highway infrastructure has been confirmed by MCC highway engineer as suitable for accommodating this traffic, the issue with noise and disturbance arises from number of traffic (and not problems arising from obstructed traffic). The impact in terms of noise and disturbance upon the occupiers of properties on Belle Etoile Drive and Kingfisher Way can be assessed by way of trip data. Belle Etoile Drive and Kingfisher Way service 65% and 35% of the site respectively. The trip data projects 60 vehicles within those peak periods representing approximately an additional 39 vehicles on Belle Etoile Drive and 21 on Kingfisher Way during peak time. This site has been designed with a heavy emphasis upon active travel to reduce these vehicular trips down further. In view of this it can be concluded that there is not a

significant adverse impact upon residential amenity in this case.

6.6.3 Residential occupation of the Kingswood Gate development occurred well in advance of the final completion of the construction phase of the overall development site and therefore was subject to ongoing construction works and associated traffic. This site is essentially an approved extension of the Kingswood Gate development as per the Local Development Plan site allocation and outline consent under previous planning application DC/2013/00368. However, it is essential that construction traffic is managed and consequently a planning condition is recommended to be imposed for a Construction Traffic Management Plan to be submitted for approval prior to commencement of development.

For the purposes of this outline application, the proposal is acceptable in terms of amenity impacts and complies with relevant planning policy.

6.7 Transport

6.7.1 Sustainable Transport Hierarchy

6.7.2 Active Travel

6.7.2.1 The Active Travel (Wales) Act 2013 places duties on Welsh ministers and local authorities in relation to active travel in Wales. Welsh Government has published comprehensive Active Travel Act guidance (ATAG) covering the duties, principles and providing detailed guidance on design and planning of schemes.

ATAG works alongside Planning Policy Wales to meet the Wales Transport Strategy priorities:

Priority 1: bring services to people to reduce the need to travel

Priority 2: allow people and goods to move easily from door to door by accessible, sustainable and efficient transport services and infrastructure

Priority 3: encourage people to make the change to more sustainable transport

6.7.2.2 Development proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services. Importantly, sustainable transport infrastructure and services should be prioritised and put in place from the outset, before people have moved in and travel patterns have been established.

6.7.2.3 The sustainable transport hierarchy should be used to reduce the need to travel, prevent car dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport. The design of development proposals should, in accordance with the sustainable transport hierarchy, start with identifying the shortest, most attractive walking and cycling connections and then addressing the other transport needs. New development should be integrated with active travel networks and contribute to their expansion and improvement, through the inclusion of well-designed routes and facilities as part of the schemes and financial contributions to pay for off-site connections.

6.7.2.4 Drewen Farm has always been the missing piece of the jigsaw to make this site connect with surrounding key public amenities. This has been set out in the strategic planning policy for the Wonastow Road development.

Strategic Site Policy SAH4 Wonastow Road, Monmouth states:

33.36 hectares at the Wonastow Road, Monmouth, site is allocated for a mixed use residential and employment development. Planning permission will be granted provided that:

...f) A Section 106 Agreement has been signed that, in addition to standard requirements, makes provision for any necessary off-site works to improve pedestrian access to and from the site;

The original outline masterplan illustrates a formal route through to the south of the site as well as a further link to the east through the SINC, which will link in with a right of way through the industrial site which is to be upgraded as part of this development. There is strategically an indicative link labelled on the Master Plan to the north of the site providing connectivity through the Drewen Farm

site to Watery Lane and the Offa's Dyke path and an alternative route to the town centre. The requirement for active travel routes to be accommodated from this site including the link to the north of the site onto Watery Lane has been established from the start.

6.7.2.5 There is existing active travel infrastructure adjacent to the site comprising of the following: Kingswood Gate development provides connections through to the wider pedestrian network within Monmouth, dropped kerbs are generally provided at crossings, with street lighting provided. Watery Lane is identified by MCC online as a 'future route' for pedestrians and cyclists. It provides a connection to the east of the site which links into the pedestrian network in Over Monnow, to the north of Monmouth town centre.

Wonastow Road forms part of National Cycle Network (NCN) Route 423 through Monmouth. It provides a connection to Symonds Yat in the east and Cwmbran to the southwest.

A traffic-free footpath/cyclepath is provided between both Ternata Drive and Opulus Way of the Kingswood Gate development and Wonastow Road to the east of the development. The route measures approximately three metres wide, and is lit and surfaced. It provides connections to the Kingswood Gate estate and onwards east to Monmouth town centre.

The Kingswood Gate Meadow Active Travel Path (PRoW footpath 375 267/1) routes on a broadly east-west alignment to the south of the site, providing a connection between Midsummer Way and Wonastow Road via the Wonastow Road industrial estate, Kings Fee, and Williams Field Lane

6.7.2.6 It is imperative that this site connects with these routes. This application proposes to connect this site internally and externally to Kingswood Gate, the SINC and Watery Lane via footpaths and active travel routes. The site connects with three active travel network routes which are part of the Welsh Government's Active Travel Network Map (ATNM).

MCC-M08A Route Williamsfield Lane Phase 3 is in construction in the SINC south of the site.

MCC-M17B/C A footpath is proposed from Belle Etoile Drive vehicle access south towards the south west corner of the site, in line with PROW comments a surfaced path is now proposed to replace the mown path, for reasons of maintenance and accessibility. These route alignments are to be confirmed within a site plan; with reference to PPW the design of development proposals should, in accordance with the sustainable transport hierarchy, start with identifying the shortest, most attractive walking and cycling connections and then addressing the other transport needs.

MCC-M17A This route along Watery Lane currently fails AT audit for walking. This application significantly improves this route, to safeguard this is a safe and attractive route for active travel users, secured via S278 and S106 agreements. This covers the following:

- Watery Lane to form a quiet lane for the entire length
- Improvements from Watery Lane to access point linking in with St Thomas Road
- Pedestrian links to Jordan Way linking with community facilities beyond.

6.7.2.7 The range and provision of links ensure this proposal complies with national planning policy as set out above, linking the site and adjacent sites to local community facilities, shops, play areas and Monmouth Town Centre.

6.7.2.8 The provision of signage, street design features to increase the visibility of the paths, provision of a map on site and a sustainable travel pack for new residents will maximise accessibility by walking, cycling and public transport with sustainable transport infrastructure and services put in place from the start, before people have moved in and travel patterns have been established.

6.7.2.9 These measures are to be secured through the imposition of relevant conditions, S278 and S106 agreements that cover the costs of implementing works and undertaking the necessary wayfinding, relevant interpretation and signage. The proposal has delivered a comprehensive active travel package, significantly improving links for the benefit of both future occupiers of the site and existing occupiers on adjacent sites, improving active travel access options that are available for them across the development site to different locations as listed above.

6.7.3 Access / Highway Safety

6.7.3.1 The site is an allocated strategic site in the LDP, the principle of the development and the suitability of the location were widely consulted upon as part of the wider Wonastow Road development which consisted of a large mixed development of residential and commercial

buildings, and while the residential element is now complete, there remains some commercial land still to be developed.

6.7.3.2 A Transport Assessment was submitted which considered the impact of the wider allocated site on all related transport modes.

6.7.3.3 There are two separate cul-de-sacs approximately divided along the location of the existing field boundary, the larger site is accessed via a continuation of Belle Etoile Drive (65% of the entire proposal), whilst the northwest site is accessed via a continuation of Kingfisher Way. There is a further emergency access connection (only) to Watery Lane. Regarding the suitability of access, Belle Etoile Drive was designated as a "village street" which was the largest highway design for Kingswood Gate site, with a 5.5m carriageway and 2m footways either side. Kingfisher Way was designated as a "Quiet Lane" under the plans for the existing site, with a 5m carriageway, a 2m footway to the south, and a 1m service strip to the north. Both accesses have been considered in terms of size and existing design and are noted to be continued into the site based on their existing design. The separate accesses have been designed after Road Safety Audit (RSA) advice based on the existing highway design at the access points. The RSA states that their connection would be unlikely to have serious highway safety impacts. There is no vehicle connection between these two access points and both sites are indicated to prioritise pedestrian movement and safety.

6.7.3.4 The original development and the related TA concluded that the existing nearby highway network could handle the trip generation and traffic of the initial development prior to the introduction of the off-site junction rearrangement. This TA has considered the existing highway network, both within the residential site and the neighbouring areas.

6.7.3.5 The trip data provided during the morning and evening peaks, result in an approximate additional 60 vehicles within those peaks, when combined with the 180 vehicles, with a trip rate of 0.5 based on the existing 340 dwellings, the proposed total of approximately 240 vehicles in each peak is considered acceptable for the design of the existing residential area. Whilst additional junction capacity analysis shows the Kingswood Gate roundabout will operate within capacity despite the increase in volume. The TIA demonstrates that most of the increased traffic volume impact will be localised within the residential site, with minor impact on the wider highway network and is acceptable in this case.

6.7.3.6 There are concerns raised by third parties regarding parking and the accessibility of the highway network. A parking survey was undertaken in the evening, during which the site would be expected to have the highest level of on-street parking stress. It noted that the main routes do not suffer from high levels of on-street parking and excluding some instances of inconsiderate parking near junctions and on sharp corners, the application site is accessible. The site is served by public transport, namely the M3 bus route which enters the site and connects into the town centre, the existing bus service has confirmed accessibility regardless of on-street parking. Personal injury collision data was collected for the nearby highway network showing no pattern of concern for the existing site.

6.7.3.7 The TA considers the site within the framework of the active travel hierarchy. Pedestrian/cycle routes (connections) would follow the footways within the existing residential development, and proposed footpath connections to the south of the site, and a further one onto Watery Lane.

Watery Lane has been identified as a future active travel route; however it is currently a low-trafficked rural lane that forms the boundary of the urbanised area. The footpath to the south forms part of the active travel path being upgraded by the Local Authority.

6.7.3.8 There are concerns raised about the emergency route to/from Watery Lane. This does not form a standard site access for residents/visitors by car, and would serve emergency vehicles only, in the case the other routes are inaccessible or obstructed and/or this provides the quickest most effective access point given the location and circumstances of the incident. This access provides visibility splays for more than 90m. Watery Lane is a low trafficked route and the infrequent proposed use by emergency vehicles is therefore acceptable.

6.7.3.9 The indicative layout shows the approximate relationship of the public/private streets, detailed plans submitted as part of the reserved matters application will need to demonstrate that

all roads intended for adoption must be designed to existing standards with appropriate turning provision at their termination points and appropriate footway widths depending on the environment. Clear distinction by way of materials and/or design should be incorporated to indicate the limit of the public highway.

6.7.3.10 Construction traffic, number /type of vehicles, access routes and timings are an issue; this is beyond the scope of the outline application. To address this, it is recommended that a condition is imposed to require submission and approval of an appropriate Construction Traffic Management Plan that considers the access route through the existing residential site and/or surrounding areas, especially regarding their feasibility with vehicle types travelling through the existing estate.

6.7.3.11 From the information provided at outline stage, namely the TA and other supporting detail/ drawings there are no highway objections to the outline application. It is considered that the existing highway network and accesses are acceptable for the proposed development and associated increase in traffic volumes.

6.7.3.12 The Highway Authority offer no objection subject to appropriate conditions being applied and the securing of a Section 278 Agreement.

6.7.4 Parking

6.7.4.1 This is a matter to be considered as part of the detailed reserved matters application, although it is noteworthy that the applicant has considered the current MCC Local Parking Standards that stipulate the requirement that each property provides one parking per bedroom, up to a maximum requirement of three spaces per property.

6.8 Affordable Housing

6.8.1 MCC's Affordable Housing Supplementary Planning Guidance (SPG) requires the 'pepper potting' of affordable housing, rather than provision in enclaves. As this is an outline planning application the location of the affordable dwellings will be part of any detailed application. The mix and balance of house types and sizes provided will cater for a range of objectively identified needs in Monmouthshire, thus contributing positively towards the creation of sustainable communities.

6.8.2 The housing mix required has been provided by the MCC Housing Officer and provides 39 units (35% of the numbers given) comprising a mix of 1 bed flats (walk ups) and 2, 3 and 4 bed houses and 2 bed bungalows.

6.8.3 This provision would be secured via a S106 agreement and delivers the required proportion of affordable housing, in accordance with relevant planning policy.

6.9 Flooding

6.9.1 A Drainage Strategy and Flood Risk Assessment has been submitted with this application to understand whether there are expected to be any likely significant environmental effects arising from the proposal in relation to flooding. The Flood Risk Assessment confirms that the application site sits entirely within Flood Zone A (Flood Zone 1 according to the new Flood Map for Planning) and therefore is at low risk of flooding from coastal and fluvial sources.

This has been confirmed by the Flood Map for Planning, provided by Natural Resources Wales, this shows the site to be in Flood Zone 1 (an area with a less than 0.1% chance of flooding in a given year) for flooding from rivers.

6.9.2 Most of the site is shown to be in Flood Zone 1 for surface water flooding. Low lying parts of the site, generally around field boundaries are shown to be in Flood Zones 2 and 3 for surface water flooding. This reflects known surface water flows across low permeability, sloping countryside. These flows are typical in the locality and such flows have caused difficulty to nearby housing developments. It is noted that an overland flow ditch has been included on plans for the development. The purpose of this ditch is to collect and safely discharge these flows.

The proposal does not trigger issues of flooding, while surface water is addressed in more detail below.

6.10 Drainage

6.10.1 Foul Drainage

6.10.1.1 The adjacent Kingswood Gate site discharges via a pumping station. As part of their design an allowance for 110 units was included for this development, which has been confirmed by DCWW. Foul flows from the proposed development will connect into the adjacent development via gravity. DCWW have previously confirmed that there is capacity in their wastewater treatment works for the 110 units however there will need to be a hydraulic modelling assessment undertaken.

