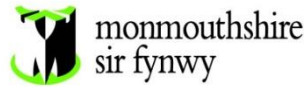


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 29 June 2026

Notice of meeting:

Planning Committee

Tuesday, 7th July, 2026 at 2.00 pm,
The 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/2022/01398 - To modify or discharge a section 106 planning obligation ref. DC/2009/00910. Land At previous Osborn International Site, Lower Church Street, Chepstow, NP16 5HJ.	7 - 12
4.2.	Application DM/2024/01188 - Mixed use development comprising shop extension to accommodate a new entrance and rear storeroom area; flatted development comprising 3 no. flats and associated development thereto following the demolition of dormer bungalow. 7-9 Main Road, Portskewett, NP26 5SG.	13 - 24
4.3.	Application DM/2025/01039 - Change of use of part of car parking area in Beacon View for the provision of one mobile food/drink van in the car park. There are no new hardstandings or permanent structures proposed. The van/trailer will not be permitted to park overnight, proposed seasonal opening hours of 9am to 5pm. There will be no electricity supply and no diesel or external generators. Beacon View Wood, Beacon Road, Trellech, Monmouthshire.	25 - 34

4.4.	Application DM/2026/00024 - Change of use of the existing building from office use (Use Class B1) to a day nursery (Use Class D1). The proposal involves internal alterations only, with no external alterations. The nursery would operate primarily on weekdays, with occasional weekend use of the building for classes not involving day care. There would be no evening or late-night use, and activity would be limited to drop-off and pick-up at the start and end of sessions. There are no existing on-site vehicle parking or cycle parking spaces associated with the building. The proposal does not include the provision of on-site parking or cycle spaces. Staff will use nearby public parking facilities, and parent drop-off and pick-up will be short-stay and managed to minimise impact on surrounding streets. The Old Chapel, Twyn Square, Usk, NP15 1BH.	35 - 52
4.5.	Application DM/2026/00169 - Retrospective change of use from nil use to residential curtilage which includes an extension to approved patio area and a timber structure. 8 Waterside, Abergavenny, NP7 5LJ.	53 - 58

**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;	Welsh Labour/Llafur Cymru
County Councillor Steven Garratt	Overmonnow;	Welsh Labour/Llafur Cymru
County Councillor Meirion Howells	Llanbadoc & Usk;	Independent
County Councillor Su McConnel	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Jayne McKenna	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Maureen Powell	Pen Y Fal;	Welsh Conservative Party
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Peter Strong	Rogiet;	Welsh Labour/Llafur Cymru
County Councillor Ann Webb	St Arvans;	Welsh Conservative Party

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Public Information

Please note that Monmouthshire County Council will film this meeting and it will be made available to view in live and archive form online. It is possible that the public seating areas could be filmed and by entering the Chamber you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting purposes. If you make a representation to the meeting you will be deemed to have consented to being filmed.

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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?Committeed=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 by a favourable conservation status in their natural range.

Well-being of Future Generations (Wales) Act 2015

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

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

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

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

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

Equality Act 2010

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

Children and Families (Wales) Measure

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

Climate Emergency

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

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

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

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

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

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

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

Applicants

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

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

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

Content of the Speeches

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

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

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

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

Procedure at the Planning Committee Meeting

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

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

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

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

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Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd
June, 2026 at 2.00 pm**

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

County Councillors: Fay Bromfield, Rachel Buckler, Emma Bryn,
Jan Butler, John Crook, Tony Easson, Steven Garratt,
Meirion Howells, Su McConnel, Jayne McKenna, Peter Strong and
Ann Webb

OFFICERS IN ATTENDANCE:

Andrew Jones	Head of Planning
Philip Thomas	Development Services Manager
Paige Moseley	Solicitor
Richard Ray	Paralegal
Richard Williams	Democratic Services Officer

County Councillor Fay Bromfield left the meeting during consideration of application DM/2025/01039 and did not return.

APOLOGIES:

County Councillors: Jill Bond and Maureen Powell

1. Election of Chair

We elected County Councillor Phil Murphy as Chair.

2. Appointment of Vice-Chair

We appointed County Councillor Dale Rooke as Vice-Chair.

3. Declarations of Interest

None received.

4. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 14th April 2026 were confirmed as an accurate record.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd
June, 2026 at 2.00 pm

5. **Application DM/2025/00495 - The proposed development includes a change of use of land, now used as a car park to site one temporary food/drink van/trailer in the NRW managed car park. The van/trailer will be located on the existing hardstanding within the car park. No new hardstandings or permanent structures will be created. The van/trailer will not be located on the grass or any other vegetation to minimise disturbance to the surrounding green infrastructure. The van/trailer will not be permitted to park overnight, we anticipate seasonal opening hours of 9am to 5pm. A licence will be issued to the concession holder to ensure that they adhere to specific obligations. Whitestone/Bargain Wood Car Park, Wye Valley, Llandoqo, NP16 6SN**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report with condition 5 being amended as follows:

- No catering van/trailer shall be stationed on site between the hours of 5pm and 9am the following day and no catering van/trailer shall be permitted on the site between 1st November in any one year and 24th March in the succeeding year.

https://www.youtube.com/live/lkXNZ_nFx7c?si=BEjDreGoSx44TlvV&t=664

In noting the detail of the application and the views expressed, it was proposed by County Councillor John Crook and seconded by County Councillor Tony Easson that application DM/2025/00495 be approved subject to the conditions outlined in the report with condition 5 being amended as follows:

- No catering van/trailer shall be stationed on site between the hours of 5pm and 9am the following day and no catering van/trailer shall be permitted on the site between 1st November in any one year and 24th March in the succeeding year.

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

For approval	-	5
Against approval	-	8
Abstentions	-	0

The proposition was not carried.

Following further discussion, it was proposed by County Councillor Rachel Buckler and seconded by County Councillor Ann Webb that application DM/2025/00495 be approved subject to a 3-year temporary period of consent as well as being subject to the conditions outlined in the report with condition 5 being amended as follows:

- No catering van/trailer shall be stationed on site between the hours of 5pm and 9am the following day and no catering van/trailer shall be permitted on the site between 1st November in any one year and 24th March in the succeeding year.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd June, 2026 at 2.00 pm

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

For approval	-	9
Against approval	-	3
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2025/00495 be approved subject to a 3-year temporary period of consent as well as being subject to the conditions outlined in the report with condition 5 being amended as follows:

- No catering van/trailer shall be stationed on site between the hours of 5pm and 9am the following day and no catering van/trailer shall be permitted on the site between 1st November in any one year and 24th March in the succeeding year.

6. Application DM/2025/01039 - Change of use of part of car parking area in Beacon View for the provision of one mobile food/drink van in the car park. There are no new hardstandings or permanent structures proposed. The van/trailer will not be permitted to park overnight, proposed seasonal opening hours of 9am to 5pm. There will be no electricity supply and no diesel or external generators. Beacon View Wood, Beacon Road, Trellech, Monmouthshire

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report with condition 5 being amended as follows:

- No catering van/trailer shall be stationed on site between the hours of 5pm and 9am the following day and no catering van/trailer shall be permitted on the site between 1st November in any one year and 24th March in the succeeding year.

https://www.youtube.com/live/lkXNZ_nFx7c?si=KFDYXueZEH6ykyfR&t=4109

In noting the detail of the application and the views expressed, it was proposed by County Councillor Jayne McKenna and seconded by County Councillor Rachel Buckler that consideration of application DM/2025/01039 be deferred to the next available Planning Committee meeting with reasons for refusal. It was considered that the car park was confined and the provision of a catering van on the site would take up already limited parking spaces leading to on-road parking to the detriment of highway safety, and would lead to a lack of space for safe manoeuvring within the park which was an area well-used by walkers and their pets, contrary to LDP Policy MV1.

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

For deferral	-	9
Against deferral	-	2
Abstentions	-	1

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd June, 2026 at 2.00 pm

The proposition was carried.

We resolved that consideration of application DM/2025/01039 be deferred to the next available Planning Committee meeting with reasons for refusal as it was considered that the car park was confined and the provision of a catering van on the site would take up already limited parking spaces leading to on-road parking to the detriment of highway safety, and would lead to a lack of space for safe manoeuvring within the park which was an area well-used by walkers and their pets, contrary to LDP Policy MV1.

7. Application DM/2025/01041 - Change of use of part of car parking area in Great Barnets Wood for the provision of one mobile food/drink van in the car park at Great Barnets Wood. There are no new hardstandings or permanent structures proposed. The van/trailer will not be permitted to park overnight, proposed seasonal opening hours of 9am to 5pm. There will be no electricity supply and no diesel or external generators. Barnets Wood, B4235 Mounton Brook To Chepstow, Chepstow

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report with condition 5 being amended as follows:

- No catering van/trailer shall be stationed on site between the hours of 5pm and 9am the following day and no catering van/trailer shall be permitted on the site between 1st November in any one year and 24th March in the succeeding year.

https://www.youtube.com/live/lkXNZ_nFx7c?si=6r4BDQRNr2lac5-6&t=6642

In noting the detail of the application and the views expressed, it was proposed by County Councillor Emma Bryn and seconded by County Councillor Su McConnel that application DM/2025/01041 be approved subject to a 3-year temporary period of consent as well as being subject to the conditions outlined in the report with condition 5 being amended as follows:

- No catering van/trailer shall be stationed on site between the hours of 5pm and 9am the following day and no catering van/trailer shall be permitted on the site between 1st November in any one year and 24th March in the succeeding year.

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

For approval	-	9
Against approval	-	1
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2025/01041 be approved subject to a 3-year temporary period of consent as well as being subject to the conditions outlined in the report with condition 5 being amended as follows:

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd
June, 2026 at 2.00 pm**

- No catering van/trailer shall be stationed on site between the hours of 5pm and 9am the following day and no catering van/trailer shall be permitted on the site between 1st November in any one year and 24th March in the succeeding year.

8. Application DM/2026/00294 - The proposed development involves repurposing Thornwell Pavilion into a family-oriented soft play centre with an integrated cafe, to provide affordable indoor leisure and recreational facilities for children aged 0 - 12 and their parents and carers. Thornwell Pavilion, Tenby Lane, Thornwell, Chepstow

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

https://www.youtube.com/live/lkXNZ_nFx7c?si=RNJ1QszROiRGnGvK&t=7508

In noting the detail of the application and the views expressed, it was proposed by County Councillor Emma Bryn and seconded by County Councillor Su McConnel that application DM/2026/00294 be approved subject to the conditions outlined in the report with condition 6 being amended as follows:

- The premises shall not be used for the approved purposes outside the following times 09:00 - 19:00.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2026/00294 be approved subject to the conditions outlined in the report with condition 6 being amended as follows:

- The premises shall not be used for the approved purposes outside the following times 09:00 - 19:00.

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

https://www.youtube.com/live/lkXNZ_nFx7c?si=LK_eLlh10wiu6828&t=8667

9.1. Great Panta Barn, Panta Farm, Coal Road, Devauden, NP16 6SS

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Great Panta Barn, Panta Farm, Coal Road, Devauden, NP16 6SS on 14th April 2026.

We noted that the appeal had been dismissed.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd
June, 2026 at 2.00 pm**

9.2. Marchwood, St Lawrence Road, Chepstow, NP16 5BJ

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Marchwood, St Lawrence Road, Chepstow, NP16 5BJ on 14th April 2026.

We noted that the appeal had been dismissed.

9.3. Swallows Nest, Tyr Pwll, Hardwick, Abergavenny Monmouthshire

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Swallows Nest, Tyr Pwll, Hardwick, Abergavenny Monmouthshire on 10th March 2026.

We noted that the appeal had been dismissed.

10. List of Appeals received January - March 2026

We noted the planning appeals received by the Planning Department for the period January to March 2026.

The meeting ended at 4.24 pm.

Application Number: DM/2022/01398

Proposal: To modify or discharge a section 106 planning obligation ref. DC/2009/00910

Address: Land At previous Osborn International Site, Lower Church Street, Chepstow, NP16 5HJ

Applicant: Mr. P Mills

Plans: Site Layout LT 2209 04 AS 02 - Rev. A, Location Plan Red Line boundary - Rio A8.15, Site Plan Site Location Plan

RECOMMENDATION: Approve

Case Officer: Kate Young
Date Valid: 26.09.2022

This application is presented to Planning Committee because the previous application to which the section 106 agreement relates was approved by Committee

1.0 APPLICATION DETAILS

1.1 Site Description

The application site covers 2.4 hectares at The Back in Chepstow. It previously contained a range of industrial and commercial buildings. The site is located within the Chepstow Development Boundary and is entirely within the Conservation Area. The River Wye runs to the east. To the south is the A48 Road Bridge and the Brunel Rail Bridge. There are residential properties to the west and north of the site. In September 2011 full planning permission under application DC/2009/00910, was granted for the demolition of the existing buildings and the erection of 169 dwellings, B1 office space, A3 Café, the provision of public open space, parking and associated infrastructure works. That application was subject to a Section 106 Legal Agreement.

The main heads of terms for the s106 agreement were as follows:

The construction work shall be carried out in accordance with the River Wye SAC Mitigation and Avoidance Measures Statement

The Owners shall agree with the council a scheme to deliver economic infrastructure development on the adjacent Fairfield Mabey site equating to £200,000 of investment payment in lieu

That 20% of the dwellings should be affordable and that these should be delivered prior to the occupation of 80% of the market housing

The owners shall within 4 years of the date of commencement, construct a road for adoption by the council to the boundary of the land, with the land ownership of Network Rail being 6 metres wide.