6.10.1.2 The site is within the nutrient sensitive catchment for River Wye SSSI and SAC. The development will connect to the main sewer served by Wyesham WwTW. NRW Guidance v4 states that where developments connect to a WwTW which has a permit reviewed against revised conservation objectives, there is unlikely to be a significant effect on the SAC if there is capacity in the system. DCWW have a permit and are undertaking works to improve treatment facilities in order to meet the limits set by the permit; NRW have recommended a condition is used to ensure that there are no active connections to the sewer before DCWW have confirmed they have capacity and can meet the permit limits. A planning condition is recommended accordingly.

6.10.2 Surface Water Drainage

6.10.2.1 It is proposed to use multiple SuDS features for both water quality treatment and conveyance. The supporting information states that most of the site roads will use rain gardens to intercept run off with the remainder using permeable surfacing. Dwellings will have permeable driveways as well as water butts and proprietary drainage systems to treat roof water run-off. The rain gardens will also act as a form of conveyance to link up the multiple detention basins across the development. Attenuation will be provided in five detention basins, with some permanent water features provided in the larger end basin.

6.10.2.2 The site will discharge surface water via a pipe along the drainage spur as included to a watercourse to the south-east.

6.10.2.3 It is recognised that there are complications and issues with the surface water drainage, this is an issue that is to be covered at reserved matters stage. The land drainage condition has been framed to ensure comprehensive details are to be submitted as part of the reserved matters agreement.

This condition requires the detailed design of flood alleviation measures to protect the site to be submitted to and approved in writing by the Local Planning Authority. The flood alleviation measures must protect the development from surface water flows from higher land to the north and west and not place other dwellings and infrastructure at increased flood risk. Detailed design of the flood alleviation measures should consider maintaining some flows in the blind ditch at the southern corner of the site. These flows currently spread across the SINC and have a role in the biodiversity of this location. Full detailed cross sections showing the construction details for the overland flow ditch feature including planting specifications, materials to be used, erosion protection measures and a maintenance plan must be delivered.

6.10.2.4 The information provided is satisfactory for the purposes of this outline application subject to securing the required details as covered by the planning condition as part of the detailed reserved matters submission. The proposal accords with relevant planning policy in respect of surface water drainage.

6.11 Contaminated Land

6.11.1 There is reference made in neighbour representations that there was previously a firing range on site with the potential implications for contaminated land. Environmental Health have been consulted on this proposal, and no concern has been raised.

6.12 Noise

6.12.1 MCC Environmental Health have raised concern regarding the proximity of the site to the

industrial site and potential amenity concerns arising from noise. Existing noise sources include but are not restricted to mechanical plant noise, noise from vehicle movements etc., at the nearby industrial estates. It is recommended therefore as part of the reserved matters application that a noise assessment be provided assessing the impact of the existing noise sources, including those at the above locations, on both the internal and external elements of the proposed development. The assessment report should include any proposed noise mitigation measures that will be implemented at the residential development.

Full regard should be given to the Acoustics, Ventilation and Overheating Residential Guide Jan 2020 as part of an integrated approach to consider noise, ventilation, and overheating in the proposed residential development. The noise impact of the proposed heating systems should also be considered where for example, Air Source Heat Pumps/Ground Source Heat Pumps or similar plant is to be utilised.

6.12.2 It is advised therefore that conditions are imposed ensuring that a noise assessment is submitted and approved, with a further condition proposed requiring a Construction Environment Management Plan to be submitted with the reserved matters application; this will detail how the creation and impact of issues such as noise, vibration, dust throughout the various stages of the development process from site preparation, groundwork and construction phases through to completion of the development, will be managed. Subject to these conditions being imposed the application complies with relevant planning policy.

6.13 Planning Obligations

S106 Heads of Terms

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution, then delegated powers be granted to officers to refuse the application.

Proposed Heads of Terms:

1. Affordable Housing: 35% of the total units constructed on the land pursuant to the development and the term 'Affordable Housing Unit' shall be construed accordingly to be provided as Affordable Housing contribution Number of units (110 @ 35% = 39 units)

2-person 1 bedroom flat* 62%

*walk ups, blocks of 4

4-person 2-bedroom house 23%

5-person 3-bedroom house 10%

7-person 4-bedroom house 3%

Number of units (110 @ 35% = 39 units)

For the purposes of viability modelling it can be assumed that 100% of the affordable housing units will be for social rent.

2. Play/Open Space: Off Site Play contribution to be circa £58,000 (for 71 homes working on basis of 35% affordable) to be spent on fixed play within the vicinity of the site - this is likely to be spent on the open space at Rockfield Park (next to the Rockfield Community Centre) or possibly in Drybridge Park, both of which again are easily accessible from Drewen Farm. (active travel links)

3. Biodiversity contribution: SINC site a sum circa £40-£45k (made up of: - 2 cut and collects per year and disposal of arisings £1800 / cut x 2 x 10 years = £36,000. plus, circa £4-£9k for initial restoration post drainage installation)

4. Sustainable Transport £255k This covers walking, cycling and bus services. £150k for implementation of active travel routes and £90k for bus service, £15k for a designer commissioned by MCC to undertake the design of route b and c.

5. PROW Off-site routes. A contribution of £2,500 to the maintenance and improvement of the local PROW network as a result of increased use. For improvements within a one-mile radius of this site.

6. Education contribution - this is 23 pupils aged 9-11 = £676,388 / 65

7. S 278 Agreement

- A) The applicant will be required to enter Section 278 Highways Act 1980 with the Highway Authority for the construction of the approved means of access onto the adjacent access roads Kingfisher Way and Belle Etoile Drive (if adopted as public highway).
- B) The applicant is required enter Section 278 Highways Act 1980 with the Highway Authority for the proposed emergency access and proposed improvements on Watery Lane.

6.14 Response to the Representations of Third Parties and/or Community/Town Council

6.14.1 There are many representations received from third parties including neighbours and the Town Council.

In addition to the assessment of the planning application above, there are several points that have been raised which are being directly addressed below:

MCC Highway Authority confirm that Watery Lane is not being promoted as vehicle access to the proposed Drewen Farm development site. Access to the development will be from the Kingswood Gate site. Watery Lane is only being promoted as an Active Travel route for pedestrians/cyclists. Appropriate measures will be considered to manage access onto Watery Lane for pedestrians/cyclists whilst ensuring provision for emergency vehicles only.

Emergency access is to be provided on Watery Lane. Details of which are yet to be considered. It will not be controlled using a rising bollard. No traffic other than emergency vehicles is being promoted for use on Watery Lane. Access is promoted through the Kingswood Gate development as this is essentially an extension of Kingswood Gate development approved under application DC/2013/00368. A condition is recommended to secure this

The overall LDP application included both the Kingswood Gate and Drewen Farm sites and a Transport Assessment was submitted which accounted for both sites. The Kingswood Gate outline application DM/2013/00368 also considered the Drewen Farm allocation which was approved. However, only the Kingswood Gate development was delivered. The Drewen Farm site is essentially an extension of the Kingswood Gate development which provides the overall residential development in accordance with the LDP site allocation.

Primary access will be via Kingswood Gate.

Residential occupation of the Kingswood Gate development occurred well in advance of the final completion of the construction phase of the overall development site and therefore was subject to ongoing construction works and associated traffic.

The Highway Authority has requested that a planning condition be applied to any planning consent for a Construction Traffic Management Plan to be submitted prior to commencement of any development.

The Highway Authority would ensure that no construction traffic or any other traffic uses Watery Lane and that all construction traffic accesses the site via the appropriate routes in the Kingswood Gate development. No access from Watery Lane will be made available.

In relation to the EIA screening opinion, an EIA screening process is not subject to public consultation, although the documents and responses are made public.

The application site is the allocated site in the LDP, the drainage spur as shown is a potential route for surface water drainage, and crucially there is no built form (e.g. gardens and houses) beyond the allocated LDP site; what is indicated as being outside of the boundary is a potential drain. Thus, we are content that the site can be considered to be in compliance with the terms of the current allocation in the adopted LDP.

Ownership certificates - the agent has confirmed that all owners have been formally notified of the planning application.

Lane is welcomed, improving the permeability of the local street network for walking and cycling, and improving connections to local facilities. It is expected that filtered active travel access from/to Watery Lane and the site will lead to an increase in walking and cycling on Watery Lane, however no day-to-day increase in vehicle traffic will be created by the proposed development. The narrowness of Watery Lane means that footways have not been included in the highway design. The historic arrangement has been for all modes to share the carriageway, and the proposal is that this arrangement will continue. Watery Lane is one of several route options and is designed to serve journeys towards Rockfield community centre, with a largely off-road route oriented more towards the town centre provided via the Kingswood Gate AT path to Kings Fee through the meadow south of the Drewen Farm site (construction underway).

No proposal to cover the large extent of open brook along Watery Lane. A bridge over the brook may be required to improve access at north end) Proposed Active Travel Route B (between Watery Lane and Jordan Way) will require the establishment of a structure to cross the channelised stream along Watery Lane.

The detailed design of the structure will be undertaken by MCC and will be subject to separate approval. Given the nature of the crossing required, a sympathetic design could be achieved to maintain the character of the area.

PPW does not restrict the need to improve Active Travel to PROWs, the sites must contribute to the Active Travel Network.

Land drainage - it is recognised that there are complications and issues with the surface water drainage, this is an issue that is to be covered at reserved matters stage. The land drainage condition has been framed to ensure all details are to be submitted as part of the reserved matters agreement. Detailed design of the SuDS would be required (to support a future application for approval of reserved matters and an application for SuDS Approval).

The Flood Map for Planning, provided by Natural Resources Wales, shows the site to be in Flood Zone 1 (an area with a less than 0.1% chance of flooding in a given year) for flooding from rivers. Most of the site is shown to be in Flood Zone 1 for surface water flooding. Low lying parts of the site, generally around field boundaries are shown to be in Flood Zones 2 and 3 for surface water flooding. This reflects known surface water flows across low permeability sloping countryside.

The Drainage Strategy for the site does not propose to discharge surface water to Watery Lane.

The Drainage Strategy demonstrates for the purposes of this application that there is potentially a satisfactory solution to managing existing surface water by establishment of a cut-off ditch and surface water generated by the development by discharge into the existing watercourse at the south-eastern corner of the existing ponds and basins. The final drainage design will be subject to SAB approval which will ensure that an appropriate drainage strategy is adopted

The assessments submitted with this planning application provide an assessment of the impact of the development of the Drewen Farm site. Where necessary, assessments including the Flood Risk and Drainage Strategy, Transport Assessment and Design and Access Statement consider surrounding land uses, including the Kingswood Gate development and existing development along Watery Lane. The overland flow ditch has been fully considered in the Flood Risk Assessment and Drainage Strategy which demonstrates for the purposes of this outline application that surface water flows will be managed such that the development will not result in increased flood risk.

The existing surface water flooding issues at the site are known, as set out in the Flood Risk Assessment. The drainage strategy demonstrates for the purposes of the outline application that existing surface water flow can be adequately managed by establishment of a cut-off ditch and surface water generated by the development can be adequately managed by discharge into the existing watercourse at the south-eastern corner of the existing ponds and basins.

Design and Access Report is questioned with annotation on aerial photo. There is a misrepresentation in terms of consistency, accuracy of description or actual length of blue line shown.

The image contained within the DAS is provided for illustrative purposes only. The agent has confirmed that the drainage strategy provides a accurate depiction of surface water flow.

Ditches were identified as dry at the time of the ecology surveys, however, it is acknowledged in

the Flood Risk Assessment and Drainage Strategy that these are not permanently dry. The detention basins have been sized to accommodate all existing flows within the site and flows to be generated by the development.

The off-site drainage route engineering drawings demonstrate for the purposes of the outline application that the proposed outfall option is satisfactory to manage attenuated flows from the site. The detailed design will be subject to SAB approval prior to the commencement of construction.

The drainage strategy proposes that the detention basins will be lined and will not contribute to existing ground water profiles.

The blind ditch on the southern corner of the site currently exists but has since disappeared together with the length of ditch running along the east boundary of Kingswood Gate.

The applicant has confirmed that the existing ditch that runs to the south from the south-west corner of the site will be retained in its current condition.

The off-site active travel routes will route via areas of known flood risk, however, no residential development is proposed in areas of flood risk. The active travel routes largely follow existing routes that are accessed currently by members of the public.

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

6.15.1 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.

6.16 Conclusion

6.16.1 The proposed development refers to the final part of the strategic site Wonastow road as allocated under Policy SAH4. The principle for this Proposed Development has already been established through the site's allocation for residential development in the Monmouthshire County Council adopted LDP. The proposed development would complete the housing dwelling allocation including affordable housing for the strategic LDP Site. The application delivers a layout plan with provision of a range of housing types, sizes and tenures; new pedestrian and cycle links which will connect all residents to surrounding developments; vehicular connection to the completed existing part of the Wonastow Road strategic site allocation; use of sustainable urban drainage systems.

6.16.2 The layout plans also provide an opportunity to enhance and improve the existing landscape via the implementation of proposed landscape mitigation measures; this includes protection and enhancement of existing trees, woodland and hedgerows; measures to deliver net benefits for biodiversity and ecosystem resilience; and the provision of meaningful and multifunctional public open space which will include 'play on the way' features, a community orchard and community growing space.

6.16.3 Landscape and green infrastructure are key to the design of this scheme, with a condensed residential area designed as a sequence of streets with frontage addressing all the surrounding context, maximising open space. The proposals seek to deliver considered and proven design principles in terms of general principles of form and structure while respecting the landscape and built context, providing strong green links within and through the development, and promoting sustainable transport movements. The design caters for the sensitive development on an allocated site for 110 dwellings of mixed housing types and tenure with a range of landscape space and green infrastructure enhancements. Furthermore, this application accords with the conclusions of the committee report for ref: DC/2013/00368 (Outline application for Strategic Site SAH4 Wonastow Road) with regards to off-site works; a need was identified to provide public footpath and cycle links from the development site to Monmouth town centre through the Drewen Farm site to Watery Lane.