Development on the site has commenced. In October 2022 DM/2022/01089 a non-material amendment (NMA), was granted in relation to some plot substitutions on the site, resulting in some of the affordable housing being moved but did not alter the number of affordable units being proposed.

This NMA application sought amendment to substitute some plots in the central part of the development site. These changes reduced the overall number of units proposed on the site from 169 to 161. It is proposed to build houses rather than apartment blocks, due to the high-cost and lower demand for apartments.

1.2 Proposal Description

This current application seeks to modify or discharge a section 106 planning obligation.

As a result of the NMA the location of the affordable housing units has changed The Affordable Housing Plan annexed to the S106 needs to be altered to reflect this change. The overall number of affordable housing units to be delivered, and the exact mix remains unchanged as the revised plan that is submitted shows.

The road extending up to the boundary of the Network Rail site has now been delivered and so that clause can be removed from the agreement.

The clause requiring a financial contribution to deliver economic infrastructure development on the adjacent Fairfield Mabey site is to be removed from the agreement. The reason for this is discussed below.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2020/00456	Variation of condition no. 1 of planning consent DC/2015/01306	Approved	01.07.2020
DM/2022/01089	Non material amendments (plot substitutions) in relation to planning consent DC/2009/00910	Approved	07.10.2022
DM/2022/01398	To modify or discharge a section 106 planning obligation ref. DC/2009/00910.	Pending Determination	
DC/2011/00330	Outreach broadband cabinets within public highway	Acceptable	19.05.2011
DC/2015/01502	Removal of conditions 30, 31 and 32 (Code for Sustainable Homes - now superseded) relating to planning permission DC/2009/00910	Approved	14.12.2015
DC/2016/01051	Discharge of condition no.9 of planning permission DC/2009/00910.	Approved	12.09.2016
DC/2009/01072	Demolition of Osborn International Factory and Furniture Smart showroom	Approved	12.09.2011

DC/2009/00910	Demolition of existing industrial buildings, furniture showroom and gas depot and the erection of 169 dwellings, B1 office space, an A3 cafe/restaurant, provision of public open space, parking and associated engineering works and infrastructure	Approved	12.09.2011
DC/2015/01306	Non-material amendment to planning consent DC/2009/00910:- The inclusion of a new condition defining the approved plans as listed on the informatives section of the planning permission notice.	Approved	10.02.2016

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 LDP The Spatial Distribution of New Housing Provision
- S2 LDP Housing Provision
- S4 LDP Affordable Housing Provision

Development Management Policies

- H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements

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 EVALUATION

The plan appended to the S106 agreement, showing the location of the affordable housing units needed to be altered to reflect the recently approved non-material amendment. The overall

number of affordable housing units to be delivered, and the exact mix remains unchanged as shown by the revised plan.

Planning and Enforcement officers have recently visited the site and can confirm that the roadway to the boundary of the site has been completed to adoptable standards - therefore there is no need for this provision to remain in the varied S106 agreement.

The financial contribution to deliver economic infrastructure development on the adjacent Fairfield Mabey site was intended to be used on the allocated commercial land on the northern part of the Mabey site. In November 2017 Outline Planning Permission DC/2014/01290 was granted for the creation of a new neighbourhood on the former shipyard at Mabey Bridge in Chepstow. In June 2019 the Reserved Matters under application DM/2019/00001 were granted. Both the outline planning permission and the reserved matters approval made provision for an area of employment land on the northern part of the site. This extended to 1.37 acres and was to be the location of an office and workshop-based scheme. Following an extensive and lengthy marketing exercise by the applicants at Mabey Bridge, it was established that there was no demand for commercial activity on the site. This was vigorously tested. As a result, a reserved matters planning permission under ref DM/2024/00422 was submitted for 46 affordable residential units to be built in place of the commercial units. That application was approved by Planning Committee in March 2025. Construction of the three blocks is well underway. The handover for the social rent block is currently targeted for July/August. The intermediate and older persons blocks are expected to be completed before the end of the calendar year.

There is nowhere else on the Mabey site that is allocated for commercial activity on which the delivery of economic infrastructure could be provided. Given that the financial contribution could not be spent in accordance with the wording in the s106 agreement or in accordance with adopted policy, the clause should be removed from the agreement.

7.0 RECOMMENDATION: APPROVE

The Section 106 agreement should be varied.

The Affordable Housing Plan annexed to the S106 agreement needs to be substituted.

The clause requiring the road to extend up to the boundary of the Network Rail site can be removed from the agreement as that has been completed.

The clause requiring a financial contribution to deliver economic infrastructure development on the adjacent Fairfield Mabey site can be removed from the agreement as that element can no longer be implemented.

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Application Number: DM/2024/01188

Proposal: Mixed use development comprising shop extension to accommodate a new entrance and rear storeroom area; flatted development comprising 3 no. flats and associated development thereto following the demolition of dormer bungalow

Address: 7-9 Main Road, Portskewett, NP26 5SG

Applicant: Mr and Mrs Singh

Plans: Floor Plans - Existing 2112-01 - , All Existing Plans 2112-02 - , All Proposed Plans 2112-03D - , All Proposed Plans 2112-04B - , Site Plan 2112-05A - , All Existing Plans 2112-06 - , All Existing Plans 2112-07 - , All Proposed Plans 2112-08; Flood Consequences Assessment 0824 001 R 001 D.

RECOMMENDATION: Approve subject to s.106 agreement

Case Officer: Ms Kate Young
Date Valid: 10.10.2024

1.0 APPLICATION DETAILS

The above application was presented to members of Planning Committee at the meeting held on 1 April 2025. Members accepted the recommendation for approval subject to conditions and a s.106 agreement requiring a financial contribution towards affordable housing in the local area.

The western part of the site lies within a Zone C1 flood zone of the Development Advice Maps (DAM) as referenced by Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The [more recent] Flood Map for Planning identifies the application site to be at risk of flooding and falling within Zone 3 (Sea). The site is located within the Gwent Levels Archaeologically Sensitive Area. The application was accompanied by a Flood Consequences Assessment (FCA) and plans showing the finished floor levels. A condition was imposed on the draft decision that required:

No finished floor levels are to be below the 1000 year Coastal Flood Level of 11.16mAoD.
REASON: To prevent projected flood waters entering the property in flood events.

It was subsequently discovered that there was some inaccuracies in the submitted FCA and the existing finish floor of both the shop and residential property are in fact 9.76m and 9.79m , the proposed residential finished floor level will be the same floor level as the existing shop 9.76m

In light of this officers requested an amended FCA and accompanying amended floor and site plans. These were submitted and NRW were reconsulted.

The ground floor flat, that replaces an existing dormer bungalow is within the 1 in 1000 year flood zone. The plans now show that there is a refuge area for the occupiers of this flat in the north-west corner of the garden.

The site is located within a C1 flood zone (and not a C2), which is an area of flooding with flood defences. The site is located within an existing village surrounded by other residential and commercial properties. The ground floor flat replaces an existing dormer bungalow which occupies the same footprint. The proposal will provide much needed one-bedroomed flats for which there is considerable demand in a sustainable location which complies with the Council's objectives. The proposal will provide employment opportunities during the construction phase and ensure the long-term security of the shop which provides employment. The site is not greenfield

land but has been previously developed. The amended FCA shows that the risks and consequences of flooding could be managed to an acceptable level. For these reasons it is considered that the proposal complies with all the tests set out in paragraph 6.2 of TAN 15 for highly vulnerable development within a C1 Flood zone.

The application is re-presented to Members with amended plans, an amended FCA and the removal of the condition referring to finished floor levels. The application is recommended for approval subject to conditions and a s.106 agreement to make a financial contribution towards affordable housing in the local area.

The original committee report from 1 April 2025 is set out below:

This application is presented to Planning Committee due to the number of objections received from local residents

1.0 APPLICATION DETAILS

1.1 Site Description

The site currently comprises a single-storey, brick built grocery store and detached dormer bungalow containing four bedrooms. There are three off street parking spaces in front of the dwelling but no off-street parking for customers or deliveries to the store. The site is located within the Portskewett Development Boundary.

The western part of the site lies within a Zone C1 flood zone of the Development Advice Maps (DAM) as referenced by Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The [more recent] Flood Map for Planning identifies the application site to be at risk of flooding and falling within Zone 3 (Sea). The site is located within the Gwent Levels Archaeologically Sensitive Area.

1.2 Proposal Description

This full application seeks the demolition of the bungalow and its replacement with an attached two-storey unit, providing a first floor extension over the shop and a small extension to the front and rear of the shop of approximately 11m². In total, 3no. one-bedroom flats would be provided on the site. A communal garden will be incorporated to the rear of the building, including laundry drying area. Cycle and bin storage areas are provided to the rear. The three parking spaces to the front will be retained.

The application is accompanied by a full set of drawings and:

Bat Survey Report

Transport Note

Planning Statement

Flood Consequences Assessment

Surface Water Drainage Assessment

GI Statement

2.0 RELEVANT PLANNING HISTOREY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2024/01188	Mixed use development comprising shop extension to accommodate a new entrance and rear storeroom area; flatted development comprising 3 no. flats and associated development thereto following the demolition of dormer bungalow.	Pending Determination
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S5 LDP Community and Recreation Facilities
S6 LDP Retail Hierarchy
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

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
H9 LDP Flat Conversions
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

Supplementary Planning Guidance

Infill Development SPG November 2019:

[https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill\[1\]Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments\[1\]00000002.pdf](https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill[1]Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments[1]00000002.pdf)

Monmouthshire Parking Standards (January 2013)

[http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking\[1\]Standards-SPG-Jan-2013.pdf](http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking[1]Standards-SPG-Jan-2013.pdf)

Technical Advice Notes

Technical Advice Note (TAN) 15: Development and Flood Risk (2004):

<http://gov.wales/topics/planning/policy/tans/tan15/?lang=en>

4.0 NATIONAL PLANNING POLICY

5.0 REPRESENTATIONS

5.1 Consultation Replies

Portskewett Community Council – Provided the following comments:

While the Council supports the shop extension, as the shop provides a vital service to the community, the concerns relating to parking access for the proposed flats require careful consideration.

Insufficient parking.

Vehicles park on the road reducing visibility and is a danger to road users, many complaints have been received.

Additional hazards from the close proximity of the junction with Sudbrook Road, the entrance to King Harold's View.

The double yellow lines at the entrance to King Harold's View are frequently ignored by drivers.

General pedestrian safety in this area has been a concern for a number of years especially as it is close to the primary school.

The current traffic problems would be moved nearer to the pedestrian crossing by the Village.

Green and nearer to the Sudbrook Road junction, causing more concerns for safety.

MCC Highways - No objection

Natural Resources Wales (NRW) - No objection

Dwr Cymru - Welsh Water - No objection subject to conditions.

The site lies within the catchment of Nash WwTW and we can confirm that hydraulic capacity exists to accommodate foul flows from this development site.

Lead Local Flood Authority and SuDS Approval Body -

The proposed works will require SAB approval, the application has now demonstrated a means of surface water discharge.

No objection based on flood risk to the site and request a conditions

Heneb - No objection in respect of archaeological issues.

MCC Active Travel - Concerns have been identified.

The proposal should detail how the effect of any increase in traffic to the site by car will be mitigated.

In addition to the residential cycle parking, we would request a minimum of one short-stay customer cycle parking stand.

MCC Ecology - No objection.

5.2 Neighbour Notification

Letters of objection received from 7 addresses.

This part of Main Road is very congested and is already dangerous to motorists, cyclists and pedestrians.

Vehicles mount the pavement.

Parked cars and lorries make it very difficult to cross Main Road.

The proposed development will reduce parking significantly and further congest the area.

Dangerous parking outside the Premier shop is a daily occurrence.

Congestion and traffic fumes already a big problem caused by users of the shop.

Shop delivery drivers in very large trucks behave in an anti-social manner.

The Road is also too narrow to accommodate this extra road parking and will also be dangerous for pedestrians, especially school children who rely on unrestricted vision when using the zebra crossing.

The true picture of the chaotic, often dangerous, customer parking situation especially at peak times, has not been correctly represented in the traffic report.

Road markings need to be repainted.

The road is not wide enough for passing vehicles or emergency services.
Illegal parking will become worse unless it's manned or cameras are installed with penalties issued for offenders.
No space for delivery vehicles.

Supporting comment:
The shop upgrade is welcomed.

5.3 Local Member Representations

None.

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

With regards to the principle of new residential accommodation, the site is located within the Portskewett Development Boundary. Policy S1 of the LDP says that the main focus for new housing development is within main towns and the Severnside sub-region; Portskewett is allocated within the Severnside Region. Policy H1 of the LDP supports new residential development within development boundaries, subject to detailed planning considerations. Policy S9 allows for the conversion of properties into flats within development boundaries subject to detailed considerations. The principle of new residential development in this location is acceptable in policy terms but this is subject to detailed planning considerations. PPW12 recognises the need to provide sufficient housing in an area to meet housing need. PPW states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.

With regards to the alteration of the existing shop, Policy S5 of the LDP supports development proposals that provide and/or enhance community facilities within or adjoining town and village development boundaries subject to detailed planning considerations. Policy S6 identifies a Retail Hierarchy for the County but Portskewett does not feature in this. Policy CRF1 seeks the retention of existing community facilities such as village shops. Policy RET4 refers to 'New Retail Proposals' and says these should be focused towards Central Shopping Areas and Neighbourhood Centres, although this site is not in either of those designations. The proposal is not seeking a new retail unit - rather it is looking for a small increase in the size of the shop by providing a new entrance. The increase in floor area will be 11 m². It also seeks a replacement storage area to the rear. The retention (and enhancement) of a community facility complies with policy objectives.

6.2 Sustainability

The LDP and PPW encourage sustainable development. This site is in a sustainable location and the occupiers of the flats will be able to walk to the shop and the primary school in Portskewett and the facilities within Caldicot Town Centre are within easy cycling distance along the new cycle path or accessible via public transport. The proposal would accord with a key objective of PPW by providing residential accommodation in a sustainable location.

6.3 Place Making/Good Design

The proposal must be evaluated against the advice provided in the Supplementary Planning Guidance relating to Infill Development which states that the proposed development

must respect the scale, form and massing of existing development in the area. This area of Portskewett is characterised by two-storey dwellings with the exception of the small scale retail unit immediately to the west of the application site. The slight increase in the height of the shop and residential units would continue the rhythm of the street scene. There is no policy reason why the residential accommodation cannot be linked to the retail element. The replacement of the residential bungalow that currently features large flat-roofed dormers, by a two-storey element can be seen as an improvement in visual terms. The increase in the overall height of the building would be less than 1.2 metres. The development would have a slate roof and the walls would be finished in render with brick detailing. These materials are considered appropriate in this location. The form, scale and massing of the development are acceptable and the proposal will respect the character of the area and the surrounding properties, therefore according with the objectives of Policy DES1 of the LDP, which requires that all development to be of a high quality, sustainable design and respect the local character and distinctiveness.

6.4 Biodiversity/Green Infrastructure

Designated Sites and Habitats

There are no designated sites for nature conservation in immediate proximity to the proposals and no habitats of ecological value will be impacted.

Protected and Notable Species

The Bat Survey Report Issue 1, Version A (BE Ecological Ltd, September 2024) is welcomed. The report details the findings of a Preliminary Bat Roost Assessment and single emergence survey completed in accordance with best practice guidance. No evidence of roosting bats and very low levels of activity by common pipistrelle were recorded. The methodology in Section 6 does not need to be secured by condition given proportionality based on the survey findings. However, an informative is recommended reminding the applicant of their legal duties (which apply independently of the planning process) should roosting bats or nesting birds be unexpectedly found during works.

Net Benefit for Biodiversity

Planning Policy Wales (PPW) 12 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (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. The Planning, Design and Access Statement sets out the proposed enhancements of bird boxes on the east and west elevations and the rear retaining wall, as well as native planting beds. The locations of these features are shown on Drawing 2112/04B.

Appendix B of the Bat Survey report also provides the following exact specification:

A Schwegler 2GR, 1B Schwegler Nest Box or a suitable equivalent will be integrated on the north west and south east elevation. The boxes will be installed at least 3m from ground level.

This is sufficient to secure net benefit for biodiversity and implementation will need to be secured by condition.

6.5 Impact on Amenity

Policy EP1 of the LDP refers to Amenity and Environmental Protection and sets out that all development, should have regard to the privacy, amenity and health of occupiers of neighbouring properties. Immediately to the north of this site is the residential property 32 King Harold View which has its rear elevation facing into the application site. No 32 is set at a higher level than the proposed development and is set at a slight angle so is not directly looking towards the application site, but it is close to the common boundary. There is a retaining wall and fence between the two properties. The proposal contains no windows on the rear elevation of the shop but does contain two ground floor windows on the rear elevation of the flats. These serve a kitchen and sitting room. Because these windows are set below the height of the retaining wall they would not result in a

significant level of overlooking, despite their close proximity to the common boundary. There are also four rooflights on the rear elevation serving habitable rooms and they face towards the rear elevation of no 32. These rooflights are set a minimum of 1.7m above the floor area; this complies with the minimum standard to ensure that there are no unacceptable levels of overlooking. The increase in height of the residential element is approximately 1.2 metres. This increase in height will not significantly affect the outlook for existing residents. The increase in the height over the shop is approximately 1.6 metres. The shop element faces towards the side elevation of number 32 so will not result in a loss of outlook or loss of privacy.

The proposal does not affect any other residential properties. The scale and nature of the proposed development is not considered to result in any unacceptable impact upon the living conditions of neighbouring occupiers and therefore accords with policies EP1 and DES1 of the LDP.

6.6 Highways

The existing site conditions comprise a well-established village shop which has operated for many years together with a four-bedroom dormer bungalow next door. There is an existing off-street car parking area directly in front of the dormer bungalow which can accommodate three vehicles. The existing arrangement meets the requirements of the MCC Car parking Standards i.e. one car parking space to be provided per bedroom per dwelling with a maximum of three car parking spaces per dwelling.

The application site is served directly off Main Road, Portskewett which is a classified public highway. The posted speed limit is 20mph. The section of Main Road directly outside of the site and extending approximately 45m west is subject to regular on-street parking due to lack of off-street car parking provision for existing residents and customers of the shop. There has been much public concern regarding on-street parking relating to customers of the shop, particularly in and around the junction of King Harold's View, which has restricted entry and exit at the junction. In response to this ongoing issue, the Highway Authority implemented no waiting double yellow lines at the junction to prohibit parking and ease congestion at the junction. The Highway Authority acknowledges the concerns raised by local residents/consultees in respect of the current application in that it is perceived that the proposed development will exacerbate the current situation with regards to on-street parking stress in the immediate area. However, considering the application on its individual merit, there are no highway grounds to substantiate an objection on highway safety grounds considering that the site and use of the adjacent highway is historic and there will be no substantial material change to the current operation and use of the shop and adjacent public highway. The reasons are as follows:

The shop element of the application comprises an extension to the shop frontage and storeroom extension to the rear. The proposed extensions are contained within the application site perimeter and do not extend onto the adjacent public highway, therefore there are no grounds to object to this proposal.

The proposed redevelopment of the existing four-bedroom dormer bungalow comprises 3no. one-bedroom flats. The existing car parking area (three car parking spaces) directly in front of the dormer bungalow is being retained for the proposed 3no. flats. As stated above the MCC Parking Standards specifies one car parking space to be provided per bedroom per dwelling with a maximum of three car parking spaces per dwelling. 1no. car parking space is being reserved for each one-bedroom flat and thus meets the MCC Car Parking Standards.

In light of the above, Highways are of the opinion that there will be no substantial material change in terms of the parking arrangements between the existing and proposed redevelopment of the site and due to its historic use it would not be reasonable to sustain an objection to the application on highway safety grounds.

6.7 Flooding

The planning application proposes mixed use development including highly vulnerable development (residential). The NRW Flood Risk Map confirms the site to be within Zone C1 of the

Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 - Sea.

The planning application would result in the retention of and additional highly vulnerable development (residential), and the retention of less vulnerable development (retail). The proposal includes a self-contained flat at ground floor and two flats at first floor. The occupiers of the ground floor self-contained flat would not have access to the upper floor.

The proposal would result in a potential intensification of use and may create more pressure on emergency services should evacuation be required.

A Flood Consequence Assessment (FCA) has been submitted to support the application. NRW have reviewed the supporting FCA. The FCA indicates that during the 1 in 200 year plus climate change flood event, 2124, the site will experience a flood depth of 0.16m on the western boundary of the site. The FCA states that the buildings are located within the centre and the east of the site where ground levels are higher and that the finished floor levels for the buildings are higher again and that it is likely the building will not be flooded internally during this flood event. As such this element of the development will comply with A1.14 of TAN 15.

The FCA indicates that during the 1 in 1000 year plus climate change event, 2124, the site will experience a water depth of 0.67m on the western boundary of the site. The FCA states that buildings are located within the centre and the east of the site where ground levels are higher and that the finished floor levels for the buildings are higher again and that it is likely the building will flood to a depth of less than 600mm during this flood event. As such this element of the development would comply with A1.15 of TAN 15.

The FCA indicates that the proposed building will have a similar footprint to the existing building and as a result compensatory flood storage is not required and there will be no considerable impact on flood risk elsewhere given that the source of flooding is tidal. In addition, the overall direction of movement will be maintained within the development and surrounding area and the conveyance routes will not be blocked or obstructed.

NRW agree with the information submitted. In summary, the FCA indicates the built element of the proposals are stated as being flood free during the extreme events given that they are located on higher ground levels already. There is flooding to parts of the site within the red line application boundary but this is the same as the existing risk to the development.

Based on the information within the FCA, NRW advise that the built residential development is flood free in the 1 in 100 and 1 in 1000 year plus climate change flood events and has no impact on flood risk elsewhere. In addition, NRW consider there is no change in the vulnerability use at the ground floor level and as such they have no objection to the proposed development.

The Lead Local Flood Authority says that their database of previous flood events records surface water flooding in close proximity to the site, but this is on the main road below the level of the site and does not record any drainage or flood assets in close proximity to the site; therefore they raise no objection based on flood risk to the site however they do request a condition relating to finished floor levels.

Paragraph 6.2 of TAN 15 sets out the tests that must be applied for developments in flood zones. This states: "New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW)

fig 2.1); and

iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

The site is located within a C1 flood zone (and not a C2), which is an area of flooding with flood defences. The site is located within an existing village surrounded by other residential and commercial properties. The proposal will provide much needed one-bedroomed flats for which there is considerable demand in a sustainable location which complies with the Council's objectives. The proposal will provide employment opportunities during the construction phase and ensure the long-term security of the shop which provided employment. The site is not greenfield land but has been previously developed. NRW have confirmed that the submitted FCA shows that the risks and consequences of flooding could be managed to an acceptable level.

For these reasons it is considered that the proposal complies with all the tests set out in paragraph 6.2 of TAN 15 for highly vulnerable development within a C1 Flood zone.

6.8 Active Travel

MCC Active Travel have expressed concerns and have asked that the proposal should detail how the effect of any increase in traffic to the site by car will be mitigated. As explained above, the increase in floor area of the shop is very small and as such there would be minimal increase in traffic movement as a result of this proposal.

6.9 Affordable Housing

There is a requirement for a financial contribution for the off-site provision of affordable housing under Policy S4 of the LDP. This would follow the formula in the Council's adopted SPG:

Internal Floor Area (m²) x £80/m² x 58%

i.e. (51 + 57 = 108) x £80 x 0.58 = £5,011.20.

The agent has confirmed that the applicant is willing to provide this financial contribution.

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

Portskewett Community Council support the extension to the shop but they and local residents are concerned regarding the existing and ongoing parking issues in the area. The shop at present has no parking provision for customers or delivery vehicles but this is an existing situation and will not be exacerbated by the small increase proposed in the shop's floor area by the provision of a front porch. There will be no substantial material change to the current operation and use of the shop and thus, the Highway Authority offers no objection to the scheme.

The MCC Parking Standards specifies one car parking space to be provided per one-bedroomed flat. In this case three car parking spaces are being provided, one allocated to each flat and therefore the proposal meets the adopted standards. The status quo is maintained. The Highway Authority is of the opinion that there will be no substantial material change in terms of the parking arrangements in respect of the existing situation and the proposed redevelopment.

6.11 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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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 WCFG Act.

6.12 Conclusion

The site is located within the Portskewett Development Boundary. Policy H1 of the LDP provides that within development boundaries in the Severnside Settlements, new build residential development, redevelopment or the subdivision of larger dwellings will be permitted, subject to detailed planning considerations. Therefore the principle of converting and extending the existing residential dwelling into three self-contained flats in this location is acceptable in policy terms. The proposal accords with a key objective of PPW12 providing residential accommodation in a sustainable location. Despite the slight increase in the height of the buildings and the new windows on the rear elevation adequate levels of outlook and privacy are maintained in accordance with policies EP1 and DES1 of the LDP.

The slight increase in the floor area of the shop, 11m², will not result in more people using the shop and will not generate more vehicular movements. The proposal accords with the adopted parking standards by providing one space per one-bedroom flat. The Highway Authority agree that there will be no substantial material change in terms of the parking arrangements between the existing and proposed redevelopment.

NRW are satisfied that the risks of flooding can be satisfactorily managed.

The wildlife survey found no evidence of roosting bats within the site and the bird boxes and natural planting will provide an overall net benefit for biodiversity in accordance with LDP Policy NE1.

In conclusion, the application is considered to be policy compliant in all respects and is presented to Committee Members with a recommendation for approval.

7.0 RECOMMENDATION: APPROVE subject to a s106 agreement:

S106 agreement Heads of Terms

A financial contribution for the off-site provision of affordable housing under Policy S4 of the LDP equating to £5,011.20

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 Prior to the construction of the buildings hereby approved details of the materials to be used in the construction of the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such in perpetuity.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

4 Net Benefit for Biodiversity

All works shall proceed in accordance with proposed measures to benefit biodiversity as shown on Drawing 2112/04B and detailed in the Planning, Design and Access Statement (AJ Planning and Development, September 2024) and Appendix B of the Bat Survey report (BE Ecological Ltd, September 2024).

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

5 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.

6 No finished floor levels are to be below the 1000 year Coastal Flood Level of 11.16mAoD.

REASON: To prevent projected flood waters entering the property in flood events.

7 Any openings below 11.5mAoD must be protected by passive Property Flood Resilience Measures in accordance with the British Standards.

REASON: To prevent any openings allowing flood water into the property.

8 No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the development being brought into beneficial use and retained in perpetuity.

REASON: To ensure the suitable disposal of surface water in accordance with policy SD4 of the LDP

INFORMATIVES

The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

Bats and Nesting Birds

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. British bat species are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This includes individual bats and their roosts. If bats or their roosts are unexpectedly found during the course of works, all works must cease and a suitably qualified ecologist and Natural Resources Wales contacted for advice.