6.16.4 An assessment of the Proposed Development against relevant national and local planning policy considerations has been undertaken, and the proposed development has been found to

be in accordance with the LDP as a whole, Future Wales and Planning Policy Wales¹². All seek to ensure the provision of sustainable development and good design in all development proposals, considering energy efficiency, public open space, footpaths and cycleways, biodiversity, affordable housing and sustainable modes of travel. The application is recommended for approval accordingly.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Proposed Heads of Terms:

As set out in section 6.13 above, but included below for ease of reference:

1. Affordable Housing: 35% of the total units constructed on the land pursuant to the development and the term 'Affordable Housing Unit' shall be construed accordingly to be provided as Affordable Housing contribution Number of units (110 @ 35% = 39 units)

2 person 1 bedroom flat*	62%
*walk ups, blocks of 4	
4 person 2 bedroom house	23%
5 person 3 bedroom house	10%
7 person 4 bedroom house	3%

 Number of units (110 @ 35% = 39 units)
 For the purposes of viability modelling it can be assumed that 100% of the affordable housing units will be for social rent.
2. Play/Open Space: Off Site Play contribution to be circa £58,000 (for 71 homes working on basis of 35% affordable) to be spent on fixed play within the vicinity of the site - this is likely to be spent on the open space at Rockfield Park (next to the Rockfield Community Centre) or possibly in Drybridge Park, both of which again are easily accessible from Drewen Farm. (active travel links)
3. Biodiversity contribution: SINC site a sum circa £40-£45k (made up of:- 2 cut and collects per year and disposal of arisings £1800 / cut x 2 x 10 years = £36,000 . plus circa £4-£9k for initial restoration post drainage installation)
4. Sustainable Transport £255k This covers walking, cycling and bus services. £150k for implementation of active travel routes and £90k for bus service, £15k for a designer commissioned by MCC to undertake the design of route b and c.
5. PROW Off site routes. A contribution of £2,500 to the maintenance and improvement of the local PROW network as result of increased use. For improvements within a one-mile radius of the is Offsite Mitigation
6. Education contribution This is 23 pupils x 29,406 = 676,388 / 65% = £439,652

Section 278 Agreement

A) The applicant will be required to enter a Section 278 Highways Act 1980 with the Highway Authority for the construction of the approved means of access onto the adjacent access roads Kingfisher Way and Belle Etoile Drive (if adopted as public highway).

B) The applicant is required enter a Section 278 Highways Act 1980 with the Highway Authority for the proposed emergency access and proposed improvements on Watery Lane.

Conditions:

- 1 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the

reserved matters to be approved, whichever is the later.

REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.

2 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

REASON: The application is in outline only.

3 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.

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 protect local amenity in accordance with LDP Policy EP1

5 No site clearance or construction work shall commence until the detailed design of flood alleviation measures to protect the site has been submitted to and approved in writing by the Local Planning Authority. The flood alleviation measures must protect the development from surface water flows from higher land to the north and west. The flood alleviation measures must not place other dwellings and infrastructure at increased flood risk. Detailed design of the flood alleviation measures should consider maintaining some flows in the blind ditch at the southern corner of the site. These flows currently spread across the SINC and have a role in the biodiversity of this location. The submission for discharge of this condition must include the following:

- a) Detailed cross sections, long section and plan drawings showing the construction details for the overland flow ditch feature including planting specifications, materials used, erosion protection measures and a maintenance plan.
- b) An assessment of the consequences of blockage/failure at any locations noted to be at risk of blockage or failure. These consequences must not include internal flooding of dwellings on or off the site.
- c) An assessment of the consequences of construction of the flood alleviation measures on downstream receptors, principally dwellings at risk of flooding from the receiving watercourse(s). The flood alleviation measures shall be carried out in accordance with the approved drawings and retained for the lifetime of the development which they serve.

REASON: To protect the development from known surface water flows.

6 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

7 No part of the development hereby approved shall be connected to any means of foul disposal nor occupied for human habitation until details have been submitted to and approved in writing by the Local Planning Authority which confirms that that the planned reinforcement works at Monmouth (Wyesham) WWTW have been completed and that they are able to accommodate the foul flows from the development

REASON: To safeguard the water quality and biodiversity interest of River Wye SAC in

8 No development shall take place until a SINC Protection and Restoration Plan has been provided has been submitted to and approved in writing by the local planning authority. The plan shall identify at minimum:

- 1) Measures to minimise SINC damage during construction, including
 - a) Risk assessment of potentially damaging construction activities;
 - b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - c) The times during construction when specialist ecologists need to be present on site to oversee works;
- 2) Measures to restore the SINC following completion, including
 - a) Purpose and conservation objectives for the proposed works.
 - b) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - c) Details of initial aftercare and long-term maintenance for an appropriate timeframe to ensure establishment
 - d) Details for monitoring and remedial measures.
 - e) Timetable for implementation, including commencing remediation in the first growing season after completion

The plan must also identify responsible persons and lines of communication. The approved plan 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 protected sites and species and ensure the SINC is restored to comply with Environment (Wales) Act 2016 and LDP Policy NE1.

9 No development shall take place until a Green Infrastructure Management Plan has been submitted to and approved by the local planning authority. The GI Management Plan will be based on the recommendations in the approved report "Ecological Appraisal. Land at Drewen Farm. EDP, dated October 2024, document ref edp2843_r009b" and include at minimum

- a) Description and evaluation of habitats and ecological features present and to be created on site
- b) Details of the desired conditions of features (present and created) on site
- c) Management prescriptions to achieve the desired conditions, including short-term establishment and longer-term management for the life time of the development
- d) Details of scheduling and timings of activities
- e) Details of monitoring requirements and remedial measures including replacement of features if they become damaged or diseased
- f) Details of the body or organisation responsible for implementation of the plan, as well as legal and funding mechanisms to secure long-term implementation.

The approved plan will be implemented in accordance with the approved details

REASON: To safeguard priority habitats and protected species and ensure the development delivers a net benefit for biodiversity in accordance with Environment (Wales) Act 2016, Planning Policy Wales and LDP policy NE1.

10 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- a) Construction methods: how waste generated, stored, transported and disposed of will be managed (in compliance with the Duty of Care Regulations);
- b) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- c) Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- d) Soil Management: details of topsoil strip, storage and amelioration for re-use. Mitigation methods to ensure no mobilisation into any ditch, stream or watercourse.
- e) Control of Nuisances: details of restrictions to be applied during construction including timing,

duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; and measures to control light spill.

f) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management.

g) Traffic Management: details of site deliveries, plant on site, wheel wash facilities including how contaminated water will be managed.

h) 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. (see also Soil Management and General Site Management).

i) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

j) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

REASON: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

11 Prior to development commencing a winter assessment of intervisibility with key receptors as identified in the LANDSCAPE AND VISUAL APPRAISAL GLS_083_158_1000_LVA REV.A is required to inform detailed design proposals.

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

12 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:

- Detailed scaled plans, showing existing and proposed levels
Proposed and existing utilities/services above and below ground.
- 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.
- Hard landscape materials to include surfacing, SuDS, location of proposed lighting, fencing, gates, minor artefacts, 'play on the way', growing space and structures (e.g. signs, benches, bins, stores). Lighting strategy

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

13 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.

14 An appropriately scaled Green Infrastructure / landscape Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall include the following:-

a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan.

- a. Boundary buffers
- b. Green corridors
- c. Landscaping and SuDS features that include soft landscaping
- d. Ecological enhancements
- b) Opportunities for enhancement to be incorporated
- a. Management of treed, grass and planted boundaries for GI and biodiversity
- b. Maintain habitat connectivity through the site for species
- c) Trends and constraints on site that might influence management of above features.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery as appropriate. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

15 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, DES 1, S13, and GI 1 and NE1.

16 Parking provision in accordance with supplementary planning guidance, Monmouthshire Parking Standards 2012, shall be provided within the site and retained thereafter.

REASON: To safeguard appropriate highway impact in accordance with LDP Policy MV1.

17 Prior to the installation of any external lighting on the site a scheme for the external lighting of the development has been submitted to and approved in writing by the local planning authority. The scheme shall be based upon the "Lighting Impact Assessment report, produced by MEC Consulting Group, dated October 2024" and shall be designed to comply with the lighting standards for Environmental Zone E2 (Rural) set out in 'Guidance Note 1 for the Reduction of Obtrusive Light' (2021) and 'Guidance Note 8 'Bats and Artificial Lighting in the UK' (2023) from the Institute of Lighting Professionals. The external lighting shall thereafter be installed and retained in accordance with the approved details for the lifetime of the development

REASON: To safeguard protected species in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2017

18 No development shall commence until a drainage scheme including the provision for foul, surface and land water, and an assessment of the potential to dispose of surface water by sustainable means has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented strictly in accordance with the approved details prior to the occupation of the development hereby approved and shall remain in perpetuity. Thereafter, no further foul, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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.

19 No development other than demolition and remediation works shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

REASON: To ensure a satisfactory form of development

20 Works shall be carried out in accordance with the mitigation described in the approved report "Outline Dormouse Mitigation Strategy. Land at Drewen Farm. EDP, dated October 2024, document ref edp2843_r010a". The mitigation shall be implemented in full and any subsequent amendments provided to the Local Planning Authority for record and enforcement purposes.

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

21 No part of the development hereby approved shall be connected to any means of foul disposal nor occupied for human habitation until details have been submitted to and approved in writing by the Local Planning Authority which confirms that that the planned reinforcement works at Monmouth (Wyesham) WWTW have been completed and that they are able to accommodate the foul flows from the development.

REASON: To prevent 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.

22 There shall be no vehicular access to the development site for construction or residential traffic from Watery Lane. The access onto Watery Lane is to be retained for pedestrians/cyclists and emergency vehicle access only.

REASON In the interests of Highway safety to comply with Local Development Plan Policy MV1

**Application
Number:**
DM/2024/0
1513

Proposal: This is an existing double garage with flat over, approved under application number DM/2021/01503. The application seeks to change the use of the flat to an air b&b. There will be no construction or alteration to the internal layout as approved. The bnb will let out to a 1 car family, couple or party of max 3 people. The building had building regulation approval upon completion of construction in 2023.

Address: Rosewood, A48 Chepstow Garden Centre to Pwllmeyric Hill,
Pwllmeyric, Monmouthshire, NP16 6LA

Applicant: Julie Haward

Plans: All Drawings/Plans 1030-AMT-103 - As Constructed, Location Plan 1030-AMT-190 - , Elevations - Proposed 1014 101 Rev D - , Green Infrastructure Appraisal/Statement - , Landscaping Plan Planting Plan - PP0004, Landscaping Plan Tree Planting Plan - PP003,

RECOMMENDATION: Approve

Case Officer: Kate Young
Date Valid: 10.02.2025

This application is presented to Planning Committee at the request of the local member, Councillor Brown

1.0 APPLICATION DETAILS

1.1 Site Description

Rosewood is a detached, two-storey dwelling accessed via a section of private drive to the north of the A48. The site is within the settlement boundary as identified by the Monmouthshire Local Development Plan (LDP) and is within a residential area. The site is adjacent to a limestone safeguarding area, a main village site as allocated by the LDP and a Cadw Registered Area. There is a group TPO which covers three pine trees on the site (TPO REF; MDC:3/G5). There is a public footpath running to the south of the site.

In November 2022 Planning permission was granted for alterations to the dwelling which included a detached double garage with a flat above. That garage has now been built. It measures approximately 8.1m by 7.8m, it is finished in white render and has a dormer window on the front elevation.

1.2 Proposal Description

This current full application seeks the change of use of the first floor flat into holiday let accommodation. The proposal does not involve any alterations to the building and the garage on the ground floor would be retained. The existing vehicular access will be utilised. The flat is located within the roof space of the garage and has an internal floor area of approximately 7 metres by 4.4 metres. It comprises of one open-plan room (living, dining, bedroom and kitchen) and a separate bathroom.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/01503	2 Storey rear extension	Approved 04.11.2022	
DM/2021/02072	Removal of three Pine trees	Refused	03.02.2022
DM/2022/01736	Removal of Three Pine Trees close to the property, directly within the ownership boundary. Mitigation of the felled trees shown in the sites landscape plans		Approved 24.01.2023
DM/2023/00005	Discharge of condition 5 (schedule of biodiversity enhancement measures) for planning Decision DM/2021/01503.		Approved 05.10.2023
DM/2023/00231	Discharge of condition 8 relating to planning application DM/2021/01503: Plan showing Approved drainage scheme - JPCEJH-2021-001A.		Approved 14.03.2023

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S11 LDP Visitor Economy

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S16 LDP Transport

S17 LDP Place Making and Design

Development Management Policies

GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

Supplementary Planning Guidance

Domestic Garages SPG (January 2013):
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Domestic-Garage-SPG-Jan-2013.pdf>

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

Sustainable Tourism Accommodation Supplementary Planning Guidance
November 2017

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

Mathern Community Council – Objects.

We are in support of local residents' concerns over the current state of the private driveway and the increased traffic this will encourage. We would request that this application be referred to committee for decision.

Dwr Cymru-Welsh Water - Comments below:

We have reviewed the information submitted as part of the application and note that the intention is for surface water to be disposed of via the main sewer. We recognise that the assessment of

this method of disposal is the responsibility of the Lead Local Flood Authority / SAB, however, the public sewerage system in the immediate area is a foul only line. We refer to Planning Policy Wales which acknowledges that legislation prohibits the discharge of surface water to foul sewers. Given that this is a change of use application, we request, to ensure there is no increase in surface water entering our assets a condition and advisory note is included in any subsequent grant of planning consent.