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Application Number: DM/2025/01039

Proposal: Change of use of part of car parking area in Beacon View for the provision of one mobile food/drink van in the car park. There are no new hardstandings or permanent structures proposed. The van/trailer will not be permitted to park overnight, proposed seasonal opening hours of 9am to 5pm. There will be no electricity supply and no diesel or external generators

Address: Beacon View Wood, Beacon Road, Trellech, Monmouthshire

Applicant: Cathrin Jones

Plans: Location Plan, Block Plan Beacon View

RECOMMENDATION: Refuse

Case Officer: Ms Jo Draper
Date Valid: 28.10.2025

This application is presented to Planning Committee due to there being 5 or more objections

1.0 This application was presented to Planning Committee on 2nd June with an officer recommendation for approval. Members resolved to defer the application to be refused and a reason for refusal is now set out below for Members' further consideration.

Reason for Refusal:

The car park where the food and drink van/ trailer is proposed to be located is confined and the provision of a catering van on the site would take up already limited parking spaces leading to on-road parking to the detriment of highway safety, and would lead to a lack of space for safe manoeuvring within the park which is an area well-used by walkers and their pets, contrary to Monmouthshire Local Development Plan Policy DES1 a), that seeks to ensure that developments provide a safe, secure, pleasant and convenient environment.

The committee report from 2nd June is provided below.

2nd JUNE PLANNING COMMITTEE REPORT

1.0 APPLICATION DETAILS

1.1 Site Description

The application site relates to a car park that serves the woodland area that is Beacon View Wood. The application site is an existing car park that is situated adjacent to the public highway, but located on higher ground and not within viewpoint of the main highway. The site is accessed via a short length of track that joins the public highway.

The car park and surrounding woodlands are managed by NRW. The car park is informal with no delineation of car parking spaces. The application site is within the Wye Valley National Landscape.

1.2 Proposal Description

The proposed development includes a change of use of land, to site one temporary food/drink van/trailer in the NRW managed car park. The van/trailer takes the space of approximately three vehicles; however, the car park is informal, and spaces are not delineated. There are no proposed changes to the parking facility as the van/trailer will be located on the existing hardstanding within the car park with no new hardstanding or permanent structures proposed.

The supporting information states that the van/trailer will not be located on the grass or any other vegetation. The van/trailer will not be permitted to park overnight with anticipated seasonal opening hours of 9am to 5pm. A licence will be issued to the concession holder to ensure that they adhere to specific obligations. Trees and grass areas would not be impacted. There will be no losses to green infrastructure.

The supporting information has provided more detail on the responsibilities and obligations of the permit holder that operates the proposed van/trailer. This includes:

The successful applicant will be issued with a licence. The licence will state that the licensee is responsible for adhering to all waste regulations, including recycling and we therefore anticipate that the licensee will have recycling bins on site, and they will be responsible for disposing of the waste legally. They will also be responsible for ensuring that the site is tidy and free of litter. The Licence will also include requirements to comply with the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023. Recyclable or biodegradable food and drink containers should be used. NRW are also looking for eco-solutions, as diesel generators will not be permitted on site.

Ecological enhancement is proposed in the form of four Bat Boxes to be sited on trees surrounding the car park.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2025/01039	Change of use of part of car parking area in Beacon View for the provision of one mobile food/drink van in the car park. There are no new hardstandings or permanent structures proposed. The van/trailer will not be permitted to park overnight, proposed seasonal opening hours of 9am to 5pm. There will be no electricity supply and no diesel or external generators.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
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
EP3 LDP Lighting
NE1 LDP Nature Conservation and Development
GI1 LDP Green Infrastructure
LC4 LDP Wye Valley AONB
LC5 LDP Protection and Enhancement of Landscape Character
RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside

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

Trellech United Community Council: Refuse

Due to environmental concerns over littering and the lack of toilet facilities. There are also further issues over the poor state of the surface of the minor access road, the small size of the car park and the amount of space that would be taken up by any potential coffee van, particularly if it was a trailer and towing vehicle. Turning in this car park is already difficult as it is not that wide, and there is no barrier to prevent a vehicle going off the edge. The location plans are also not correct, and we think that there are other more suitable sites that could be used.

Wye Valley National Landscape:

Thank you for consulting the Wye Valley National Landscape (WVNL) Team on the application. Owing to the small and temporary nature of the proposals, there are no significant concerns regarding potential adverse landscape and visual impacts on the WVNL, dependent on suitable conditions should the application be approved, and adequate management by NRW to prevent an increase in littering and food waste being left in the area.

MCC Highways: No objection

The application proposes the siting of a food truck within an existing car park. The site is accessed via a short length of track that joins the public highway along the unclassified C50.3. The truck is to be located within an existing car park adjacent to the public highway but located on higher ground and not readily in view. The truck takes the space of approximately three vehicles; however, the

car park is informal, and spaces are not delineated. There are no proposed changes to the parking facility. Given the distance from the public highway, it is not expected to produce serious concern regarding parking or obstruction of the network. The MCC Local Parking Standards require only a single space for staff and "adequate" parking provision for customers. Given the location within a car park, it is the opinion of the highway authority that all standards are met. Given the location it is expected that customer visits will be incidental to the existing use and will not represent a significant increase or draw for additional trips. The location of the car park is not in clear view of the road and is not likely to draw passing traffic. There are no highway grounds for an objection.

MCC Biodiversity: No objection

It is understood that the proposed site is within an existing car park that already has picnic areas and is well used. It is also understood from communication with NRW (as the applicant) that: The successful applicant will be issued with a licence. The licence will state that the licensee is responsible for adhering to all waste regulations, including recycling and we therefore anticipate that the licensee will have recycling bins on site, and they will be responsible for disposing of the waste legally. They will also be responsible for ensuring that the site is tidy and free of litter. The Licence will also include requirements to comply with the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023. Recyclable or biodegradable food and drink containers should be used. NRW are also looking for eco-solutions, as diesel generators will not be permitted on site.

Designated Sites and Protected Species Several component sites of the Wye Valley and Forest of Dean Bat Sites are located within 10km, the closest being approximately 2km southeast. Given the small scale of the proposals, no adverse effects on these designated sites are anticipated.

It is noted that Natural Resources Wales (NRW) have commented stating, 'we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018)'. The site is located adjacent to a Natural Resources Wales Priority Area: Plantation on Ancient Woodland Site. A variety of protected species including bats, dormice and breeding birds are likely to be present within the woodland. No additional risk to sensitive habitats within proximity to the site is anticipated, as the van is proposed within an existing carpark that is already well used, with footfall not expected to increase. There will be no external generators, minimising pollution risks and disturbance from noise. Indirect impacts to the woodland from waste/litter will be addressed as operators will require a licence to operate, which includes responsibilities for managing waste appropriately.

Given the use of existing hardstanding and controlled operational hours (seasonal 9am - 5pm), the proposal is ecologically low risk. The risk to protected species or habitats that support these species is considered to be negligible. Lighting Due to limited operational hours the use of artificial light is not anticipated and is unlikely to cause disturbance to protected species within the woodland. Should the vans operate in the winter and require artificial lighting to operate, any unavoidable external lighting must be low-level, directional, and restricted to the van footprint (designed in accordance with Bats and Artificial Lighting in the UK (ILP, 2023). Net Benefit for Biodiversity Planning Policy Wales (PPW) 12 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (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. The Green Infrastructure Statement submitted as part of the application proposes 4 x bat boxes on trees surrounding the car park. Evidence of implementation of mitigation and net benefit measures for biodiversity must be provided to the LPA no more than three months later than the first beneficial use of the development.

Natural Resources Wales: No further comment

Thank you for consulting Natural Resources Wales on the above application. We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018):

<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. No ecological information has been submitted in support of this

application. We note that there are records of dormice at the site. We recommend you seek the advice of your Authority's internal ecological adviser about the requirement for further information to be submitted in support of the application, the need for bespoke surveys and the scope of further information, where required.

5.2 Neighbour Notification

Approximately 30 objections from local addresses, some from the same household and some associated with a local walking group.

The proposed development is unsuitable for this location and poses significant risks to public safety, environmental protection, and the viability of existing local businesses

The site is reached via steep, exceptionally narrow, and poorly maintained lanes with no passing places. This infrastructure cannot safely support increased commercial traffic, especially given existing parking overflow onto woodland verges during peak times

Located within an AONB, the area is home to protected species, including dormice. The proposal threatens the site's "wild woodland nature" through increased litter (already an issue) and noise pollution, disturbing wildlife and causing pollution

Light and litter risks harm to habitats associated with nearby SSSI and SAC woodland sites, conflicting with statutory biodiversity duties under the Environment (Wales) Act 2016

The complete lack of toilet and handwashing facilities for staff and visitors raises severe food hygiene concerns and presents a public health hazard in a public recreational area

Impact on local businesses, several pubs, cafes and restaurants operate only minutes away, undermining the local economy rather than supporting it. Nobody needs to eat there at site

The cooking smells would be evident over a wide area

This is an area for walking quietly and harmonising with nature - for example we saw (and heard) nightjars there in the summer

The site lies within the Wye Valley AONB, a nationally protected landscape. Under Section 85 of the Countryside and Rights of Way Act 2000 (CRoW Act) all public bodies, including the planning authority and NRW, must have regard to the purpose of conserving and enhancing natural beauty

The proposal also conflicts with the AONB Management Plan which requires development to protect tranquillity, biodiversity and landscape character

Approving this development would open the door to further commercialisation in an area designated for its natural tranquillity

Reduced parking capacity, the car park is small and often full. Taking up part of it for a food van would reduce parking and create turning difficulties for vehicles, negatively affecting public enjoyment of the AONB

The small car park already serves walkers and visitors. A food van would remove essential parking spaces and restrict turning, undermining public access to the AONB, contrary to policy requiring sustainable visitor management

Commercial food outlet in a remote AONB car park would set an inappropriate precedent for further erosion of this protected landscape

Beacon View car park is one of the smaller car parks and it is well used by walkers

The presence of a van and towing vehicle will also degrade the quality of the immediate environment and take up too much space in a small car park. At our recent AGM, the group unanimously agreed that this proposal would be detrimental to our aims of maintaining an attractive footpath network - The North and District Footpath Group

Infectious diseases from littering and waste being spread by rats etc

Fast food van would contribute to rural urbanisation and would be no benefit to the local culture or impact anyone in a meaningful

A mobile food van will serve to encourage more camper vans and wild campers with the associated poor behaviour to the detriment of wildlife

Can you please confirm that the vehicle engine will not be running at any time during operation and will therefore not create pollution / CO2 emissions

Any advertising on the roadside verges to try and draw business would seem totally out of place in this very rural and beautiful part of the Wye Valley AONB

Food trucks rely heavily on social media, and a single influencer post could bring a sudden surge of visitors. This small village and its fragile woodland cannot handle large or unexpected increases in footfall

The car park only has capacity for probably six to eight cars.

Two letters of support:

This will help bolster the local economy and provide walkers with refreshments after long walk. The conditions of approving this application should be on the grounds that they provide coffee in compostable cups and are responsible for the waste, asking them to take it back with them. We should be encouraging small/boutique businesses not knocking them back.

5.3 Other Representations

No further comments received

5.4 Local Member Representations

Local Member: Councillor Richard John

- The car park is accessed from a steep, narrow derestricted lane with no passing places. The road has been repeatedly patched up by the local authority and would be unsuitable for increased traffic
- The proposed food outlet would harm established local pubs and restaurants only a few minutes' drive from Breacon View. While the applicant says they will consider applications from local bidders, it is more likely the proposal will be harmful to local businesses
- The proposed food outlet would reduce the space for parking in an already small car park and limit space for vehicles to safely turn around
- The proposal would disturb local wildlife including the dormice
- There will be no toilet or handwashing facilities for staff serving food, creating potential for breaches of basic food hygiene standards
- Despite being an Area of Outstanding Natural Beauty, we already have a problem with litter in the area, particularly on verges with fast food packaging thrown from passing vehicles. The problem is particularly severe close to fast food outlets such as Euro Garages. This would make the problem even worse.

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 application seeks full planning permission for the change of use of part of the woodland car park to site a catering van between the months of March and October from 9am to 5pm every day during that time. The site is in an area of open countryside.

In this instance the proposed catering van is a use not a building and is considered for the purposes of supporting leisure and tourism. LDP Policy RE6 is the applicable policy in this case, this states that 'Development proposals for recreation, tourism and leisure uses in the countryside will be permitted provided that they are of a small-scale, informal nature and subject to detailed planning considerations, including adequate safeguards for the character and appearance of the countryside (particularly its landscape, biodiversity and local amenity value)'.

The intensity of the operation is limited by its scale, hours of operation, operational constraints (no toilets, running water etc), and siting, which is at a higher level to the main highway and screened by surrounding trees with no clear viewpoints of the site from the main highway. The result of these factors is that the proposed use is very small scale, will be sited on a seasonal basis, and is restricted to day time hours with no overnight stays, the use would be ancillary to the overall woodland tourism use and the principle of the development is acceptable in that this provides refreshments and supports tourism by offering drinks and food to visitors to this woodland. The detailed issues are considered below.

6.2 Sustainability

The change of use will be limited mostly to daylight hours and only during March - October. This proposal is small in scale and, given it is for a removable van/trailer, informal in nature with no permanent imprint left on site. The van will not be sited in any area of high ecological value. The area is used as a car park and therefore vehicles being parked there is a common feature of the area.

The issue of possible litter and other rubbish resulting from use of the catering van would be for the landowner, in this case Natural Resources Wales, to monitor with the person/company operating the van.

6.2.1 Good Design

There are no design issues as it relates to the use of a small part of the car park for a mobile refreshment van/trailer; the appearance of this vehicle cannot be controlled under planning legislation

6.2.3 Green Infrastructure

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.