MCC Tree Officer - No objection.

MCC Highways - No objection.

MCC Public Rights of Way – No objection.

Office for Nuclear Regulation - No objection.

5.2 Neighbour Notification

Letters of objection from two addresses, raising the following areas of concern:

- Increased stress on the existing private access off the A48,
- The access also serves as a PRoW and there is no provision for pedestrian/vehicle separation along the access,
- The current access serves five dwellings which is the limit for this type of access. This is not ancillary accommodation so should be considered a separate dwelling.

5.3 Other Representations

None Received

5.4 Local Member Representations

Councillor Brown

I am concerned about the sharing of the poor access to and from the A48 Pwllmeyric which is in a dangerous location not far from a bend and already serves 5 dwellings and the extra traffic that the air b and b will generate with those staying in the flat above the garage. Highways have not objected but have not commented on the pedestrians who also use this access for the PROW or the number of properties already sharing the access. The application states that the flat will be let out to a one car family, couple or maximum of 3 people. However, this would be extremely difficult to ensure that this happened, and could result in additional visitor cars, together with the main residence having its own parking requirements. It is not possible to see how much parking space is available for this property due to its closed gates. It needs to be treated as a separate dwelling. Policy MV3 - Public Rights of Way is relevant.

Policy MV1 - Proposed Development and Highway Considerations is relevant.

I object to this application as neighbours believe it is beyond the capacity of the dangerous and poor access/egress and the highways report does not appear to have taken all of these factors into consideration including the number of properties that already share this access, the pedestrian PROW which leads from this access, the access being used as a turning circle, the dangers of the busy A48 being close to a junction and near a bend so that it fails to provide safe and easy access and this being equivalent to a separate dwelling and refer this application to the planning committee for their consideration.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

The site is located within the Pwllmeyric Development Boundary and planning permission has already been granted for a small ancillary flat above the garage. This application is seeking the change of use of the ancillary flat into a holiday let facility. The LDP defines sustainable tourism as tourism that is 'economically viable, generates local benefits, is welcomed by and helps support local communities, reduces global environmental impacts and protects/enhances the local environment'.

Sustainable tourism is defined in the European Charter for Sustainable Tourism as 'Any form of development, management or tourist activity which ensures the long-term protection and preservation of natural, cultural and social resources and contributes in a positive and equitable manner to the economic development and well-being of individuals living, working or staying in protected areas.'

In this case it is proposed to convert the existing flat into a short stay holiday let. The flat is very small and could be only let out to one group of tourists at a time. Policy T2 of the LDP is not applicable as the application site is within the settlement's development boundary. It is the general amenity policies that apply. There is no intention to use the holiday let as separate long-term residential accommodation. There is a public footpath running beside the site, that can give access to the hamlet of Mounton and the countryside beyond.

The visitors are likely to remain within the vicinity of the site and use local services and facilities, thereby generating benefits for the local economy, such as the public house in Mathern and the shops in Chepstow. There would be no alterations to the building so that the landscape character of the area would be preserved. The building is existing and therefore accords with some of the sustainability objectives as no new structure would have to be built. If the flat was no longer required for the holiday let use it could revert to an ancillary annex with no harm to the environment. The proposal is therefore broadly in accordance with the objectives of Policy T2 of the LDP and would provide a form of sustainable tourism.

6.2 Sustainability

There is a bus route running through the village of Pwllmeyric which runs to Chepstow and Newport which could service the proposed holiday let, although it is likely that users of the holiday accommodation would drive to reach the site. It is recognised that tourism can never be completely sustainable in the countryside, as the tourists would need to travel to the site and this is inevitably by private car. In relative terms, the site is reasonably sustainable being close to public transport and active travel networks.

6.3 Good Design

The proposed change of use will not result in any physical alterations to the building or the external area it therefore the proposed change of use complies with the requirements of LDP Policy DES1.

6.4 Green Infrastructure and Biodiversity

When approval was granted for the erection of the garage, biodiversity enhancements were provided in the form of raised ridge tiles for bats, bat boxes and bird boxes on the roof and the gable of the garage.

6.5 Footpath

Public Footpath 42 in the community of Mathern runs adjacent to the site of the proposed development but is not affected by this proposal.

The Public Rights of way officer has offered no objection to the proposed change of use.

6.6 Impact on Amenity

Policy EP1 requires all development proposals to have regard to the privacy, amenity and health of occupiers of neighbouring properties. In this case the key issues are the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings, having particular regard to noise, disturbance and privacy.

Officers have considered whether the proposal, which would involve a regular turnover of occupants that would increase the comings and goings of people unconnected to the existing dwelling, would result in unacceptable associated noise and disturbance from people staying in the holiday let.

The context of the existing building is that it is set to the south of the host dwelling and is not immediately flanked on its boundaries by neighbouring dwellings. The building is more than 30 metres from the nearest residential property. There is a thick conifer hedge between the flat and the nearest property, Springfield. Therefore, officers acknowledge that there may be some increase in the level of noise and disturbance from guests using the outside space and vehicles accessing the holiday let. However, this will not be so significant to justify refusal of the application. The proposed holiday let would not cause an unacceptable harm to local amenity, health or the character of the area, and therefore accords with the objectives of Policy EP1 of the LDP. No external alterations, including window openings/alterations are proposed and the change of use would not give rise to any additional issues of loss of privacy or overlooking. As such it would not fail to maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties and as such accords with criterion (d) of Policy DES1 of the LDP.

6.7 Transport

6.7.1 Sustainable Transport Hierarchy

PPW refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the proposed holiday let site can be accessed by a bus service that runs through the village and provides a link to local train stations, particularly Chepstow's. It is recognised that tourism can never be completely sustainable outside of urban settlements, but in relative terms, this site is sustainable in relation to the wider County.

6.7.2 Active Travel

There is a network of public rights of way that can be accessed directly from the site which run towards the village of Mathern, Mounton and the countryside beyond.

6.7.3 Access / Highway Safety

The site is accessed via a private shared driveway that joins the public highway along the classified A48. The site is located off a private lane and there are no requirements for any new or altered vehicular and/or pedestrian access to/from the public highway, no new public roads are to be provided within the site, no new public rights of way are to be provided within or adjacent to the site. Whilst there will be a slight increase in vehicle movements to and from the application site it is accepted that holiday lets tend to be seasonal and are not overly used on an all year-round basis; thus, vehicle trips to and from the site will be relatively infrequent. In addition, due to the nature of the development the traffic generated is very likely to fall outside peak time AM and PM traffic flows and is not considered to have any detrimental impact on highway safety.

Therefore, despite the multiple accesses along this section of private drive, the Highway Authority would be unable to sustain an objection to the use of a holiday let and raise no objection to the proposal

6.7.4 Parking

The existing parking/hardstanding area is sufficient in size and layout to accommodate the required parking space in line with MCC Parking Guidelines and allows vehicles to manoeuvre within the development and exit onto the public highway in a forward gear. The site can provide parking for the holiday let without impacting parking for the main building. The proposal accords with the objectives of Policy MV1 of the LDP.

6.8 Historic Environment

Mounton House Park is within relatively close proximity of the development site but due to the separation distances and screening around the site it is not considered that there would be any unacceptable impact upon the setting of nearby historic assets.

6.9 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 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. In this case, it is proposed to include the following enhancements:

- Raised Ridge Tiles on the garage to allow for bat entry Bat box on gable end of garage
- Bird Box on gable end of garage
- Sparrow terrace on gable end of garage
- Native tree planting along the southern boundary of the site
- Native planting to the east and west of the garage

These are shown on the following drawings:

- Elevation and Sections 101 Rev D
- Three Planting Plan PP004
Planting Plan PP003

The level of biodiversity enhancement submitted with the application is sufficient to meet the requirements of Policy NE1 of the LDP. A GI Statement was included as part of the application and found to be satisfactory.

6.10 Flooding

The site is not in any flood zone identified in the Flood Map for Planning and the Flood Risk Assessment Wales (FRAW).

6.11 Drainage

6.11.1 Foul Drainage

The foul water connects to an existing main sewer. There will be no change to this arrangement because of this proposed change of use. Welsh Water have not objected to the application.

6.11.2 Surface Water Drainage

At the time the garage and extension to the house were constructed SAB approval was granted. There will be no alterations to the surface water as a result of this change of use. Welsh Water

have requested a standard condition that no surface from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system. In this case there will be no increase in the footprint of the building and no increase in impermeable surfaces.

6.12 Response to the Representations of Third Parties and/or Community Council

The Local Member has concerns over the inadequate access off the A48 which serves four other dwellings as well as Rosewood and is concerned that the increase in traffic generated by the holiday let would exacerbate the danger from use of this access especially as people use the area to access the post box. As explained by the Highway Authority in their response to this application for a change of use, the increase in traffic generated by a holiday use is very small as a proportion of vehicles using the access and the vehicle movements tend to be outside of the peak times. It is likely that the visitors to the holiday let would arrive in one car, especially given the very small size of the accommodation. If, however, they did occasionally arrive in more than one car, it would be no more significant than the effect of having visitors visiting the main house. The Councillor is also concerned about the impact of the increase in vehicle movements on pedestrians using the Public Right of Way. Again, the increase in vehicular movements will be very small and it will be only a slight increase above those movements generated by the main house. Neither the Highway Authority nor the Public Rights of Way officers have objected to the application. The Local Member has stated that this application should be considered as a new separate dwelling rather than a holiday let and believes that the proposal results in more than five dwellings being accessed off a shared driveway, contrary to the advice given in the Common Standards. In this case the flat exists and has a floor area of approximately 30m², it is too small to be considered as a separate residential dwelling. Conditions will be imposed to ensure that the flat is retained as a holiday let or an annex (no such condition was imposed on the previous approval for the ancillary flat).

Mathern Community Council support the local residents' concerns over the current state of the private driveway and the increased traffic this will encourage. Letters of objection have been received from two addresses both of which are concerned over the increase in traffic and the impact on the public right of way. Their access from the A48 exists and there are no proposals to alter it. The access already serves five residential dwellings and the increase in traffic resulting from the change of use would be minimal as explained by the Highway Authority who offer no objection to the application. Residents have argued that the holiday let should be considered as a separate residential dwelling however, as explained above, this is not the case.

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

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.

6.14 Conclusion

The site is located within the Pwllmeyric Development Boundary and planning permission has already been granted for an ancillary flat above the garage. This application is seeking the change of use of the ancillary flat into a holiday let facility. There would be no physical alterations to the building so the main issue in this case is the principle of a change of use from ancillary residential accommodation to tourism use. The Council's policies and the advice from the Welsh Government both support sustainable tourism.

The flat is more than 30 metres from the nearest residential property. There is a thick conifer hedge between the flat and the nearest property, Springfield. There may be a very slight increase in the level of noise and disturbance especially from vehicles accessing the holiday let, but this will not be so significant as to justify refusal of the application. The proposed holiday let will not

cause unacceptable harm to local amenity, health or the character of the area, and therefore accords with the objectives of Policy EP1 of the LDP.

The site is located off a private lane and there are no requirements for any new or altered vehicular and/or pedestrian access to/from the public highway. Whilst there will be a slight increase in vehicle movements to and from the application site it is accepted that holiday lets tend to be seasonal and are not overly used on an all year-round basis, therefore vehicle trips to and from the site will be relatively infrequent. In addition, due to the nature of the development the traffic generated is very likely to fall outside peak time AM and PM traffic flows, and is not considered to have any detrimental impact on highway safety.

There is adequate parking provision within the site for both the host dwelling and the proposal. The slight increase in traffic will not significantly impact on users of the PROW and the Rights of Way Officer has offered no objection.

A Green Infrastructure Statement has been submitted and additional biodiversity enhancements are being provided in accordance with policy NE1. There will be no alterations to the foul or surface water arrangements.

The application is considered policy compliant in all respects and presented to Committee with a recommendation of approval subject to conditions limiting the use of the building a holiday let or annex to the main dwelling.

7.0 RECOMMENDATION: APPROVE

Conditions:

- 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 from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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 Notwithstanding the provisions of Part 3 of Schedule 2 Class I of The Town and Country Planning (General Permitted Development Order) (Amendment) (Wales) Order 2022 (or any Order revoking and re-enacting that Order with or without modification) the development hereby approved shall be used for use Class C6 or as an annex to the main house only and for no other use whatsoever. No change of use to either C3, C5, a mixed use of either C3/C5, C5/C6 or C3/C6 is permitted.

REASON: The provision of residential accommodation (Use Classes C3, C5, C3/5 or C5/C6) would not be acceptable in this location.

5 The biodiversity net benefit features for ecology referred to on the planting Plan PP003. The Tree Planting Plan PP004 and the Elevations and Sections 101 Rev D, shall be implemented in full and shall be retained as such in perpetuity.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 12, the Environment (Wales) Act Bio enhancements

6 The development shall be occupied as holiday accommodation or as an annex to the main dwelling only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year

REASON: The provision of permanent residential accommodation would not be acceptable in the open countryside.

7 An up to date register containing details of the names, main home address, dates of arrival and departure of occupants using the holiday accommodation shall be made available for inspection by the Local Planning Authority upon request.

REASON: To ensure the accommodation is used as holiday let accommodation only.

Application Number: DM/2025/00717

Proposal: Application to retain the two existing internally illuminated fascia signs

Address: 43 Frogmore Street, Abergavenny, NP7 5AN

Applicant: Mr Peter Woolley

Plans: Location Plan, Photography AMOS FASCIA SIGN, Photography IL GUSTO FASCIA SIGN, Other Statement - Dated 2nd June 2025,

RECOMMENDATION: Approve

Case Officer: Mr Ryan Bentley
Date Valid: 04.06.2025

This application is presented to Planning Committee at the request of the Local Member

1.0 APPLICATION DETAILS

This application was presented to Planning Committee on the 5th August 2025 with a recommendation for refusal. This was not accepted by Members who resolved to approve the application with conditions. In accordance with protocol, the application has been deferred to the next available Committee to set out the approval with conditions. The following conditions are suggested for consideration in the event that Members consider the current proposal to be acceptable:

Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where any advertisement is required under the above Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (Civil or Military).

REASON: As required to be imposed by Regulation 2(1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

6. Within one month of the date of this consent, the intensity of the illumination of the advertisement permitted by this consent shall be reduced from 300 cd/m² to 150 cd/m². Thereafter, the sign shall at all times accord with the reduced level of illuminance.

REASON: In the interests of public amenity.

The previous report and recommendation are below.

PREVIOUS REPORT (August Meeting)

1.1 Site Description

The application site is No.43 Frogmore Street in the town of Abergavenny. The site is located within the Abergavenny Development Boundary, Central Shopping Area and Conservation Area. The site also has a primary shopping frontage as defined within Policy RET1 of the Adopted Local Development Plan (LDP).

1.2 Proposal Description

This application seeks retrospective express consent to retain the two existing internally illuminated fascia signs.

The first fascia sign has a width of 2.68m and a depth of 0.21m. The height of the fascia is 0.58m, with the maximum height of any lettering being 30cm. The height from the ground is 2.65m. The sign materials are UPC with white text on a black background. The sign is static internally illuminated with an illuminance level of 300 cd/m².

The second fascia sign has a width of 3.6m and a depth of 0.21m. The height of the fascia is 0.58m, with the maximum height of any lettering being 30cm. The height from the ground is 2.65m. The sign materials are UPC with white text on a black background. The sign is static internally illuminated with an illuminance level of 300 cd/m².

For the avoidance of doubt, the hanging advertisement sign is not part of this application.

The scale, detail, design and position of the development is illustrated in full on the submitted drawings/supporting information.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/00336	Proposed use is to allow seating around tables on the outside area plus canopies. Furniture would be moveable.	Approved	18.03.2022
DM/2025/00717	Application to retain the two existing internally illuminated fascia signs.	Pending Determination	
DC/2015/00803	Design variation of planning permission ref: DC/2014/00224 for Change of Use the partial A1 Use at ground floor level to full A3 Use.	Approved	22.09.2015
DC/2015/00863	2 Sets of externally illuminated fascia text. 1 Externally illuminated projected sign.	Approved	15.10.2015

DC/2014/00224	Subdivision and Change of Use of Existing Retail Unit to provide one A1 Unit and one A3 Unit on the Ground Floor and Change of Use of First and Second Floor to Residential C3 Use Comprising 2 no. Flats.	Approved	14.09.2014
DC/2002/00551	Shop Fascia Sign	Refused	09.07.2002
DC/2003/00384	Fascia Signage.	Permitted Development	09.05.2003

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design
S16 LDP Transport

Development Management Policies

HE3 LDP Design of Shop Fronts in Conservation Areas
HE1 LDP Development in Conservation Areas
DES3 LDP Advertisements
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations

4.0 NATIONAL PLANNING POLICY

Future Wales: The National Plan 2040 (2021)
Planning Policy Wales (12th Ed, 2024)
Town and Country Planning Act (Control Of Advertisement) Regulations (1992)
Technical advice note (TAN) 7: Outdoor Advertisement Control
Technical advice note (TAN) 24: Historic Environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

Abergavenny Town Council - Abergavenny Town Council's Environment Committee have discussed this application at their meeting on Wednesday 25th June 2025. We note the comprehensive response in the statement received by Planning on 4th June 2025, and alongside the many other comments received, Abergavenny Town Council would like to recommend approval of the retrospective planning application.

MCC Heritage - As you will no doubt be aware, this building is within the Abergavenny Town Conservation area and the setting of numerous listed buildings in the area, and as such any development should preserve the special interest for which these are designated, including their setting. Seeing the signage is both internally illuminated and high gloss finish, both are starkly modern and not in keeping with shopfront and conservation area guidance, to a point where we have had to refuse similar applications and ultimately appeals and court proceedings to ensure

consistency. As such, we could not support this from a Heritage standpoint and would need to ask the proposal is altered to externally and minimally downlit signage, of matt finish.

Alternative proposal

Noting this is retrospective consent and that signage has been ordered and fitted, it will likely be possible to simply disconnect the signage and fix new matt finished fascia over in same design fitting downlights potentially at strip lighting if necessary.

Further comments: As a summary of how this position was reached:

1. Internal illuminated signs trigger the need for consent and therefore allow consideration as to whether suitable, by definition.
2. This allows the LPA to consider materials and finishes which are traditional and in keeping with the building and area.
3. The building at present (and much of the conservation area) has limited internally lit signage, meaning that would not be in keeping, whilst it also uses the material with an explicit presumption against in policy (PVC type materials) in favour of traditional materials such as wood or signage of matt (painted) appearance.
4. The upshot is the proposed signage is considered not to be in keeping with the council's long held stance on internally illuminated signage nor finishing materials and cannot be supported from a Heritage perspective.

However, we have suggested a reasonable alternative which allows the signage to be retained with some minor changes. (unplugged and matt wrap laminate).

MCC Highways - No objection. The signage details show they do not project into the public highway and are located at a suitable height. The illumination is similar to existing development within the area and therefore is not considered to represent an unusual or distracting impact on traffic. The proposal has minimal impact on the public highway; therefore, we raise no objections.

Welsh Government Transport - The Welsh Government as highway authority for the A40 trunk road does not issue a direction in respect of this application.

MCC Environmental Health - No objection.

5.2 Public Consultation

The application was advertised by means of a site notice and direct neighbour consultation. 12 neighbour comments have been received to date, all in support of the application. Commented as follows:

- Small businesses are woefully under supported.
- The sign adds colour to the town, and makes it look more inviting and vibrant to those driving through.
- In my opinion the restaurant is tastefully and elegantly decorated, inside and outside.
- The signage is in keeping with the restaurant brand. It is not excessively lit, or poorly designed. The sign does not affect the character of the town. This is a beautiful building and the sign compliments it.
- We want this business to continue to attract visitors to our town. It also encourages people to venture to Frogmore St. It highlights the establishment especially in the evenings and winter
- We need to move with the times and allow sensible changes to buildings, especially those that are not listed, and this is one of them. Planning needs to be pragmatic, progressive and sensible.
- I have noticed that national brands seem to be allowed to have such signs.
- Supporting their signage also means supporting small business resilience and the vibrant character that makes Abergavenny unique with it as independent and characterful retailers and eateries.
- It is pretty much perfect.
- This is not the only illuminated sign in town and is far from excessive in style.
- This is a very tasteful sign fully in keeping with the local conservation area. For the Planning Officer to state that it won't get permission because it is "back lit" as opposed to "front lit" shows poor judgement and experience given that the planning department has already approved 4

separate back lit signs for national brands. Above all it demonstrates a dismissive attitude and lack of support for small independent traders in Abergavenny. This sign is perfectly fit for purpose.

-The signage at Il Gusto is modest, well-designed, and entirely consistent with both the Abergavenny Conservation Area and the policy framework set out in Policy DES3. It reflects the established illuminated character of Frogmore Street's vibrant independent quarter, where night-time activity and lighting are integral to the area's identity. The signage has been in place for over three years, poses no harm to amenity or heritage value, and mirrors previously approved schemes including internally illuminated signs granted elsewhere in the Conservation Area.

-On viewing the light generated by the Tesco unit compared to the IL Gusto sign, the IL Gusto sign is obviously more in keeping with the conservation area. The fact that the sign is internally lit is not contrary to any of the Conservation guidelines, there is no reference to internally lit signs in the guidelines.

5.3 Other Representations

Abergavenny and District Civic Society - We support retrospective approval of the application for the reasons set out in the Planning Statement. In the interests of vibrant modern trading areas and consistency, we increasingly see a need for supplementary guidance that clarifies in detail the application of Local Development Plan policy DES3 in town centre Conservation Areas.

5.4 Local Member Representations

County Councillor Laura Wright – has made comments in support of the application. The current signage at Il Gusto is not, in my opinion, problematic within the conservation area. The illumination is not noticeably different to the level of illumination used by the previous business at this location and it is only switched on during the business' operating hours (until 10pm, which is not unreasonable for a hospitality business in this area). There are several businesses nearby that use similar or greater illumination until the same sort of time, e.g. the Tesco opposite. This means that the signage isn't out of keeping with the existing character of the area and does not noticeably add to visual clutter or constitute overdevelopment of the area. I don't believe that it could reasonably be thought to be causing undue disturbance to nearby residents because, as previously stated, the lighting is of a similar level to that used at 43 Frogmore Street for several years previously. I believe that the Town Council also does not object to the signage and would like Il Gusto to be allowed to retain it in its current form. Supporting local businesses in our town centre is vital to our local economy and I do not wish to see unnecessary additional financial pressures applied to this trader.

Further comment: Given the longstanding illuminated signage at this location, the wider character of the Frogmore Street area—where evening activity and lighting are intrinsic to its identity—and the lack of clear policy wording that distinguishes between internal and external illumination in Policy DES3, I believe this application raises issues worthy of Committee consideration.

I also understand that similar signs have previously been permitted under the same policy. A consistent approach should be applied to all businesses in the town centre. I would therefore like to request that the application is referred to Planning Committee for determination.

6.0 EVALUATION

In accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992 and TAN 7: Outdoor Advertisement Control 1996 advertisements consent applications fall to be determined having regard to consideration of visual amenity and public (highway) safety only. Additionally, LDP Policy DES3 provides a number of criteria for applications for advertisement consent to be considered against. Furthermore, LDP Policy HE3 provides a number of criteria for the design of shop fronts in Conservation areas. These have been taken into account as material considerations.

Policy DES3 details that proposals for advertisements will only be permitted where:

a) having regard to the existing number and siting of advertisements in the locality the proposal would not result in an unacceptable clutter of advertisements;

- b) if located within the open countryside they would not unacceptably detract from the rural setting of the locality;
- c) if located in a Conservation Area, they would not unacceptably detract from the character or appearance of the area and if a hanging sign, would not result in undue visual clutter. They should be of an appropriate size and materials for the building from which they hang with a traditional bracket;
- d) if located within the open countryside or Conservation Areas, illumination is only appropriate to uses that reasonably expect to trade at night.

Policy HE3 details:

In Conservation Areas the removal of traditional shop fronts will not be permitted. However, improvements to shop fronts will be permitted where they retain historic features and the proposed improvements are in character with the area. Proposals to replace modern shop fronts will be permitted where they:

- a) replace or restore lost details which will enhance the Conservation Area;
- b) use traditional materials and paint colours in favour of aluminium or UPC;
- c) integrate fully with the surrounding area, and where it replaces two or more units, respects the character of individual units;
- d) have fascia boards and signing in keeping with the design and materials of the character of the building in which they are set; and
- e) use unobtrusive security measures such as internal shutters, toughened glass or traditional timber shutters.

Advertisement consent was granted via DC/2015/00863 for two externally illuminated fascia signs and an externally illuminated projecting sign. The sign had built up letters in polished stainless steel faces and fixed to a plywood fascia panel with an architrave border and finished in satin black. It was externally illuminated by trough lightings. Within the officer report it was concluded that the new shopfront and associated signage represented an improvement in visual terms to that which was existing. Since the approval of DC/2015/00863, a number of restaurants have operated from 43 Frogmore Street, with the most recent being Amos. However, express consent has not been sought for any of the fascia signs since the Prezzo sign was approved.

The current proposals are retrospective and so there is the benefit of viewing the fascia sign in its context in order to make a qualified assessment. It is noted that advertisement consent was previously granted at the site for externally illuminated signs and this is an important consideration. Since the application was approved in 2015, the Abergavenny Conservation Area Appraisal (March 2016) has been adopted and TAN 24 (May 2017) has been issued.

TAN24 states:

6.8 One of the purposes of the advertisement control system is to encourage the display of outdoor advertisements which make a positive contribution to the appearance of the environment. It is reasonable to expect that the local planning authority's duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area will result, in practice, in more exacting standards when the authority considers whether to grant consent for a proposed advertisement in such an area.

PPW 12 also states:

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

43 Frogmore Street is located within character area two of the Abergavenny Conservation Area Appraisal which is known as the historic core. Section 7.3.13 of the Appraisal states that Frogmore Street is consistently well-defined, the appraisal goes on to note that (in section 7.5.2) Market Street, High Street, Frogmore Street and Nevill Street make up the winding commercial frontage of the historic core and there is a good survival of 19th Century and early 20th Century shopfronts, particularly to Frogmore Street. Whilst the building is not listed, it is classed within the Conservation Area Appraisal as making a particular or special contribution. To the front of the business is the Grade II Listed War Memorial, Cadw reference 15662, and to the north is the Grade II listed Abergavenny Baptist Church, Cadw reference 2851.

When travelling along Frogmore Street to Il Gusto, it is notable that the signage along the street incorporates largely simple, traditional finishes with a variety of colour palettes. This is shown on the nearby shops, Carpaninis and Cablenews. Illumination is limited but when used it is mostly external lighting and these factors serve to limit the visual impact of the signage. Thereby preserving the traditional, historic appearance of the street scene and the established character of the Conservation Area. Opposite the site is Auberge whose sign consists of individual lettering that is externally illuminated with downlights. It is also noted that the Tesco store opposite does not have a traditional fascia sign but as this is not illuminated, it reduces the visual impact of the advertisement. The supporting statement highlights the external lighting opposite at Tesco and Auberge. Whilst this is noted, the external lighting has been in situ for a number of years and most of the lighting is not used to illuminate a sign. This application is focused on the acceptability of two internally illuminated fascia signs.