The proposed van/trailer are to be sited within the existing gravel parking area and no green infrastructure will be impacted by the change of use. Given this, it is considered that the development would not have an adverse impact on green infrastructure at the site.

6.3 Landscape

With the addition of a condition restricting the seasonal use of the site and not allowing overnight parking of the catering van/trailer overnight, the change of use would have an acceptable impact on the local landscape. The site is well-screened from wider views.

6.4 Biodiversity

6.4.1 PPW 12 sets out that the planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. It is clear that planning system should ensure that overall, there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced wellbeing.

It has been concluded that given the use of existing hardstanding and controlled operational hours (seasonal 9am - 5pm), the proposal is ecologically low risk. The risk to protected species or habitats that support these species is considered to be negligible. There are controls proposed for lighting, which is to be covered by planning condition.

6.4.2 Net Benefit for Biodiversity Planning Policy Wales (PPW) 12 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (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. The Green Infrastructure Statement submitted as part of the application proposes 4 x bat boxes on trees surrounding the car park. These enhancements are

proportional to the scale of the proposals, and a planning condition is proposed that secures the implementation of mitigation and net benefit measures for biodiversity

6.4.3 Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

6.4.4 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.

This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (v5.1 issued 9th February 2026). It is considered that this development is unlikely to increase nutrient inputs.

6.5 Impact on Amenity

There are concerns raised in representations that the siting of a food/drink van/trailer will have a detrimental impact upon the overall environment and ambience of the area, with a change in noise and people visiting. The supporting information states that there would be no diesel generators allowed under the license and littering is managed by the operators. The scale, location and operating instructions that apply limit this use and would result in it being small scale and ancillary to this woodland recreational use. This would provide refreshments for visitors during the hours of visiting; beyond daytime hours and during winter months the proposed use would not operate. There would be no adverse impact upon the sense of place in this case - to the contrary, this is a small scale offering that enhances the experience of people visiting this site.

6.6 Transport

6.6.1 Access / Highway Safety

The proposed van/ trailer takes the space of approximately three vehicles; however, the car park is informal, and spaces are not delineated. As there are no physical changes proposed to the parking facility, the proposal is not considered to take up a significant amount of space and the highway engineer has confirmed that this proposal will not compromise the existing highway or parking areas.

The MCC Local Parking Standards require only a single space for staff and "adequate" parking provision for customers. Given the location within a car park, it is the opinion of the highway authority that all standards are met. Given the location it is expected that customer visits will be incidental to the existing use and will not represent a significant increase or draw for additional trips. The location of the car park is not in clear view of the road and is not likely to draw passing traffic. There are no highway grounds for an objection.

6.7 Drainage

6.7.1 Foul Drainage

As there are no toilets proposed there are no foul drainage implications or considerations that apply in this case.

6.7.2 Surface Water Drainage

There are no surface water drainage implications as there are no physical changes to the site and the proposal relates to a vehicle parked within a given area for a temporary period of time.

6.8 Noise

As there are controls on diesel generators and the proposed use will be parked up with no engine running, there would be no vehicles or machinery that would have an impact upon noise levels within the local area.

6.9 Tourism

The van would support tourism in the area offering refreshments to users of the woodland. Whilst retail competition is not a planning matter in this case, it is noteworthy that there is currently no provision for refreshment within close proximity of the site, the closest being the public house in Trellech, the Lion Inn.

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

6.10.1 There are concerns about the impact on wildlife.
MCC Ecology has raised no objection to the proposal.

Litter is controlled by the landowner - regardless of licence requirements people will leave litter, and take refreshments / food with them, maybe for a walk.
This is to be monitored by the landowner and cannot be controlled by the planning authority.

Concern raised about the car park filling up as this proposal takes up space and will generate more traffic - this is addressed under 6.6 above. Although it is noteworthy that the car park becomes congested during the peak season, there are currently no time restrictions for users of the woodland car park so any car/vehicle could be parked there for long periods of time. This, as regards the case of wild campers and camper vans that are parked up, is an issue for the landowner, NRW, to monitor and is not considered to be grounds to refuse this application.

Impact on amenity of woodland - The woods are somewhere people go to enjoy a bit of time away from all the usual pressures. The use of the van will be at the discretion of the users of the woodland.

Impact on other local food outlets - competition is not a planning consideration, although it is noteworthy that there are no other retail or recreational facilities within proximity of the site that deliver the service proposed with this application.

Concerns raised about lack of toilet facilities and the impact this would have upon the hygiene of the proposed user. This is covered under separate legislation and is not a planning consideration in this case.

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

6.11.1 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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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 WCFG Act.

6.12 Conclusion

6.12.1 The proposal has been assessed against all relevant planning policy and is considered acceptable in this case. The proposal is recommended for approval accordingly

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 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the site until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA.

REASON: To safeguard roosting and foraging/commuting habitat of Species of Conservation Concern in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

4 All works shall proceed in accordance with proposed measures to secure no net loss and net benefit for biodiversity in accordance with The Green Infrastructure Statement. Evidence of implementation of mitigation and net benefit measures for biodiversity must be provided to the LPA no more than three months later than the first beneficial use of the development.

REASON: To provide no net loss and biodiversity net benefit and ensure compliance with PPW 12, the Environment (Wales) Act 2016 and LDP policy NE1.

5 No catering van/trailer shall remain on the site overnight and no catering van/trailer shall be permitted on the site between 1st November in any one year and 24th March in the succeeding year.

REASON: To ensure that the site is not used for touring camping and caravan purposes, in the interests of visual amenity and to ensure compliance with LDP Policy RE6.

Application Number: DM/2026/00024

Proposal: Change of use of the existing building from office use (Use Class B1) to a day nursery (Use Class D1). The proposal involves internal alterations only, with no external alterations. The nursery would operate primarily on weekdays, with occasional weekend use of the building for classes not involving day care. There would be no evening or late-night use, and activity would be limited to drop-off and pick-up at the start and end of sessions.

There are no existing on-site vehicle parking or cycle parking spaces associated with the building. The proposal does not include the provision of on-site parking or cycle spaces. Staff will use nearby public parking facilities, and parent drop-off and pick-up will be short-stay and managed to minimise impact on surrounding streets.

Address: The Old Chapel, Twyn Square, Usk, NP15 1BH

Applicant: Miss Wiktoria Debska

Plans: Floor Plans - Existing Usk Chapel Layout Existing - , Location Plan Location Plan - , Other Noise Impact Assessment (NIA) dated 18/6/26 - Version 5,

RECOMMENDATION: Approve

Case Officer: Kate Bingham
Date Valid: 09.01.2026

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

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to the ground floor of a former Chapel occupying a prominent position on the corner of Tywn Square in the town of Usk. The ground floor has previously been used as an art gallery and an office. There are residential flats above.

The site is within the Usk Conservation Area and also within the Nutrient Sensitive catchment Area of the River Usk Special Area of Conservation (SAC).

1.2 Proposal Description

It is proposed to convert the ground floor of an existing vacant chapel in the centre of Usk to a children's nursery.

The proposed nursery can accommodate up to approximately 24 children at any one time. Staffing levels are expected to be around 4-6 staff members on site, depending on age groups and session arrangements, in line with Care Inspectorate Wales (CIW) requirements.

The operation of the proposed use would be managed internally through supervised arrival and collection procedures, staffing and safeguarding policies, without physical alteration to shared areas.

The nursery proposed in this application would be run following the Montessori method. This is a child-led educational philosophy, focusing on independence, hands-on learning, and mixed-age

classrooms. Children are encouraged to choose their own activities and learn at their own pace, guided rather than instructed by teachers. However, this application simply considers a change of use from office (Use Class B1) to nursery (Use Class D1).

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2007/01020	Retention of fascia signs	Refused	12.12.2007
DC/2007/01025	Change of use from A2 to A1 retail (no ground floor display window).	Approved	12.12.2007
DC/2008/00594	Business name sign.	Approved	10.09.2008

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities
 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

Development Management Policies

CRF1 LDP Retention of Existing Community Facilities
 RET2 LDP Central Shopping Areas
 EP1 LDP Amenity and Environmental Protection
 EP5 LDP Foul Sewage Disposal
 HE1 LDP Development in Conservation Areas
 HE2 LDP Alterations to Unlisted Buildings in Conservation Areas
 DES1 LDP General Design Considerations
 NE1 LDP Nature Conservation and Development

Conservation Area Appraisal

Usk Conservation Area Appraisal.

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

Usk Town Council - At the UTC Planning Meeting on 14th January 2026 the application was reviewed and the council voted not to support the application based on the information on the planning portal.

We are worried about the increase of traffic at pick up and drop off, together with the additional parking required for staff. Parking problems in Twyn Square are already acute.

We also believe there is a lack of outside space at the venue for the children to utilise.

We are aware there has been a recent accident involving a 7 year old impaling herself on the spikes outside this property which we hope will be addressed when considering this application.

Welsh Water - No objection.

The application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. Additionally, it is presumed based on the information submitted that there would be no increase in foul flows entering the public sewerage network. 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.

MCC Highways - The Highway Authority have no highway grounds to object to the application. It is recommended that the applicant acknowledges the above in terms of the law surrounding drop-off and collections by vehicle and ensures that all parents/carers utilise the public car parks and arrive and depart the site with children on foot.

MCC Environmental Health - No objections subject to conditions.

Having reviewed the latest Noise Impact Assessment (NIA) Version 5, dated 18 June 2026, which includes a proposed sound insulation scheme between the separating floors, the following comments are made:

Compared to previous correspondence and earlier versions of the NIA, it is noted that the proposal includes the introduction of 100 mm Rockwool insulation with a minimum density of 80 kg/m³.

This proposal indicates an increase in the sound reduction index (Rw) of approximately 20 dB, from the existing separating floor performance of 51 dB to a proposed 71 dB.

Further correspondence between the applicant and their acoustic consultant advises that the existing floor is predicted to achieve an airborne sound insulation performance of 44 DnT,w + Ctr (dB), and that with the addition of the proposed Rockwool insulation, performance is predicted to improve to 64 DnT,w + Ctr.

This represents a significant improvement in sound insulation between the proposed nursery and the flats above. However, it is acknowledged that, at times, some level of noise associated with nursery activities may still be perceptible within the flats, even with the proposed mitigation measures in place.

If you are minded to grant planning permission, I recommend the following conditions are attached to protect the local amenity from unacceptable risk / harm from noise.

Condition 1:

Prior to the commencement of use, sound insulation testing shall be carried out in accordance with Approved Document E of the Building Regulations (or equivalent).

The separating floors shall achieve a minimum airborne sound insulation performance of 64 DnT,w + Ctr (dB).

Upon completion of the testing, a report and certification confirming that the required performance standard has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

The development shall not be used until the report has been approved, and the separating floors shall be retained thereafter in accordance with the approved details.

Condition 2:

Prior to the commencement of use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Noise Management Plan shall detail measures to control and mitigate noise arising from the use of the premises, including internal and external activities, arrivals and departures.

The approved Noise Management Plan shall be implemented in full prior to the first use and shall thereafter be retained and adhered to for the duration of the use.

The Noise Management Plan shall be reviewed and, where necessary, updated in the event of complaints of noise disturbance from nearby properties or at the request of the Local Authority, with any revisions to be submitted to and approved in writing by the Local Planning Authority.

Condition 3:

The premises shall only operate between the hours of 08:00 and 18:00 Monday to Friday, and at no time on Saturdays, Sundays or Bank Holidays.

Previous comments:

Further to my comment's date 23rd April 2026 where it was stated that "it is acknowledged that at times noise from children is likely to be audible outside the proposed premises and within the flats above and neighbouring properties, particularly when windows are open."

We have since been advised that there has been some limited nursery/home educational use at the proposed development (ground floor) and that noise is clearly audible within the flats even when windows are closed. I therefore took the opportunity to install the section's sound monitoring equipment within the residential accommodation directly above the premises (first floor), in a habitable room, with windows closed for the duration of the monitoring.

There are two other flats located either side of the flat where the sound equipment was installed, both spanning the first and second floors, and a further flat to the rear which spans the ground,

first and second floors. In total, four flats adjoin the ground floor premises proposed for nursery/home educational use.

During the recordings, at times noise from a single child and an adult was audible, while at other times noise from several children and adults was identified.

The dominant noise observed throughout the recordings was mostly muffled speech and background murmuring, typically below 30 dB LAeq and frequently within the low 20 dB range. In most instances, words were not identifiable, demonstrating some sound attenuation through the separating structure.

Short-duration noise events were intermittently identified, including:

- o Children calling out, shouting, singing or vocalising during play. At times, words, counting and sounds associated with a nursery and educational setting are clearly audible
- o Laughter, cheering, screams and excited vocal sounds from play
- o Adult verbal interaction and control, sometimes also clearly audible
- o Impact-type sounds such as tapping and knocking sounds

Periods of structured activity involving music and play were also regularly heard, including:

- o Playback of music and possible children's programmes, songs clearly audible at times i.e. "The Lion Sleeps Tonight" and "BINGO".
- o The use of instruments i.e. the piano played for longer durations, again intermittent with attempts to play the same melody over and over again before moving onto something else. Then on other occasions it appeared random keys were just being played. A stringed instrument was also strummed on one of the days of the recordings.

During these periods, noise levels temporarily increase in audibility during musical crescendos, heightened play activity and talking/singing over music.

The recordings found the increase in children (e.g. 2-3) resulted in increased frequency of vocal noise and play noise.

Noise during the monitoring period was intermittent, and predominantly speech-based and the acoustic character is subdued and muffled, with limited clarity of speech, along with musical instruments and recorded music being played.

The overall noise environment remained intermittent rather than continuous, which is as expected in a nursery environment. The monitoring reflects low occupancy conditions which is more similar to a household setting. Whereas the proposed change of use would allow for up to 24 children with the use ranging from a proposed nursery operation to a home education programme for up to approximately 10 children. Based on observed patterns, it is reasonable to expect if the proposal goes ahead there will be:

- o Increased frequency and duration of noise events
- o Greater incidence of overlapping vocalisations and group activity
- o More regular music, play, and behavioural interactions

This is likely to result in an overall noise transmission from the nursery and home education operations to the above and adjoining flats.

The NIA (V4, dated 21st April 2026) has stipulated a sound reduction of 51dB, albeit was modelled. Therefore, I suggest if planners are mindful to grant planning permission considering Environmental Health will not be able to resolve complaints of this nature under Statutory Nuisance, you may wish to condition the sound proofing to be improved, in addition to the previous conditions recommended.

Prior to first occupation, a scheme of sound insulation works to the floor/ceiling structure between the flats above shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in perpetuity.

The NIA has stipulated a sound reduction of 51 dB, however as previously raised, this figure was based on modelling. Therefore, should the Local Planning Authority be minded to grant planning permission, and given that Environmental Health would not be able to resolve complaints of this nature under the Statutory Nuisance, it is recommended that the soundproofing be improved in addition to the previously recommended conditions.

Prior to first occupation, a scheme of sound insulation works to the floor/ceiling structure between the ground floor premises and the flats above shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in perpetuity.

Or alternatively, you may wish for the applicant to present such a scheme for consideration prior to decision.

Initial Comments: Objection.

I have reviewed the Noise Impact Assessment (NIA), project reference 22014 V4, dated 21st April 2026.

Should this proposal proceed, it is acknowledged that at times noise from children is likely to be audible outside the proposed premises and within the flats above and neighbouring properties, particularly when windows are open. The development would also introduce a new noise generating use into a predominantly residential setting.

The submitted assessment concludes that the proposal would meet the relevant internal and external noise standards during the proposed hours of operation. However, it should be noted that these standards are based on 16 hour daytime averages (07:00-23:00), whereas the proposed nursery operating hours are Monday to Friday 08:00-18:00. As such, there are six hours within the assessment period when the nursery would not be operating, which reduces the calculated average noise levels. Noise from children is inherently highly intermittent and character specific, and reliance on average noise levels alone does not fully represent the potential perceptibility or impact of such noise.

As previously raised in my previous comments, the assessment of noise transmission between the proposed nursery and the adjoining flat and flats above has been undertaken through modelling only. No site specific testing has been carried out, and the modelling assumes ideal construction with no gaps, service penetrations (e.g. pipework), or ceiling voids. Given the age and nature of the building, this is unlikely to fully reflect real world conditions, and sound insulation performance may therefore be lower than predicted.

Although the NIA makes reference to music being played in the nursery at a maximum of 80dBA, this does not seem appropriate to allow such loud music to be played in a nursery setting albeit more a health and safety concern, as this has the potential to damage children's hearing. Therefore, background music sound levels should be considered instead. The NIA also makes reference to when music is played, it is assumed that windows will be shut, this should be included in a Noise Management Plan and if the windows are to be kept closed, consideration should be made to overheating in the summer months too.

Notwithstanding the above concerns, as the proposal has been modelled to meet the relevant guideline standards, I am not in a position to substantiate a specific level of noise impact that would justify an objection on noise grounds alone. However, if the Local Planning Authority is minded to grant permission, it should be noted that this service would not be in a position to investigate or resolve complaints relating to noise generated by children's play, where such noise is considered typical and expected within the context of a nursery use.

In order to minimise potential impacts on nearby residential premises, I recommend that consideration is given to attaching the following conditions:

1. Restriction of operating hours to those proposed in the application, Monday to Friday between 08:00 and 18:00, to limit the impact to the neighbouring dwellings.

2. Compliance with a Noise Management Plan (NMP), to be agreed in writing with the Local Planning Authority at least 28 days prior to commencement of operations. The NMP should be reviewed in the event of any change in activities that may result in altered noise levels, and following substantiated complaints.

MCC Biodiversity - No objections. Recommended a condition relating to lighting, along with an informative for bats and nesting birds.

MCC Building Control - No in-principle objection to the proposed use from a Building Regulations perspective.

A Building Regulations application will be required should planning permission be granted. The development will need to be designed and detailed by a suitably qualified professional to demonstrate compliance.

Key Considerations

The following matters will require further assessment and are likely to necessitate upgrade works:

Fire safety (primary consideration):

Means of escape, fire alarm/detection systems, emergency lighting, and fire-resisting construction.

Access and use:

Suitable access and accessible WC provision where reasonably practicable.

Sanitary provision:

Adequate facilities appropriate to childcare use.

Ventilation:

Adequate ventilation to occupied spaces.

Conclusion

The building is likely capable of being adapted, subject to appropriate design and moderate compliance works, particularly in relation to fire safety.

Early engagement with Building Control is recommended, and a competent designer should be appointed to develop proposals and support a future Building Regulations application.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Seventeen representations received objecting to the development. These have been divided into broad headings for ease of reference:

Principle of Development

- With Usk already having two nurseries, I see no need for a third in a small community.
- A third nursery would have a big impact on the already established settings in this area.
- The proposal is of a scale and character wholly different to its previous low key office use, entirely inappropriate to sharing with flats and neighbouring dwellings in very close proximity.
- I am in favour of local business moving into the square but do not believe this is a suitable business for this location.
- I do not think that the old chapel is suitable for a nursery there is no outside space for the children to play.
- There are currently two very good nurseries in the town who have had excellent ESTYN inspections in the past 18 months, childcare in the town is very well catered for.
- It has been stated that the nearest alternative Montessori provision to Usk is located in Cardiff/Bristol. A Montessori school, catering for children aged 2 to 19, has operated in Monmouthshire for at least 22 years.

Highway Safety

- The square in Usk does not have sufficient parking or drop off zones to accommodate the necessary drop offs and pick-ups needed for a nursery school.

- The entrance is on the corner of the square and is already an issue with illegal non-enforced parking.
- Cars coming from Monmouth road arrive at speed when turning left into a blind corner.
- There are two existing bus stops in the square serving school and service buses and the site stands at the very busy junction of the square/A472 with extremely limited visibility to its western side.
- The proposal would result in unacceptably increased hazard and inconvenience to all road users.
- The early school times are a particularly busy time with numerous parents dropping off children for the school buses. The issue is the parents that stay with their children in the car waiting for the bus to arrive. As they park in any accessible space it leads to a complete lack of parking or drop off spaces in the square.
- Given the age group of children in this application, they will need to be taken out of a child seat etc, within a busy square with the doors open. I consider the potential of this to be dangerous.
- They also indicated having somebody available to take children out of cars. Any person stopping outside the church on the bend, is putting themselves at danger.
- Reliance on parking compliance by parents is difficult to enforce and the cumulative impact of multiple handovers would likely increase congestion and affect highway safety.
- Concerned about the width of the pavement between the school and the proposed nursery.
- If the proposed nursery is using offsite outdoor facilities will there be additional coach/buses/cars to transport children from point a - point b which could add to the parking worries already expressed.
- No enforceable traffic management plan has been submitted to demonstrate how safe drop off, collection would be achieved.
- There are no car park spaces associated with the Old Chapel, where will the staff park?
- Being a town involved in agriculture there are frequent use of farm vehicles, tractors, earth moving equipment (ploughs) etc., who use the area at all times of day and night and year.
- This is not just an objection to the planning it is very much a safety issue for the parents and children being picked up and dropped off.
- As the saying goes, 'this is an accident waiting to happen' if this planning application is approved.
- In practice, it is inevitable that parents will stop as close to the setting as possible on the public highway, creating congestion and unsafe conditions that the setting will be unable to control, regardless of internal policies.

Residential Amenity

- The flats upstairs from the proposed nursery would have issues with noise pollution from early until late six days per week.
- For shift workers or the elderly / those based at home, this would have a significant impact on quality of life.
- The potential for unacceptable noise, disturbance and conflict is clear.
- The applicant is advertising the space for parties and baby massage on the weekends which would undoubtedly affect the residents' quality of life and right to peace.
- I refute the statement that forty people previously worked in the office - a handful worked in the office, and the rest of the staff worked off site, installing solar panels.
- I know from being a past resident, how general noise travels throughout the walls and floors of the building. The change of use to a day nursery will increase the level of consistent noise which will adversely impact the quality of life of the current residents.
- The unit is directly below and adjacent to four flats. Residents are at home during the day and know how sound transmits through the ceiling/walls.
- The previous business office operated Mon-Fri. A day nursery for 1-2-year-olds with activity sessions plus weekend commercial birthday parties will change the character, frequency and duration of noise previously experienced, affecting residential amenity.
- Internal acoustic management/noise monitoring measures are untested, and their effectiveness would not be known until after the change of use is granted. Potentially, leaving residents to live with inadequate measures, with limited recourse.

- This materially alters the long-established character and function of the shared areas for occupants.
- Noise created by up to 24 children from 0800 to 1800 Mon to Fri and possibly weekends is going to change the quality of life for the flat owners. We have the fundamental right to peace and quiet within our homes, a nursery with parties, music, singing etc will bring high levels of noise which I believe will be unacceptable.
- Existing office use is compatible with residential occupation with predictable noise and movement. A day nursery represents a materially different use resulting in a significant intensification of activity.
- A nursery would introduce frequent, unpredictable noise associated with children's play, group activities and outdoor movement.
- As retired residents at home during the day we know how easily noise transmits between floors, windows and walls, due to the construction of the building. This would result in an unacceptable loss of residential amenity.
- The building's age and construction means the acoustic separation between the ground floor commercial unit and the apartments above and adjacent is limited.
- The current permitted use of the ground floor unit is a business office, an environment characterised by adult voices and general office activity which operated Monday to Friday 9am - 5.30pm, and never at weekends.
- The proposed use is materially different: a homeschooling provision and nursery, which by its nature involves young children, amplified music, active play, and the kind of vocalisations that are characteristic of early years and older child settings.
- I have personally observed and recorded whilst sat in a room, directly above the unit, with the windows closed. Noise has been logged on multiple dates across March and April, spanning morning and afternoon sessions. It includes impact noise (clicking/vibrations through the floor), amplified music, as well as children playing a piano/keyboard and instruments, children screaming, crying and shouting, adult voices talking - all clearly audible with the windows closed.
- The Noise Impact Assessment submitted with the application does not, in my view, reflect the lived experience of residents.
- I would like to ask that the Committee are confident that acoustic standards have been met within a building of this age/construction, given that modern mixed-use buildings with educational/nursery settings are designed with adequate acoustic separation from initial design and construction.
- If minded to approve, suggest conditions for the applicant to install acoustic insulation and soundproofing, removal of, or inspection of any suspended equipment to ensure that it is adequately secured in the dividing ceiling/floor and a restriction on operating hours to weekday daytime only i.e. Monday to Friday, 09:00-18.00, with no use on evenings, weekends, or bank holidays.

Safeguarding

- The entrance / shared space of the building proposed is shared with the entrance to the flats. There would be inevitable mixing of children and people coming and going to the flats. I see no provision to manage this.
- Low level railings are dangerous to children.
- The flats present a problem because as a parent I would be most concerned with unchecked adults having access to my child.
- CCTV put in place would also invade the privacy of the residents along with problems of data handling and consent.
- Significant concerns that the development fails to meet core expectations set out within the National Minimum Standards for Regulated Childcare, Foundation Phase principles, and wider Welsh early years guidance relating to space, safeguarding, wellbeing, and safe access.
- The proposed internal floor area appears insufficient for the broad age range the setting intends to accommodate.
- The proposal does not demonstrate adequate provision of age-appropriate toilets and hygiene facilities in line with the National Minimum Standards.

Operational Requirements

- The applicant's mitigation strategy amounts to vague statements of intent with no detail.
- Food preparation for numbers of guests/staff has odour and ventilation implications for neighbours.
- The applicant's social media, advertises home cooked meals, snacks and party food. All of which suggests the applicant will be operating a business which needs to be registered with the food standards agency and may require additional ventilation and planning to change the kitchen into one suitable for this use.
- The proposal should meet statutory disability access requirements.
- The applicant neither owns nor controls land outside the building.
- I am concerned the waste bins for this business will be located in the square, as there are a number of steps down from the property. If in front of the church, this is going to be an eyesore within the square.

Twenty-seven representations received in support. These have been divided into broad headings for ease of reference:

Principle of Development

- The presence of other nurseries nearby does not remove the need for additional choice or capacity.
- With sensible management and appropriate conditions, there is no clear evidence that this proposal would create unacceptable impacts.
- Montessori education is not just another nursery, it is an approach based on deep respect for the child, their individuality, natural curiosity, and personal pace of development.
- A Montessori nursery and learning centre is a real added value for the local area,
- It is considered that comparisons with large rural Montessori schools are not representative of the proposed development, and that the impacts of the proposal should be assessed based on the specific details submitted with the application.
- No development will ever suit everyone. But planning is about being fair and realistic, not about stopping anything new from happening.
- Blocking initiatives like this means blocking growth, innovation, and modern education, which are so greatly needed today.
- The more choice you have for child care the better.
- The proposal is sensitive and appropriate, involving no external alterations and only internal refurbishment, thereby preserving the character and appearance of this attractive building.
- The provision of early years childcare will have a positive and lasting impact on local families and the wider community.
- Fantastic idea to support local parents by offering an additional childcare option. It will help meet the high demand for ad hoc childcare sessions and encourage a more social, community focused lifestyle.
- This is a really good employment use and there will be many people applying for the jobs.
- Contributes positively to the town's family infrastructure.
- The change of use makes efficient use of an existing building and supports local childcare options.
- Preserves the character and appearance of the building and the surrounding area while allowing it to serve a valuable community function.
- Specialist-aware early years provision is limited.
- Little local support available for neurodivergent children in the area, and many families currently have to travel as far as Cardiff to access suitable provision.
- Bringing a family-focused, community service into the square adds life during the day and supports the long-term sustainability of local businesses.
- This is exactly the kind of development small towns like Usk need.
- This proposal stands out to us as something that would genuinely add value and make the town even more appealing to prospective home buyers.
- From a community standpoint - a nursery brings with it a sense of energy. The presence of young children and families contributes to a warm, welcoming vibe and encourages lively streets which ultimately add long-term value to the town.