Overall, the signs are designed to attract attention but the use of UPC material is inappropriate and detracts from the character of the Conservation Area. The UPC has a shiny finish and it is a modern synthetic material at odds with its setting. The use of internal illumination exacerbates this shiny finish. The immediate area around the site is characterised by a number of listed buildings and buildings that make a positive contribution to the Conservation Area. Whilst it is noted that a similar fascia sign was previously approved at the site, this sign was externally illuminated rather than the internally illuminated sign that is currently proposed. This application is judged on its own individual planning merits and takes into account national planning policies and the Abergavenny Conservation Area Appraisal which has been adopted since the previous approval. The MCC Heritage officer has also objected to the development and has commented that seeing the signage is both internally illuminated and with a high gloss finish, both are starkly modern and not in keeping with shopfront and conservation area guidance. As such, they could not support this from a Heritage standpoint and would need to ask that the proposal be altered to externally and minimally downlit signage, of matt finish. The Heritage officer has also provided a potential solution by advising that the illumination is disconnected and to fix a new matt finished fascia over in the same design, fitting downlights potentially as strip lighting if necessary.

Therefore, the proposed signs are considered to be an unsympathetic contemporary addition that appear incongruous when viewed against the traditional appearance of nearby listed buildings and the wider street scene. These impacts would be exacerbated during nighttime opening hours, when use of the internal illumination would cause the sign to stand out within the street scene to a greater degree. With regards to policies DES3 criterion c) and HE3 criteria b) and d), for the reasons listed earlier in this report, the proposal is considered to unacceptably detract from the character and appearance of the Abergavenny Conservation Area.

For the avoidance of doubt, the Local Planning Authority are supportive of independent businesses and are consistent in their approach with regards to illuminated advertisement signs. It is unfortunate in this instance that the sign has been erected prior to permission being sought.

Within their supporting statement, the applicant has referenced a number of applications where internally illuminated signs have been granted planning consent. Whilst I note that internally illuminated signs have been approved, there are differences with the sign at Il Gusto:

DC/2016/00429 - This involved individual lettering on the fascia.

DM/2019/00400 - This involved individual lettering with a concealed halo.

DC/2015/01146 - This was individual lettering with a back lit halo effect onto a timber fascia.

DC/2014/01245 originally sought for the advertisement to be halo illuminated. However, this was not deemed to be acceptable so the advertisement was amended to make the sign non-illuminated. Following this amendment, it was 'deemed consent'. The concurrent LBC for the original sign was withdrawn via DC/2014/01248.

There are also recent examples of refusals for internally illuminated signs:
DM/2024/00559 - Marie Curie - Internally illuminated fascia and projecting sign
DC/2015/00039 - Bonmarche - Internally illuminated fascia sign
DC/2008/00805 - Greggs - back lit logo

It is also noted that the MCC Environmental Health officer has no objection to the signs. The previous applications referenced by the applicant do not overcome the harm that the internally illuminated signs at Il Gusto is considered to have in respect of the character and appearance of the Abergavenny Conservation Area.

6.2 Access / Highway Safety

The Local Authority's Highways Department has been consulted on this application and raises no objection in relation to highway/public safety. Similarly, The Welsh Government as highway authority for the A40 trunk road have no comments to make.

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

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.

7.0 RECOMMENDATION: Refuse

Reason for Refusal:

1 The proposed signage is considered to have a detrimental impact on the appearance and setting of the area by virtue of the material and illumination applied and is considered to be contrary to the Monmouthshire Local Development Plan policies DES3 and HE3. In addition, by virtue of the material and illumination used, the signage is considered to be contrary to the Abergavenny Conservation Area Appraisal and Section 160 of the Historic Environment (Wales) Act 2023 as it fails to preserve or enhance the character or appearance of that area.



Appeal Decision

by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 03/08/2025

Appeal reference: CAS-04141-F7Y5S1

Site address: Land at Severn Bridge Industrial Estate, Pill Row, Caldicot, Monmouthshire, NP26 5PR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (“the Act”) as amended by the Planning and Compensation Act 1991.
 - The appeal is made by FI Real Estate Management Ltd against an enforcement notice issued by Monmouthshire County Council.
 - The enforcement notice, numbered E25/150, was issued on 19 February 2025.
 - The breach of planning control as alleged in the notice is: Unauthorised operational development consisting of hard surfacing being installed without the benefit of planning permission.
 - The requirements of the notice are: 1. All hard surfacing within the red line boundary to be removed and the resultant material to be removed from the site; 2. Restore the land to its former condition prior to the breach of planning control occurring.
 - The period for compliance with the requirements is: 6 months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Act.
 - A site visit was made on 25 June 2025.
-

Decision

1. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under Section 177(5) of the Act.

Procedural Matters

2. Outline planning permission on the appeal site was granted in October 2023, under planning reference DM/2022/00331, for the development of commercial units suitable for use classes B1, B2 and B8 plus associated external works (the outline planning permission). I acknowledge the appellants intention to develop the site under that permission as soon as possible. However, a reserved matters application under planning reference DM/2024/01105 was made in September 2024 seeking approval of the access, appearance, landscaping, layout and scale of the outline development

(the reserved matters application) but remains undetermined. The appellants refer to delays on the part of the Council and Natural Resources Wales (NRW), but the Council's evidence indicates that there are objections to the drainage details, the resolution of which they consider would be likely to require significant design changes. There is no certainty therefore when the reserved matters application is likely to progress. Despite the appellants' assertions, the Council also confirms that no applications have been made to discharge conditions or to obtain Sustainable Urban Drainage Systems (SUDS) approval. Although it constitutes the planning permission, the outline scheme is not effectively implementable at this juncture. Accordingly, I afford the outline permission limited weight as a fallback position.

3. During my site visit I observed that the area of the unauthorised hardstanding contained 20 shipping containers, a portacabin and portaloo, a large commercial tent, several trailer units, a tractor unit, as well as several vehicles, used tyres and associated paraphernalia. The site was served by a compacted hardcore and gravelled access gently sloping down from Castle Court and the land was enclosed by weldmesh fencing and gates, as well as a length of timber fencing along its boundary with Pill Row. A sign was displayed near the entrance indicating 2.3 acres as being available to let for open storage, as well as design and build opportunities being available.

Reasons

The Ground (a) appeal and the deemed planning application

4. An appeal on ground (a) is that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The terms of the deemed planning application are derived from the allegation set out in the notice. In this case, the breach of planning control as alleged is operational development consisting of hard surfacing being installed. In accordance with s.177(1) (a) of the Act, on determination of an appeal under section 174, planning permission may be granted in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates.
5. The notice does not seek the cessation of any use or the removal of any other appurtenances facilitating the site's use, and these are consequently not matters before me in the appeal. The notice is concerned only with the operational development in the laying of the hardstanding. However, it is clear that the unauthorised works facilitate an open storage use and this is consistent with the appellants' case and from what I saw on my site visit. The Council does not raise any objection in principle to the stated use. Given the site's location within the industrial estate and its allocation for new industrial and business development (B1 and B8 uses) under LDP Policy SAE1(h) of the Monmouthshire Local Development Plan (LDP), I have no reason to disagree. I have therefore considered the ground (a) appeal on the basis that the hardstanding facilitates the storage use of the land, and that retrospective consent is sought by the appellants for a temporary period of 18 months.
6. Having regard to the Council's substantive reasons for issuing the enforcement notice, the main issues in determining the ground (a) appeal are:
 - a. The impact of the development on drainage with particular regard to flood risk, surface water run-off and the risk of pollution; and

- b. The effect of the development on biodiversity.

Drainage, flooding and the risk of pollution

7. The Council is concerned that the development fails to incorporate water management measures, including SUDS, to reduce surface water run-off and minimise its contribution to flood risk elsewhere. In addition, it is concerned that the site is located within a potable water Source Protection Zone (SPZ), and in the absence of an appropriate drainage scheme the development risks pollution to the water environment.
8. The Welsh Government published a new Technical Advice Note (TAN) 15: Development, Flooding and Coastal Erosion (2025) during the processing of the appeal. 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 the application subject of this appeal, shall continue to be assessed against the previous version.
9. The site lies within Zone C1 of the Development Advice Map contained in Technical Advice Note 15 'Development and Flood Risk' (TAN 15) (2004). The Flood Map for Planning (FMfP) identifies the site is located partly within zones 2 and 3 for fluvial flooding but it is entirely within flood zone 3, which represents the highest risk areas, in relation to tidal flooding. The development is not classed as being highly vulnerable to the risk of flooding, but the development must comply with the justification tests set out within paragraph 6.2 of TAN 15.
10. In relation to these justification tests, albeit the site is allocated for industrial development and an outline planning permission for a separate scheme has been granted, I have no evidence before me that the unauthorised hardstanding is necessary to assist, or be part of a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement (test criterion i.), or that it is necessary to contribute to key employment objectives supported by the local authority and other key partners to sustain an existing settlement (test criterion ii) . Despite the appellants' assertion that the lawful use of the land is for open storage purposes under Use Class B8, there is no cogent evidence to support the appellants' claim that, prior to the breach, the site was other than a paddock. It has not been demonstrated that the site meets the definition of previously developed land (test criterion iii).
11. TAN15 advises that whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed.
12. The Flood Consequences Assessment (FCA) submitted with the outline planning application confirms that even where the ground levels for the development were to be raised from between 7.08-8.68m AOD to the level of the adjoining estate road to the south of the site, which is 8m AOD, during a 1% (1 in 100 year) plus 25% for climate change annual probability fluvial flood event, the predicted flood level is 9.12m AOD. Therefore, the outline development site is predicted to flood to maximum flood depths between 1.12m and 2.04m. During a 0.5% (1 in 200 year) plus climate change

(LOD 2098) annual probability tidal flood event, the predicted flood level is 9.70m AOD. Therefore, the outline development site is predicted to flood to maximum flood depths between 1.7m and 2.62m. For both events however, this would fail the criteria contained within paragraph A1.14 of TAN15 which states all development should be flood free during these events. In addition, predicted flood levels during 0.1% (1000 year) plus climate change (LOD 2098) annual probability tidal or fluvial events would reach up to 1.46m and 3.4m respectively, and so would exceed the 1000mm acceptability threshold for these events set out in the TAN.

13. I acknowledge that NRW indicated that for the outline application scheme, predicted increases in off-site flood risk, being less than 5mm, with small areas of 20mm, would be minor, resulting in negligible loss of flood plain storage. However, the appellants have not submitted an FCA with the ground (a) appeal. Nonetheless, the results of flooding events are unlikely to differ significantly from the modelled levels in the outline FCA. Accordingly, in terms of flood risk, the unauthorised hardstanding development fails to comply with TAN15.
14. The appellants argue that given that outline planning permission has been granted the effects on the SPZ would have been addressed at that stage and found to be acceptable. The appellants also contend that the land profile of the site has not changed, the land would remain permeable and as there is no built development there would be no change to flood effects. Whilst that may have been the case, the outline scheme was based on a drainage strategy which included an attenuation pond to control the dispersal of surface water. I have seen no evidence to confirm that the site remains at pre-development ground levels, and although permeable surfaces can be designed to closely match greenfield run-off rates, they may not exactly replicate the pre-development scenario, and results may depend upon factors such as the nature of the soil or sub-base layer. Testing of the appeal site undertaken at the outline application stage indicated that infiltration drainage could not be relied upon, and I consider that the introduction of a hardstanding would be likely to alter the drainage profile of the site.
15. The appellants contend that only clean materials were used in the formation of the hardstanding and there is no evidence to support the Council's concern that the materials used pose a pollution risk. Notwithstanding this, I saw that the hardstanding's position is located within 7m of the Nedern Brook, and whilst I have seen no evidence of any pollution incidents as a result of the development, I consider that the open storage uses, including the parked vehicles and used tyres could, in the absence of a suitable drainage scheme, increase the risk of pollution entering the watercourse, thus harming potable water supplies.
16. I have considered whether the drainage and pollution concerns could be addressed by the imposition of planning conditions requiring a scheme to be submitted to and agreed with the Council. However, having regard to the drainage characteristics of the land, a suitable drainage scheme would likely need to involve considerable engineering operations which would substantially alter the form of the current development. In the absence of the details of a scheme to serve the current development, I cannot be satisfied that a suitable drainage scheme could be provided, and which could also deal with off-site flood risk and include pollution prevention measures.
17. Nonetheless, even if conditions could be imposed, the ability to deal with other drainage effects would not overcome the fundamental conflict with national planning policy as set out in TAN 15. Given the likely flood levels predicted for the appeal site, I do not consider the risk should be allowed to subsist, even for a temporary period.

18. Therefore, having regard to the above, I conclude that the development has a detrimental impact on drainage with particular regard to flood risk, surface water run-off and the risk of pollution within the potable water SPZ. As such the development conflicts with national policy set out within PPW and TAN 15, and LDP Policies SD3, SD4 and S12 which deal with development within flood risk areas and Policies EP1 and EP2 which do not permit development that would cause unacceptable pollution risk upon the water environment.