- Nursery would support nearby businesses through increased daily footfall.
- The renovation of the chapel itself ensures that a much loved building continues to serve a meaningful purpose rather than falling into disrepair

Highway Safety

- There is a large public car park within approximately five minutes' walk of the Chapel, in addition to parking available within Twyn Square itself, further parking beyond the square, and on surrounding local streets. These facilities have historically supported commercial uses of the building, including office use with long-stay staff parking.
- This building has always been part of a busy town centre. It has never been separate from traffic, daily movement, and working life. People have lived alongside it for years knowing that.
- This is a long-established town-centre building that has supported regular daily use for many years, despite having no dedicated parking. Ongoing vehicle movements and daytime activity are already part of the character of the area.
- In similar central locations, nurseries routinely operate safe and orderly drop-off and collection arrangements through clear guidance and staff supervision. This is standard practice and works effectively when properly managed.
- There are no evening activities planned, only occasional weekend use, and daily activity will be limited to child drop off and pick-up time.
- Office use typically generates significant daily commuter movements and long-stay parking in surrounding streets where there is no on-site provision.

Residential Amenity

- The proposed use demonstrates careful consideration for the surrounding community.
- Our children are our future and initiatives such as this play a vital role in supporting their well-being and development.
- The building has previously operated as a fully functioning office with regular daily activity, including staff, visitors, meetings, deliveries, and associated movement. The proposed use does not represent an unprecedented change in how intensively the building would be used.
- The proposed opening hours seem sensible.
- Issues such as noise, ventilation, food preparation, and general disturbance are already covered by existing Environmental Health, Ofsted, and Building Regulations requirements. These provide clear standards and controls, and any necessary mitigation can be secured through normal planning conditions.
- With proper oversight and sensible conditions, there is no clear reason why this use could not operate responsibly alongside neighbouring homes.

Safeguarding

- It will be regulated, inspected, and held to standards. If problems arise, there are systems in place to deal with them.
- High-quality childcare provision does not depend on having large private outdoor space.
- I would personally feel much safer using a properly run nursery with staff, safeguarding, and controlled access than the current situation where children and parents are already moving around the square without any structure or supervision.
- The fact that surrounding land is not under the applicant's control does not prevent sensible management of impacts.

5.3 Other Representations

Comments from the building's owner providing background to the building's use:

This building has been standing for over 200 years in one form or another. I became the owner in the 1980s after it had been converted to residential and after the use of the Church (a place of worship and a large congregation) had ceased. When we bought the Chapel and the Freehold of the flats upstairs we used the property as our main offices and had up to ten people working there, all who travelled by car. We had no issues with parking and the amenities for parking today are

much greater than was afforded back in those days. We also had a large number of visitors to the site as they were involved in building what is now known as the Principality Stadium. It has been an Art Training Business, a Junk Shop and more latterly Michael Waymans offices where he had up to forty staff coming and going. Sadly he left as he outgrew the premises and the building has stood empty for 16 months.

I was impressed with the new tenant Wiktoria Debska who has a very good plan to operate a specialist day care centre offering a different learning method. It is called Montessori. I understand she is looking to accommodate and licensed up to 24 children and is wishing to employ a manager and six staff. This is an employment use that will have reliable trained staff at its core and will keep noise to a minimum. I know that Wiktoria is looking to introduce sound deadening materials to the ceiling and other improvements.

5.4 Local Member Representations

Cllr Kear - I wish to call in the above application for the Planning Committee to look closely at the following concerns expressed to me about:

- Amenity. Noise from the proposed children's nursery affecting the residential flats above and behind the property / area.
- Shared access space. Given DBS requirements for a nursery - what considerations have been given to the inevitability of residents going about their usual access to their properties and mixing with children? How does this fit with Care Inspectorate Wales requirements for DBS checking as well?
- Highways. Twyn Square is dominated by traffic and has double yellow lines next to and along the Square. There is a continuing problem with illegal parking and lack of enforcement. The Square is historically busy due to school pick-ups / drop-offs. The practicality and reasonableness of parental drop-offs needs to be assessed in greater details. Concerns surround safety around with the inevitable increase in vehicles. Already we are seeing workmen illegally parking on the pavement outside as per the photograph attached.
- Safety of the railings. A recent accident occurs where a child was impaled on the railings
- My understanding the building as a whole is not listed but "blue status" Please can you confirm?
- I'm advised internal work has commenced. Please advise if appropriate permissions / building control is required.
- Fire regulations / exit for the nursery. The application appears silent on this matter on how this risk is being assessed / evaluated / addressed.

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

6.1.2 The application site is within the town centre of Usk. The area is also designated under LDP Policy RET2 as a Central Shopping Area. Within these areas, proposals which will safeguard the vitality, attractiveness and viability of the defined CSAs will be permitted. The nursery will serve the local area and bring people into the town centre, thereby safeguarding the vitality of the defined CSA in accordance with LDP Policy RET2. Strategic Policy S5 of the LDP is also supportive of the proposed development. It provides that development proposals that provide community facilities will be permitted within town and village development boundaries subject to detailed planning considerations.

6.1.3 On the basis of the above, the proposed change of use from an office to a nursery is considered to be acceptable in principle. However, this is subject to detailed planning considerations which are discussed below.

6.2 Good Design/Place Making

6.2.1 The site is within close proximity to multiple Listed Buildings as well as Usk Castle which is a Scheduled Ancient Monument. However, as no external changes to the Old Chapel are proposed, the change of use will have no impact on the setting of any of these protected structures or on the character and appearance of the Usk Conservation Area.

6.3 Impact on Amenity (including Noise)

6.3.1 Use of the building as a nursery as opposed to an office will inevitably have a different impact on local residential amenity which needs to be carefully considered. One of the main concerns raised to the proposal is an increase in noise. It is proposed that the nursery would operate primarily on weekdays, with occasional weekend use for classes not involving day care. There would be no evening or late-night use, and activity would be limited to drop-off and pick-up at the start and end of sessions.

6.3.2 The Council's Environmental Health Officer (EHO) requested a Noise Impact Assessment (NIA). After much negotiation, Version 5 of the NIA has now been accepted by the EHO as meeting the relevant standards required.

6.3.3 The latest version of the NIA, also now proposes the introduction of 100mm of Rockwool insulation. This will increase the sound reduction by approximately 20dB, from the existing separating floor performance of 51dB to a proposed 71dB. Further correspondence between the applicant and their acoustic consultant also advises that airborne sound insulation performance with the addition of the proposed Rockwool insulation will also improve.

6.3.4 The above represents a significant improvement in sound insulation between the proposed nursery and the flats above to a point where the Council's EHO's are content to remove their previous objections, albeit, it is acknowledged that, at times, some level of noise associated with nursery activities may still be perceptible within the flats, even with the proposed mitigation measures in place. It should be noted that that the removal of the objection is on the basis that the sound insulation is installed as described, a Noise Management Plan is submitted and approved, and opening hours are restricted to 8 – 6pm Monday to Friday with no opening on weekends or bank holidays. These measures can be secured via conditions should Members be minded to approve the application.

6.3.5 The proposal does not include any outdoor play space on site, and no external areas are proposed to be fenced, altered or used by children. Outdoor learning would take place off-site at appropriate locations under supervision and in line with safeguarding procedures. As such, there would be no outdoor noise or activity associated with the building itself.

6.3.6 On balance (and subject to the conditions suggested), it is considered that it would be unreasonable to refuse the application based on impact of noise on neighbouring residential occupiers.

6.3.7 Shared access around the building exists as a right of way for residents and visitors. The proposed change of use does not alter these arrangements, introduce new access points, or restrict existing rights.

6.3.8 In conclusion, it is considered that the proposed development would not significantly adversely affect local residential amenity and therefore there would be no conflict with LDP policies DES1 or EP1.

6.4 Transport

6.4.1 Whilst Usk does not have any rail links, being a small town, it is relatively well served by bus and benefits from a wide variety of facilities and services within walking distance from the site. As such it is considered to be a relatively sustainable location for a nursery.

6.4.2 In terms of access and parking, Twyn Square and the A472 is subject to a 20mph speed limit and a traffic regulation order prohibiting on-street parking by way of double yellow lines throughout

Twyn Square and the A472. Due to the site's location, within the heart of the town centre, which consists of a mix of commercial and residential properties, there is no available off-street parking provision.

6.4.3 The building has historically operated under commercial use and whilst no parking provision is available for the building the commercial use has been supported by public car parking facilities within the town centre. The previous office had the potential to accommodate approximately forty staff members on site daily, which required long-stay parking throughout the working day. The proposed use shifts parking demand from long-stay occupation to short-duration drop-off and collection movements, with no all-day parking requirement for parents and a significantly reduced number of on-site staff. This represents a change in parking pattern rather than an increase in sustained parking intensity when compared to the former lawful use.

6.4.4 A Transport Statement (TS) has been submitted in support of the application which states that the nursery intends to operate Monday to Friday between the hours of 8am and 6pm with a maximum capacity of 24 children which are to be supported by a site manager and up to 6no. staff. It is stated in the business model that attendance will be pre-booked and controlled involving drop-off and pick-up movements. In addition to the nursery provision, it is proposed that 14 children will attend shorter sessions between 9am and 3pm.

6.4.5 The TS has taken into consideration the drop-off and pick-up management of children from the building and states that arrival and departures will be actively managed to ensure a safe and efficient operation. Staff will supervise handovers at the entrance where children will be transferred directly between staff and parents/carers so there will be no waiting or congregating outside the building.

6.4.6 There are no existing on-site vehicle parking or cycle parking spaces associated with the building and the proposal does not include the provision of on-site parking or cycle spaces. Car parking for staff will operate in the same manner as the site's previous commercial use i.e. usage of existing public car parks within Usk town centre. In terms of car parking provision for parents at drop-off and pick-up times the TS makes reference to short stays which reflect the handover model and states that through staff supervision during peak periods, child movement will be controlled and children will exit vehicles only on the footway side. Furthermore, it states that handovers will be managed to ensure there is no overlap with public bus services which operate in Usk at the existing bus stop directly outside the building on Twyn Square.

6.4.7 Having being consulted on the planning application, the Highway Authority have stated that drop-offs and collections from Twyn Square and the adjacent A472 are not possible, even for short stays, due to the fact that they are strictly controlled by existing traffic regulation orders 'prohibition of waiting at any time'. Therefore, any short stays associated with drop-off or collection of children by vehicle would be a contravention of the Traffic Management Act 2004.

6.4.8. It is acknowledged that Usk is a busy town centre and is subject to a high volume of traffic on the local highway network and therefore in the circumstance that the local highway network was not controlled by any parking restrictions there would be concerns that outside drop-off and collections associated with the nursery may lead to congestion on the highway network and prohibit the safe passing and repassing of traffic. However, due to the fact the local highway network is controlled by existing traffic regulation orders which prohibit waiting at any time there is no availability for parents/carers to park on-street during drop-off and collection times. Therefore, all vehicle users associated with the nursery, staff and parents/carers, are expected to utilise the existing public car parking facilities within Usk town centre and arrive and depart the building on foot in the same way as other commercial properties in Usk.

6.4.9 In light of the above it is considered that it would be unreasonable to refuse the application on highway safety grounds and the provisions of LDP Policy MV1 have been met.

6.5 Biodiversity

6.5.1 No external changes are proposed as part of the change of use and therefore there is no need for an ecological surveys such as for bats, to support the application.

6.5.2 The River Usk SAC and River Usk (Lower Usk) SSSI are located approximately 285m west of the site. The River Usk Special Area of Conservation and River Usk Site of Special Scientific Interest are designated for their important river habitats and associated species, including Atlantic salmon, lamprey species, twaite shad, bullhead and otter, as well as characteristic aquatic vegetation and diverse invertebrate communities. Given the limited scale of the proposed works and distance from the site the development is not considered likely to result in impacts on the SAC. A sensitive approach to external lighting is recommended should additional lighting be required.

6.5.3 As the proposal involves internal alterations only, with no external works and do not involve alterations to any loft spaces or roof voids, it is reasonable to conclude that there is no likely risk to protected species, and bat surveys are not considered necessary. Should any new external lighting be required, it must be sensitively designed in accordance with Bats and Artificial Lighting in the UK (ILP, 2023).

6.5.4 PPW 12 sets out that the planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. It is clear that planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced wellbeing. Net benefit for biodiversity is typically sought for change of use applications; however, in this instance the proposal involves internal alterations only, with no external works or changes to the building structure. As such, it is considered disproportionate to require biodiversity enhancement measures in this case.

6.5.5 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.

6.5.6 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 is intended to provide services, facilities, commercial sites, or places of employment (e.g., community buildings, schools etc.) for a local population already served by residential connections to existing public or private sewers discharging within the SAC river catchment.

6.6 Green Infrastructure

6.6.1 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.