Biodiversity

19. The Council is concerned that the development does not embrace opportunities to enhance biodiversity and ecological connectivity and has not provided a net benefit to biodiversity required by Policy 9 of Future Wales The National Plan 2040 (FW). LDP Policy NE1 broadly follows the stepwise approach to maintaining and enhancing biodiversity set out in Planning Policy Wales (Edition 12) (PPW). PPW advises that development should actively enhance biodiversity rather than simply mitigate harm, to deliver a net benefit for biodiversity and ecosystem resilience. Accordingly, adverse environmental effects are firstly avoided, then minimized, mitigated and as a last resort compensated for.
20. Albeit not a habitat of primary importance, the preliminary ecological appraisal submitted at the reserved matters stage assessed the previously greenfield site as being of medium value. The Council indicates that some of the trees on its periphery are protected under a Tree Preservation Order (TPO). The site is situated alongside part of the Nedern Brook which would be likely to provide a supporting range of biodiversity, and which would act as a connective ecological corridor.
21. I acknowledge that the principle of a development on the site has been accepted by the granting of the outline permission and that some harm to biodiversity interests may not be wholly avoided by that consented development. However, the hardstanding largely fills the site and there is little separation between it and the ecological features found along the periphery of the site. Indeed, I saw that the developed area encroaches into the root protection areas of protected and other trees set out in the outline application Tree Protection Plan and Tree Survey & Arboricultural Impact Assessment report. Whilst the appellants assert that it is not surprising that a hardstanding does not embrace opportunities to enhance biodiversity and ecological connectivity, there is little evidence before me to suggest that the development could not have been designed to incorporate ecological enhancement measures from the outset or whether damage to biodiversity could have been minimised in the first place by minimising development size and using appropriate buffers to protect biodiversity features from construction and operational impacts. I note that the appellants are not opposed to providing enhancements, as well as a temporary landscaping scheme. Even so, it is only where all options for avoiding damage to biodiversity have been exhausted, should options to minimise effects be considered.
22. Therefore, I conclude that the development has had a harmful effect on biodiversity and fails to demonstrate that it has followed the step-wise approach to ensure a net benefit to biodiversity and ecosystem resilience in compliance with LDP Policy NE1 and FW Policy 9 as well as the advice within PPW.
23. I give appreciable weight to the appellants' contention that the development, in facilitating the use of the site for open storage purposes, will deliver jobs and

associated social benefits. However, these benefits do not outweigh the harm that I have identified above.

Conclusion on the ground (a) appeal

24. For the reasons given, I conclude that the ground (a) appeal fails.

Ground (f) appeal

25. An appeal on ground (f) is that that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters. Bearing in mind that enforcement action is intended to be remedial rather than punitive, obvious alternatives which would overcome planning objections at less cost and disruption to the developer should be contemplated.

26. It is the appellants' contention that as the Council has supported the development of the site through the giving of outline permission, it ought to have invited a retrospective planning application. Consequently, removal of the hardstanding is excessive. Although the appellants have made comments under the ground (f) appeal, the arguments put forward are similar to those made under the ground (a) appeal. No lesser steps have been put forward in the evidence.

27. Notwithstanding this, as I have already found the development to be inappropriate in this location and to be harmful under the ground (a) appeal, in my opinion the objective of the notice can only be achieved in this case by the steps set out in the notice. Therefore, I conclude that the requirements of the notice do not exceed what is necessary to remedy the breach of planning control which has been caused by the breach. It would not be disproportionate to require the appellants to carry out the steps required by the notice and, therefore, I uphold the requirements of the notice, and the appeal fails on ground (f).

Ground (g) appeal

28. An appeal on ground (g) is that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed. The notice specifies a compliance period of 6 months. Whilst the appellants argue that an 18-month compliance period should be given, this is based on the duration of the temporary planning permission sought. Whilst I have considered varying the compliance period as suggested by the appellants, the breach and the harm it causes should not be allowed to continue unduly. Moreover, and given that the evidence suggests that the hardstanding was laid in only a few weeks, there is no evidence that the appellants would encounter any particular difficulties in removing the hardstanding or in restoring the site to its condition prior to the breach taking place within the 6-month period stipulated in the notice. The appeal under ground (g) therefore fails.

Conclusion

29. Having regard to the above and the evidence before me I conclude that the ground (a) appeal and the deemed application should not succeed. I have taken into account all matters raised by the appellants, but none are sufficient to outweigh the considerations that have led me to my conclusions that the appeal should be dismissed, and the enforcement notice should be upheld. I refuse to grant planning

permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

30. 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 findings of this Report are in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

N Jones

INSPECTOR

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Appeal Decision

by R H Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 31/07/2025

Appeal reference: CAS-03291-F0B7Y3

Site address: Land near Plas Ivor Cottage, Hill House to Llymon Brook, Cross Ash NP7 8PT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991. The appeal is made by Mr Andrew Phillips against an enforcement notice issued by Monmouthshire County Council.
 - The enforcement notice, numbered E23/259, was issued on 25 January 2024.
 - The breach of planning control as alleged in the notice is '*Unauthorised residential use of the land including the associated siting of mobile home & kennels/wooden structures*'.
 - The requirements of the notice are:
 - (i) Cease the residential use of the land edged in red on the attached plan.
 - (ii) Remove the mobile home in its entirety from the land edged in red on the attached plan.
 - (iii) Remove all kennels & wooden structures associated with the residential use from the land edged in red.
 - The period for compliance with the requirements is: 3 months from the date that this Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) a) of the Town and Country Planning Act 1990 as amended.
 - A hearing was held on 16 July 2025.
 - A site visit was made on 18 July 2025.
-

Decision

1. It is directed that the enforcement notice be corrected by replacing Schedule 2 of the Notice with: "*Unauthorised material change of use of the land from agriculture to residential use including the associated siting of mobile home & kennels/wooden structures*".
2. Subject to this correction, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Enforcement Notice (EN)

3. Irrespective of whether the enforcement notice is upheld, or quashed and planning permission granted, it is important that the development is correctly described – not least so that the deemed application for planning permission is considered on the right basis. Section 55 of the Act sets out the meaning of development, which includes the making of any material change in the use of buildings or other land. Due to the omission of the words ‘material change of use’ the allegation as currently drafted does not align with the definition of development set out in S55 of the Act and would need to be corrected. I have a duty to get the notice in order if I can and have wide powers of correction provided that the interests of neither party would be prejudiced.
4. The Council and the appellant agreed at the hearing that there would be no prejudice if I were to correct Schedule 2 of the notice to include the words “*material change of use*” of the land. It was also agreed that the breach should also make reference to its former use of “*agriculture*”. I have therefore corrected the notice accordingly.

The ground (a) appeal and deemed planning application

5. An appeal under Section 174(2)(a) of the Act is that planning permission should be granted for what is alleged in the notice which, in this case, comprises the material change of use of the land to residential use and the siting of a caravan. I shall determine the appeal accordingly, having particular regard to the following main issues: *whether the development complies with planning policy which seek to control development within the open countryside, and whether the personal circumstances of the occupants of the unauthorised development outweighs any policy conflict.*

Planning Policy

6. The site is located within open countryside as defined in the Adopted Monmouthshire County Council Local Development Plan (LDP) 2014. The LDP sets out a spatial strategy aiming to direct development to sustainable locations and a presumption against development in the countryside. Policy S1 of the LDP promotes sustainable development by distributing development to sustainable locations in accordance with the settlement hierarchy supporting the roles and functions of the identified settlements. The explanatory text to the spatial distribution of housing in the County also refers to the aims of reducing dependence on the car by directing growth and development to settlements and locations where services and facilities are available and accessible by public transport.
7. The appeal site is located approximately 1.4 miles to the south of Cross Ash in a very rural location accessed via an uneven single lane road. Cross Ash is a small rural village approximately 8.5 miles north-east of Abergavenny and 9.5 miles north-west of Monmouth. It has very limited local facilities and residents, therefore, depend on Abergavenny and Monmouth to access everyday services and facilities. I have not been provided with evidence on the availability of public transport from the appeal site that provides access to these towns. As such, the occupiers of the caravan are reliant on the private car to access all services and facilities, including leisure and employment opportunities.
8. Policies S1 and LC1 of the LDP allows dwellings outside development boundaries in exceptional circumstances where they are necessary for agriculture, forestry, ‘one planet development’, rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism.
9. Planning Policy Wales (PPW) Edition 12 also states that new housing in the open countryside should be strictly controlled. One exception to this is where it is essential for a dwelling to house a worker in a rural enterprise. Technical Advice Note (TAN) 6:

Planning for Sustainable Rural Communities confirms in paragraph 4.3.1 that one of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work.

10. The appellant confirmed at the hearing that although one of the occupants, Mr Corey Wright, assists the appellant on his farm in the evenings and at weekends when required, the ground (a) appeal and the deemed planning application does not seek planning permission for the caravan as a rural enterprise dwelling under TAN6.
11. Therefore, having regard to the rural location of the appeal site the occupation of the caravan and the use of the land for residential use is an unsustainable form of development within the open countryside contrary to the sustainable development principles and placemaking outcomes set out in PPW and the adopted LDP. As a result, the development conflicts with Policies S1 and LC1 of the LDP as well as PPW and TAN6.

Personal Circumstances

12. The caravan has been occupied by Mr Corey Wright and Miss Molly Bryne (the occupants) since the autumn of 2023 following their eviction from their previously rented property. The occupants are a young couple who are friends of the appellant's son, and as they were being made homeless the appellant provided them with the caravan to live in temporarily. The appellant is seeking permission for the occupation of the caravan by Mr Corey Wright and Miss Molly Bryne for a further temporary period of two years.
13. The appellant's evidence relies on the personal circumstances of the occupants as material considerations in favour of granting planning permission for the unauthorised development, and has referred me to the Human Rights Act 1998 (HRA). I have had regard to Article 8 and Article 1 of Protocol 1 of the European Convention on Human Rights, incorporated into the HRA, which requires that decisions ensure respect for private and family life and the home, and to the peaceful enjoyment of their possessions. I have also noted the various caselaw cited by the appellant on this matter.
14. The appellant states that the occupants cannot afford to purchase or rent a suitable property within close proximity to Cross Ash to accommodate themselves and their working dogs. In this regard, the appellant has provided evidence of the cost of properties to rent within 3 and 5 miles of Cross Ash. The appellant's evidence also states that there is a distinct shortage of rental properties available in rural Monmouthshire and if they were to move into one of the main towns it would increase their travelling distance to and from work, and without any reliable or frequent public transport they would have no choice but to rely on private vehicles.
15. Whilst I do not doubt the unavailability and unaffordability of houses within 5 miles of Cross Ash, the appellant confirmed at the hearing that Corey Wright currently works for his father's scaffolding business based in Abergavenny, and Molly Bryne currently works as a teaching assistant at various schools around the County. As such, the occupants already travel by car to their places of work. Therefore, I am not persuaded by the appellant's argument that properties within the towns of Monmouth or Abergavenny would be unsuitable for the occupants as it would increase their travelling distance to and from work.
16. The appellant's evidence on the unsuitability of houses in Abergavenny is also conflicted as it was confirmed at the hearing that Molly Bryne's father has purchased a property for the occupants in Gilwern, which is approximately 13 miles from Cross Ash and only 4 miles from Abergavenny.

17. When questioned on the availability of assistance from Monmouthshire Housing Association (MHA) the appellant stated that if the occupants were to contact MHA they would be low priority as two young individuals with no dependants. However, no evidence has been provided to support this statement. Indeed, the appellant confirmed at the hearing that the occupants had not actually made any contact with MHA to see if they would be eligible for assistance and whether the housing association could help them find a suitable property. Given the appellant's argument that the occupants would be made homeless, I find the lack of contact with MHA to be very surprising.
18. Whilst I have taken into account the personal circumstances of the occupants, I consider that they have not suitably considered all other alternatives that are available to them. From the evidence before me, it is clear that the occupants have not sought to investigate the possibility of affordable rental properties in Abergavenny or Monmouth, and they have not attempted to seek housing advice or assistance from MHA.
19. I have considered the possibility of granting a temporary permission for a period of 12 months to allow time for renovations to be completed on the Gilwern property. However, I am not satisfied that this, in itself, provides sufficient justification for the grant of a temporary permission contrary to national and local planning policy.
20. I have not seen anything else to indicate that the residential use of the land is justified by the provisions of national policy and, in the absence of any material considerations that outweigh the foregoing policy conflict, I conclude that the development subject to the enforcement notice to be unacceptable in principle and contrary to national and local planning policy.

Other Matters

21. The appeal site lies within the catchment of the River Wye Special Area of Conservation (SAC) which is protected under the Conservation of Habitats and Species Regulations 2017 as amended ('the Habitats Regulations'). Natural Resources Wales (NRW) has set new phosphate standards for riverine SACs following the revised Common Standards Monitoring guidance updated in 2016 by the Joint Nature Conservation Committee. The nature of the development has the potential to impact on phosphate levels. In these circumstances, the decision maker as the competent authority is required to carry out an appropriate assessment and in determining this appeal, I fail to be the competent authority.
22. The appellant has submitted a Septic Tank Report which has been reviewed by NRW as part of this appeal process. NRW has confirmed that the foul drainage will be disposed of via a private sewage treatment system which connects to the existing drainage field which meets the screening criteria set out in their advice, and it is satisfied that there is unlikely to be a pathway for impacts. I am also persuaded by the appellant's evidence that the development will not result in increased amounts of phosphates entering the SAC. An Appropriate Assessment is, therefore, not necessary in these circumstances and I find that the development will not harm the River Wye SAC.

Conclusions

23. Having regard to the above and the evidence before me I conclude that the ground (a) appeal and the deemed application should not succeed. I have taken into account all matters raised by the appellant, but none are sufficient to outweigh the considerations that have led me to my conclusions that the appeal should be dismissed and the enforcement notice should be upheld. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

24. In reaching my conclusions, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives.

RH Duggan

INSPECTOR

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Appeal Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 20/08/2025

Appeal reference: CAS-04196-P1K3H5

Site address: The Old Forge, Main Road, Portskewett NP26 5SG

- 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 Mrs. Kimberly Sumner against the decision of Monmouthshire County Council.
- The application DM/2023/01200, dated 29 August 2023, was refused by notice dated 8 January 2025.
- The development proposed is described as 'this application is for planning permission for change of use of the existing log cabin to a mixed use (residential/tourism). Planning approval for the log cabin was obtained 27 April 2022 ref: DM/2022/00062. Have discussed with Olivia Parker and Andrew Jones on 14 August 2023. The log cabin is classed as a Caravan for planning purposes and was purchased from Keops. <https://logcabins.co.uk/products/pipit>.