6.6.2 In this case no external changes are proposed to the building or land surrounding it and therefore no further information in relation to green infrastructure is required to support this application.

6.7 Flooding

6.7.1 The site is not within any designated flood plain.

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

6.8.1 There have been a range of comments received in relation to child safeguarding. The safety of children including approval of age ranges, staffing ratios and access arrangements are matters for the Care Inspectorate Wales. These elements are managed separately through the CIW registration process and do not fall within the scope of planning control.

6.8.2 Commercial waste will be managed through a formal waste management arrangement with scheduled collections, ensuring bins are securely stored and collections are controlled to avoid visual impact or disruption to the square.

6.8.3 Some representations raise concerns relating to nappy changing, hygiene, waste management, safeguarding and general operational practices. These matters are regulated by Care Inspectorate Wales (CIW) and associated statutory frameworks and are not material planning considerations.

6.8.4 No commercial food preparation is proposed within the premises. Any comments relating to catering activities are therefore not relevant to the application as submitted.

6.8.5 Internal layouts and facilities have been designed to meet regulatory requirements, and the setting will operate in accordance with Equality Act guidance as applicable to early years provision. No external ramp or structural changes are proposed as part of this application.

6.8.6 It is noted that the Council's Building Inspector has advised that the building is likely capable of being adapted, subject to appropriate design and moderate compliance works, particularly in relation to fire safety.

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 of the ground floor of the former chapel from an office (B1) to a children's nursery (D1) is acceptable in principle at this location.

6.10.2 Parking is strictly controlled by existing traffic regulation orders 'prohibition of waiting at any time'. Therefore, any short stays associated with drop-off or collection of children by vehicle would be a contravention of the Traffic Management Act 2004.

6.10.3 Subject to the noise mitigation measures suggested (and secured via condition), adverse impact on the neighbouring residential properties will be minimised.

6.10.4 No external changes to the building are proposed as part of this application. The change of use will therefore have no impact on visual amenity or the character and appearance of the Usk Conservation Area.

6.10.5 Adverse impacts on the River Usk SAC as a result of the development have been screened out in accordance with NRW guidance.

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 Within two months of the date of this permission a report and certification confirming that the required sound insulation performance standard (set out below) has been achieved, shall have been submitted for the written approval of the local planning authority.

The sound insulation testing shall be carried out in accordance with Approved Document E of the Building Regulations (or equivalent) to demonstrate that the separating floors shall achieve a minimum airborne sound insulation performance of 64 DnT,w + Ctr (dB).

REASON: In the interests of local residential amenity in accordance with LDP Policy EP1.

3 Within two months of the date of this permission, a Noise Management Plan shall have been submitted for the written approval of the local planning authority.

The Noise Management Plan shall detail measures to control and mitigate noise arising from the use of the premises, including internal and external activities, arrivals and departures.

The development shall proceed strictly in accordance with the approved Noise Management Plan.

The Noise Management Plan shall be reviewed and, where necessary, updated in the event of complaints of noise disturbance from nearby properties or at the request of the Local Authority, with any revisions to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of local residential amenity in accordance with LDP Policy EP1.

4 The premises shall not be used for the approved purposes outside the following times:

08:00 - 18:00 Monday to Friday and at no time on Saturdays, Sundays or Bank Holidays.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

5 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the buildings or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the Local Planning Authority.

REASON: To safeguard roosting and foraging/commuting habitat of Species of Conservation Concern in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

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 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

3 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

Application Number: DM/2026/00169

Proposal: Retrospective change of use from nil use to residential curtilage which includes an extension to approved patio area and a timber structure

Address: 8 Waterside, Abergavenny, NP7 5LJ

Applicant: Mr. G Burrows

Plans: Block Plan Existing/Proposed Block Plan - PP01, Justification Statement
Justification Statement

RECOMMENDATION: Refuse

Case Officer: Alice King
Date Valid: 12.02.2026

This application is presented to Committee after referral by the Council's Delegation Panel and the Local Member

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to an end of terrace dwelling located within the Park Ward of Abergavenny. The site sits adjacent to the River Gavenny Site of Interest for Nature Conservation (SINC), a local designation, and is an Archaeologically Sensitive Area. There is a group TPO on the opposite side of the river. The site is within the Development Boundary as identified within the Adopted Local Development Plan.

1.2 Proposal Description

Retrospective planning permission is sought for a change of use from nil use to residential curtilage and extension of a patio area which also features a timber structure used to shelter a seating area.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2026/00169	Retrospective change of use from nil use to residential curtilage which includes an extension to approved patio area and a timber structure.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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
NE1 LDP Nature Conservation and Development
GI1 LDP Green Infrastructure

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

Abergavenny Town Council: Recommend Approval.

MCC SAB: Objects to the proposal.

MCC Biodiversity: Objects to the proposal. The Section 6 Duty of the Environment (Wales) Act 2016 requires planning decisions to result in maintained and enhanced ecological networks. The unauthorised work has a potentially adverse impact on a locally designated site, contrary to LDP Policy NE1.

HENEB: No objection, we have reviewed the detailed information contained on your website and can confirm that archaeological mitigation is not required.

Natural Resources Wales (NRW): No objections.

Welsh Water: No objections.

worms, Eels, Butterflies and Moths.

5.2 Neighbour Notification

A site notice was placed within the public realm and neighbours were consulted via letter. No comments have been provided during the consultation period.

5.3 Other Representations

No comments to note.

5.4 Local Member Representations

Cllr Tudor Thomas - has requested that this application be considered by the Council's Delegation Panel as it is quite an involved case. Cllr Thomas attended the Panel meeting on 28th May and agreed the best option was to refer the application to Planning Committee.

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 application site is located within the settlement boundary as identified by the proposals map of the Monmouthshire Local Development Plan (LDP) and adjoins an existing residential use. A change of use of the land to residential use in association with the dwelling 8 Waterside is typically considered to be acceptable as there is a presumption in favour of development incidental to the enjoyment of a dwelling house. However, this is subject to the proposal satisfying relevant material planning considerations.

From aerial maps and looking at historic applications, it would appear that the patio has encroached onto the River Gavenny Banks by 2m-3m. The original patio works appear to have taken place more than 10 years ago, but did not encroach onto the banks by the amount we now see today, the patio we see today was laid in 2024 and is of a significant difference in terms of structure and how far it projects compared to the patio that was laid over 10 years ago, and the more recent works as well as the change of use of the land are considered to require planning consent.

6.2 Good Design/Place Making

LDP Policy DES1 is relevant in this case, and states that 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. The proposal is simple in design and is typical of what you would see within a domestic garden. There is a structure in the northern part of the garden covering an outdoor seating area, which is of an acceptable size, scale and form. The boundary of the patio features metal hand railings for safety reasons. In general design terms, the proposal is considered to respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings and it would also maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties. Therefore, the proposal is considered to meet the requirements of Policy DES1 of the Adopted LDP.

6.3 Green Infrastructure

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.

The application does not include a detailed Green Infrastructure Statement. Given the amount of riverbank that the patio has extended into, significant GI mitigation/restoration would be required to meet the requirements within Chapter 6. As per the Biodiversity Officer's comments, 'the harm identified cannot be satisfactorily mitigated through conditions or minor design changes'; the proposal is incapable of being able to comply with the step-wise approach. Following the step-wise approach, impacts on biodiversity must be avoided, minimised, mitigated and the compensated for. Compensation must be of significant magnitude to compensate for loss. On balance, the application is not considered to follow the step-wise approach as the loss of the riverbank habitat has not been compensated for. Therefore, the proposal is not considered to adhere with Section 6.4.15 of Planning Policy Wales 12.

6.4 Biodiversity

6.4.1 The Biodiversity Officer has offered an in-depth response to the consultation. 'The proposal is a retrospective application for an extension of a patio area and a wooden shed built on the patio. The unauthorised works have extended 2-3 metres from the development line, directly impacting the River Gavenny, a Site of Interest for Nature Conservation (SINC) designated as a watercourse supporting otters, white clawed crayfish and priority fish and bird species. The SINC designation includes the watercourse and 7m from the water edge; the works have encroached into the SINC boundary. SINC's are recognised as key components of ecological networks and are provided protection against development which may harm them in both Planning Policy Wales and the Monmouthshire LDP. Development affecting a SINC is required to demonstrate that there will be no unacceptable harm, or that such harm is clearly outweighed by overriding public benefit, which has not been demonstrated in this case. The River Gavenny is also a tributary of the River Usk SSSI and SAC and is considered functionally-linked habitat supporting the internationally designated site.'

6.4.2 The Biodiversity Officer explains the impact the proposal will have on the SINC, 'The unauthorised works have resulted in the removal of riparian vegetation along the riverbank, leading to the direct loss of habitat that is important for screening and shading the river corridor. Screening is important to minimise disturbance from the residential development on wildlife using the river corridor. Shading from bank-side vegetation is important in regulating water temperature and supporting aquatic ecology'.

6.4.3 The Local Flood Authority Engineer has confirmed that the structure is already being undermined, with slumping of ground evident beneath it. This instability increases the risk of siltation and sediment input to the watercourse, as eroded material is washed into the river, with consequent adverse effects on water quality and aquatic habitats.

6.4.4 Given the loss of riparian habitat within the SINC buffer, and potential impacts on protected and priority species including by the ongoing instability of the riverbank, the harm identified cannot be satisfactorily mitigated through conditions or minor design changes. The proposal therefore conflicts with national and local policy and should be refused. Removal of the unauthorised works and restoration of the riverbank are necessary to remedy the identified harm.

6.4.5 As per PPW12, section 6.4.4 it is important that biodiversity and ecosystem resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. On the basis of the Biodiversity Officer's comments, the development has not taken into consideration the harm caused to the ecosystem of the River Gavenny. Section 6.4.4 goes on to say that 'where adverse effects on biodiversity and ecosystem resilience cannot be avoided, minimised or mitigated/restored, and as a last resort compensated for, it will be necessary to refuse planning permission'.

6.4.6 PPW 12 sets out that the planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. It is clear that the planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced wellbeing.

6.4.7 The applicant has proposed biodiversity enhancements in the form of bat boxes which are to be Schwegler 1FF or similar and bird boxes are to be a Vivara Seville 32mm woodstone Nest box and 1SP Schwegler Sparrow Terrace. These attempt to address the biodiversity net gain policy within PPW12, however, it is acknowledged that the Biodiversity Officer does not consider these enhancements to be sufficient considering the amount of GI and ecological features lost at the

site.

6.4.8 Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

6.4.9 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.

This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (v5 issued February 2026). It is considered that this particular development is unlikely to increase nutrient inputs.

6.5 Impact on Amenity

Due to the nature and location of the development, it is not considered that the proposal would cause any loss of privacy. The patio is sited to the eastern boundary where there are no neighbours. Due to the location and nature of the patio, no loss of light is predicted. The proposal is therefore considered to adhere to the relevant criteria within policies DES1 and EP1 of the adopted LDP.

6.6 Access / Highway Safety/ Parking

The existing parking arrangements on site will be unaffected by the proposals. The driveway will maintain space for two vehicles parking, thus being compliant with Policy MV1 of the LDP.

6.7 Flooding

Due to the proximity of the River to the development, The Lead Local Flood Authority commented in relation to the flood risk at the site, and said 'given the deep nature of the river channel at this location the flood risk presented by this development is likely to be relatively low, although it would be the responsibility of the applicant to make that assessment, supported by appropriate assessment'.

6.8 Drainage

The SAB team commented on the drainage within the site, and has advised 'given the small area of the proposed development (considerably below 100 m2) we have no objection with regard to surface water drainage'.

6.9 Watercourse Management

As per the SAB Officers comments, 'the patio constructed has impinged on the banks of the River Gavenny (a Main River). Such works are inadvisable as over time they lead to undermining and collapse of the structures. In this case, it appears that the lower patio has extended two to three metres beyond the original development line and into the channel of the river. The patio is already starting to be undermined, as shown in the photograph below (dated 14th April 2026)'. The photograph can be seen within the SAB Officer's comments.

In PPW12, section 6.4.15, Local Planning Authorities must seek to minimise the initial impact of development on biodiversity and ecosystems by retaining existing features, develop a management plan for their future care (e.g., trees, hedgerows, species rich grasslands, heath, wetlands, ponds and freshwater habitats) and use appropriate buffers to protect these from construction and operational impacts.

By allowing the hardstanding to encroach so far into the SINC, the river will be adversely impacted as previously highlighted by the Biodiversity Officer. Additionally, the hardstanding and its construction is not an appropriate method of development to ensure that the step-wise approach is being met, as per advice in PPW12. Therefore, this development cannot be supported in this regard.

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

6.10.1 No comments to note.

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

6.11.1 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.

6.12 Conclusion

6.12.1 The proposal, that forms an incursion into the riverine habitat of the River Gavenny Site of Interest for Nature Conservation, has failed to demonstrate that it complies with the step-wise approach and thus the proposal would fail to comply with section 6.4.15 of Planning Policy Wales (Edition 12, 2024). The proposal would also have a harmful impact upon the SINC which is recognised as a key component of ecological networks and is provided protection against development which may harm it in both Planning Policy Wales and the Monmouthshire LDP. Therefore, the application cannot be supported and is recommended for refusal.

7.0 RECOMMENDATION: REFUSE

Reason for Refusal:

1 The proposal, that forms an incursion into the riverine habitat of the River Gavenny Site of Interest for Nature Conservation, has failed to demonstrate that it complies with the step-wise approach and thus the proposal would fail to comply with section 6.4.15 of Planning Policy Wales (Edition 12, 2024), Dear CPO letter (23/10/19) and Policy NE1 of the adopted Monmouthshire Local Development Plan.