My original intention was to use the cabin for family and friends, however having received many enquiries from local residents and visitors I would like to be able to offer short term holiday lets. The cabin accommodates two people with ample parking on my existing drive with no impact to local business, traffic movement or local residents.

A holiday let in this vicinity would offer a service to the community for leisure, along with life event accommodation for visiting local families.

The cabin is fully constructed, completed December '22, it is not currently being used for letting. Would look to begin letting, pending this application.'

- A site visit was made on 18 July 2025.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the appeal site address as stated on the appeal form, rather than the original planning application form, since it is more accurate.
3. The Welsh Government published a new Technical Advice Note (TAN) 15: Development, Flooding and Coastal Erosion (2025) during the processing of the appeal. 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) (hereafter TAN15 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 that subject to this appeal, shall continue to be assessed against the previous version. I shall consider the appeal accordingly.

Main Issues

4. These are:

- Whether the proposed development is justified in its countryside location having regard to local and national planning policy; and
- The effect of the proposal on the safety of future occupiers, with regard to flood risk.

Reasons

Countryside Location

5. The appeal seeks permission for the change of use of an existing log cabin located in the garden of The Old Forge. The property lies outside, but immediately adjacent to, the settlement boundary of Portskewett as defined in the Monmouthshire Local Development Plan (LDP) and is therefore within the countryside.
6. The cabin was approved under planning application (DM/2022/00062), when the Council accepted that it met the legal definition of a caravan and did not constitute operational development, aside from its concrete plinth. In the current proposals, however, the Council has treated it as a building and applied LDP Policy H4, which relates to the conversion of buildings in the countryside, and, by extension, Policy T2 relating to visitor accommodation which, amongst other things, requires compliance with Policy H4.
7. Without full plans from the DM/2022/00062 application, it is unclear whether the cabin now differs from that previously approved, and the submitted plans with the appeal including the Keops promotional brochure provides limited specific details, such as its ground fixings. Nonetheless, both parties agree it is a building for the purposes of the appeal and during my site visit I observed that it has the appearance of a building. Therefore, I am content the proposal falls within the scope of LDP Policies H4 and T2 and that the relevant criteria of these policies apply.
8. The log cabin appears to be in good structural condition, of modest scale with a simple design finished in timber, and capable of providing adequate holiday accommodation without physical alterations or additional infrastructure. It sits within the established garden of The Old Forge and shares its access. Due to its size and location, I do not consider it well suited to a business use, and this is not a matter raised by the Council. On this basis, the proposal satisfies the majority of the LDP Policy H4 criteria (criteria a), b), c), d), f) and g)).
9. Whilst the cabin may not be constructed in the materials mentioned in the policy, it is nevertheless of modern construction. As such, it fails to accord with criterion e) of LDP Policy H4. The information before me also confirms that it has not been used for its intended purpose for a significant period of time, noting the log cabin application was approved in April 2022, and, therefore, far less than the 10 years referred to in LDP Policy H4. As such, it also fails to qualify as an exception under criterion b) of LDP Policy T2.

10. However, the supporting text to Policy H4 makes it clear that the purpose of the policy is to ensure that the conversion of buildings does not detract from the special qualities of Monmouthshire's open countryside, and that proposals should be sympathetic to the rural setting in terms of the particular location, appropriate design and traffic considerations.
11. The log cabin lies close to the settlement boundary, immediately adjacent to the main road through Portskewett and opposite a hairdressers and convenience shop. It sits within a cluster of residential buildings, including the Old Forge, and whilst land to the south remains predominantly undeveloped countryside, its immediate setting is more characteristic of the settlement edge. I, therefore, do not consider the proposal would detract from the character and appearance of the countryside; rather, it would assimilate with the established built form of Portskewett.
12. Accordingly, whilst the development is technically in conflict with Policy H4 in respect of criterion e), it complies with the main thrust of the policy, which is to prevent development which would unacceptably harm the countryside. It, therefore, follows that the proposal also accords with the aims of Policy T2. This position is reinforced by Planning Policy Wales (Edition 12) (PPW), which recognises that in rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy and that such development should be sympathetic in nature and scale to the local environment. I, therefore, conclude the proposed development is justified in its countryside location, given its edge of settlement position.

Flood Risk

13. Although the proposals do not involve changes to the built form, the change of use to tourism accommodation constitutes development and is classified as highly vulnerable development by TAN15 2004.
14. The appellant highlights that the appeal site is at low risk of flooding with no recorded flood events. However, their own Flood Consequences Assessment (FCA_, prepared by Townsend Water Engineering Ltd. (dated May 2024), together with the Natural Resources Wales (NRW) Development Advice Maps (DAM) associated with TAN15 2004, shows the appeal site to lie within Zone C1, defined as an area of the floodplain, which is developed and served by significant infrastructure, including flood defences. The Welsh Government letter dated 15 December 2021 confirms the Flood Map for Planning (FMfP), though not yet planning policy, is more up to date than the DAM. This shows that the appeal site remains at risk of flooding, located in a Flood Zone 2 and 3 (Sea).
15. TAN 15 2004 seeks to direct development away from areas of flood risk, setting out criteria which must be met in order to justify development within a zone C1. This includes, amongst other things, that the potential consequences of a flooding event are acceptable, in line with the guidance set out in Section 5 and appendix 1 of TAN 15 2004.
16. The submitted FCA confirms the site is at risk of tidal flooding, with predicted depths of 1.18m to 1.64m during a 1 in 200-year event plus climate change. Whilst the FCA suggests actual depths may be lower, no cogent evidence has been proposed to challenge this. Similarly, no robust evidence, such as detailed flood modelling, demonstrates that the railway embankment located to the south functions as an effective defence or what effect it would have on site flood levels. Moreover, the existence of the cabin does not alter the TAN 15 2004 requirement that it remains flood free in such events, and no design measures have been proposed to achieve this. TAN 15 2004 also requires FCAs to consider the implications of extreme flood events, regardless of the building's lifespan, which has not been undertaken.

17. The FCA also fails to confirm the flood risk at the site access. Whilst it states the road to the north of the site does not flood, figure 4 of the FCA shows the site access to be within Zone C1. I, therefore, have reservations about the claims that residents could safely evacuate. The FCA also contained inaccuracies, including reference to the wrong version of TAN 15 (2021) and to the NPPF, which is irrelevant in Wales. On this basis, and reinforced by NRW's concerns (contained in the letter dated 7 June 2024), I am not satisfied the FCA is robust or demonstrates that the flood consequences of the proposal are acceptable. Informal verbal discussions with NRW, which are not substantiated with evidence, do not persuade me otherwise.
18. I acknowledge there is likely to be reasonable forewarning of a flood event, and I note the mitigation measures suggested including signing up to NRW's flood warning scheme, preparing a Flood Risk Plan, providing an evacuation plan and avoiding occupancy during high tide. Whilst these could mitigate some risks, they would not sufficiently minimise risk to life and property.
19. The appellant states the cabin is currently used by family and friends as well as music groups and I note NRW did not object to app DM/2022/00062. However, its use is not directly comparable to the proposal. Family and friends may use the main dwelling as refuge, whereas a tourism use would involve unconnected occupants without access to the main dwelling, and its upper floors. A condition limiting the occupancy of the cabin to 50% of the year would not overcome this fundamental difference, nor is it reasonable or enforceable to require the appellant to always be on site. Accordingly, the risks to future occupiers would be materially greater than under the existing ancillary residential use.
20. The appellant also refers to other local developments, including The Old Forge conversion and the current undecided planning application relating to a nearby site (ref: DM/2024/01188), which I note NRW have commented on. However limited information is provided on the flood risks of each of these schemes or details of the proposed mitigation measures. In the absence of sufficient information, I cannot draw direct comparison and, therefore, have determined the appeal on its own merits.
21. I, therefore, conclude that the proposed development would have a harmful impact on the safety of future occupiers, with regard to flood risk, and would fail to comply with LDP Policy SD3 which does not permit highly vulnerable development in areas which may be liable to flooding as well as being in conflict with the requirements of TAN 15.

Other Matters

22. I have had regard to the occupant's personal circumstances and to the benefits the cabin would provide in terms of tourism accommodation and support for the local economy. However, given the modest scale of the proposal, these benefits do not outweigh the harm I have identified in terms of flood risk.
23. I also note the appellant's concerns in relation to the Council's handling of the application, including the correspondence before and during the application and the time taken to reach a decision. These matters, however, are not relevant to the planning merits of the appeal proposal.

Conclusion

24. I have found that the proposal is justified in its countryside location, due to its edge of settlement position. However, the harm to future occupiers due to flood risk would be significant and is a compelling factor that has led to my decision. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

25. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

L. Hughson-Smith

INSPECTOR

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Appeal Decision

by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 26/08/2025

Appeal reference: CAS-04167-Y7D1Y5

Site address: Land at 8 Woolpitch Wood, Bayfield, Chepstow, Monmouthshire, NP16 6DW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Belinda Klugah Cavill against an enforcement notice issued by Monmouthshire County Council.
 - The enforcement notice, numbered E/23/379, was issued on 11 March 2025.
 - The breach of planning control as alleged in the notice is: "Decking measures over 30cm in height above the ground below it to the rear garden, therefore does not comply with Permitted Development requirements".
 - The requirements of the notice are to: 1) Remove the decking as shown in Appendix A enclosed, in its entirety from the land shown edged in red; 2) Remove all resulting material from the land shown edged in red.
 - The period for compliance with the requirements is within six months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended.
 - A site visit was made on 10 July 2025.
-

Decision

1. It is directed that the Enforcement Notice be corrected by the substitution of the alleged breach of planning control set out at Schedule 2 in its entirety with the following words: "*The construction of decking measuring over 30cm in height above the ground levels of the rear garden*". Subject to that correction, the appeal is dismissed and the Enforcement Notice upheld.

Reasons

2. The appeal relates to a decked area located to the rear of the appeal property. The allegation, as set out at Schedule 2 of the Enforcement Notice, is as follows: "*Decking measures over 30cm in height above the ground below it to the rear garden, therefore does not comply with Permitted Development requirements*". I am duty bound to ensure that the alleged breach of planning control is appropriately formulated and, without

prejudice to the substantive ground of appeal, I consider it necessary to correct the Notice in this case in the interest of both clarity and precision.

3. Specifically, the alleged breach of planning control should be corrected to read as follows: *"The construction of decking measuring over 30cm in height above the ground levels of the rear garden"*. Given that this correction would not materially alter the substance of the allegation, but rather provide clarity to all parties, I am satisfied that no prejudice would be caused and that it could be made under the provisions of Section 176 of the above Act. I shall correct the Notice accordingly.

The Appeal under Ground (d)

4. The appeal is proceeding solely under the grounds set out under Section 172(2)(d) of the Act. This is that, at the time the Notice was issued, it was too late for the Council to take enforcement action against the matters that constitute the alleged breach. The planning merits of the development are not therefore material to the determination of the appeal and would need to be considered through a separate planning application.
5. The appellant contends that the decking was constructed by the previous owner in around 2004/ 2005. It was maintained by that same owner until the property was subsequently sold to the appellant in 2023. A statutory declaration signed by the former owner supports this general assertion, noting however that the decked area *"...was repaired in certain parts since construction as areas had become rotten and dangerous"*. The statutory declaration also states *"...that there has been no objection to the construction of the decking and no further objection when certain parts were upgraded"*.
6. The Local Planning Authority's (LPA's) evidence outlines that the enforcement investigation commenced in 2023, following a complaint. The LPA contends that, at that time, *"...the complainant provided credible and reliable evidence to show that the decking was installed in May 2021"*. Whilst this evidence served to satisfy the LPA that the structure was not immune from enforcement action, the Council has since confirmed that it no longer has the necessary consent to share this evidence as part of the appeal proceedings. Nonetheless, it wishes to proceed with the enforcement action in light of the alleged public harm.
7. In the absence of consent to use the evidence that led to enforcement proceedings commencing, the LPA has provided a screenshot from an online platform that specialises in property sales, rents and values that appears to confirm that the decking attacked by the Notice was substantially complete in June 2023. This is then contrasted with a screenshot from a similar online platform that appears to illustrate a materially different decked area in 2013. Further evidence, in the form of aerial photography, also appears to demonstrate a material difference in the extent of the decked area between the years 2020 and 2023, with the 2020 photograph showing areas of vegetation that are consistent with the 2013 screenshot, but in contrast to the 2023 images. Collectively, this evidence suggests the decked area is significantly larger in 2023, replacing previous vegetated areas. The base boards also appear to be affixed in a different orientation to that of the original construction, with the balustrade also comprised of a different design.
8. I am satisfied that the evidence is sufficiently clear to confirm the Council's position that the decking has materially changed since the original decked area was constructed. The decking subject of the appeal has not, therefore, been in situ for a period that exceeds 20 years as alleged by the appellant. There is no doubt that the evidence falls short of categorically confirming that the works were undertaken in May 2021, as alleged by the Council. Nonetheless, the available evidence does not contradict the Council's case and there is nothing that leads me to conclude that the structure attacked by the Notice was

substantially complete prior to the date of immunity. In contrast, the available evidence fails to support the appellant's arguments and, despite the fact that it is well-established in law that the burden of proof is on the appellant in such cases, no substantive evidence has been submitted to discredit the Council's critical argument that "*...whilst there may have been a decked area prior to 2021, the new decking currently in situ represents a fresh breach of planning control*".

9. On the basis of the foregoing, and having had regard to the relevant principles established through case law, I find that on the balance of probability it was not too late for the Council to take enforcement action at the time the Notice was issued. It follows therefore that the appeal under ground (d) must fail.

Overall Conclusion

10. For the aforementioned reasons, and having considered all matters raised, I find that the Enforcement Notice should be corrected. Subject to that correction, the appeal should be dismissed and the Enforcement Notice upheld.

Richard E. Jenkins

INSPECTOR

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