

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 30 January 2023

Notice of meeting:

## Planning Committee

Tuesday, 7th February, 2023 at 2.00 pm  
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA  
with remote attendance

### 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 - 10
4.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
4.1.	Application DM/2019/01300 - Erection of 1 no. replacement detached dwelling. Provision of new access road. Amended domestic curtilage to existing dwelling house and all associated external works. Woodmancote and site of former 8a Highfield Close, off Highfield Road and Highfield Close, Osbaston, Monmouth.	11 - 32
4.2.	Application DM/2021/00182 - Demolition of existing two-storey dwelling. Construction of a two-storey replacement dwelling including integral garage and amended access. Woodmancote, Highfield Road/ Highfield Close, Osbaston, Monmouth.	33 - 52
4.3.	Application DM/2022/00484 - Full planning application for the construction of 9 dwellings including means of access, drainage, landscaping, associated engineering and infrastructure works. Land at former Tythe House, Church Road, Undy, NP26 3EN.	53 - 78
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	New House Farm, Llangybi.	79 - 80

<b>5.2.</b>	<b>Grove View, Bully Hole Road, Shirenewton.</b>	<b>81 - 86</b>
<b>6.</b>	<b>New appeals received - 21st July 2022 to 31st December 2022.</b>	<b>87 - 88</b>

**Paul Matthews  
Chief Executive**

## MONMOUTHSHIRE COUNTY COUNCIL

### THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillor Jill Bond	West End;	Welsh Labour/Llafur Cymru
County Councillor Fay Bromfield	Llangybi Fawr;	Welsh Conservative Party
County Councillor Emma Bryn	Wyesham;	Independent Group
County Councillor Jan Butler	Goetre Fawr;	Welsh Conservative Party
County Councillor Ben Callard	Llanfoist & Govilon;	Welsh Labour/Llafur Cymru
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 Group
County Councillor Su McConnel	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Jayne McKenna	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Maureen Powell	Pen Y Fal;	Welsh Conservative Party
County Councillor Sue Riley	Bulwark and Thornwell;	Welsh Labour/Llafur Cymru
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Ann Webb	St Arvans;	Welsh Conservative Party

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## Public Information

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

### Access to paper copies of agendas and reports

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

### Watch this meeting online

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

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

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

### Welsh Language

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

# Aims and Values of Monmouthshire County Council

## Our purpose

Building Sustainable and Resilient Communities

### Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

## 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) edition10 (at time of publication)
- 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: Retailing and Town Centres (1996)
  - 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)
  - TAN 15: Development, flooding and coastal erosion (2021)
  - TAN 16: Sport, Recreation and Open Space (2009)
  - TAN 18: Transport (2007)
  - TAN 19: Telecommunications (2002)
  - TAN 20: The Welsh Language (2013)
  - 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 Species & Habitat Regulations 2010

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](mailto:registertospeak@monmouthshire.gov.uk). Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

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

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

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

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

### Content of the Speeches

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

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

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

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

## Procedure at the Planning Committee Meeting

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

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

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

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





# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote  
attendance on Wednesday, 11th January, 2023 at 2.00 pm**

**PRESENT:** County Councillor Phil Murphy (Chairman)  
County Councillor Dale Rooke (Vice Chairman)

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

### **OFFICERS IN ATTENDANCE:**

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Joanne Chase	Solicitor
Paige Moseley	Solicitor
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillor Meirion Howells.

County Councillor Rooke left the meeting following determination of applications DM/2020/00762 and DM/2020/00763 and did not return.

County Councillor Ann Webb joined the meeting during the Planning Officer's update in respect of agenda item 5(iii) - Planning Inspectorate - Appeals Decisions Received: The Cotlands, Beacon Road, Trellech.

#### **1. Declarations of Interest**

None received.

#### **2. Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 6<sup>th</sup> December 2022 were confirmed and signed by the Chair.

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Minutes of the meeting of Planning Committee held  
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3. **Application DM/2020/00762 - Full planning application for the change of use of the visitor centre at Llandegfedd, to allow the building to be used for meetings, functions and events and to extend the opening hours approved under planning permission DC/2012/00442. Visitor Centre, Llandegfedd Visitor Centre, Croes-gweddyn Road, Coed-y-Paen, Monmouthshire and Application DM/2020/00763 - Full planning application for the change of use of the water sports facility at Llandegfedd to allow the building to be used for meetings, functions and events and to extend the opening hours approved under planning permission DC/2012/00317. Water Sports Centre, Llandegfedd Visitor Centre, Croes-gweddyn Road, Coed-y-Paen, Monmouthshire**

We considered the reports of applications DM/2020/00762 and DM/2020/00763 together with late correspondence, which were presented for refusal for the reasons outlined in the reports.

Applications DM/2020/00762 and DM/2020/00763 had been presented to Planning Committee in November 2022 with a recommendation for approval subject to conditions. However, the Planning Committee had been minded to refuse both applications and that they be re-presented to a future Planning Committee meeting with appropriate reasons for refusal.

The Local Member for Llanybi Fawr, also a Planning Committee Member, outlined the following points:

- The amendments to the applications made by Welsh Water do not ensure the integrity of the Site of Special Scientific Interest (SSSI). No substantial changes have been made.
- The events and parties aspect of the application have not been removed.
- The number of guests at an event has been lowered to 70. However, the Visitor Centre would be required to adhere to fire safety regulations which only allows 70 guests on safety grounds.
- The local Member expressed concern regarding the number of events, namely, six per application, which would equate to 12 events per year in total. This amendment was considered to be ambiguous and clarity was sought regarding whether this related to indoor or outdoor events in addition to the 28 outdoor events that may be held via permitted development.
- Welsh Water has not stated whether these events will be held in the water sports centre during the closed season.
- Under Natural Resources Wales (NRW) guidance, footpaths should remain closed during the overwintering bird closed season. Therefore, making it difficult for people to access the water sports centre. Lighting along footpaths might be required but there is no information relating to this matter in the management

## MONMOUTHSHIRE COUNTY COUNCIL

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plan. If this is the case, Monmouthshire County Council's Biodiversity Officer should undertake a survey to assess the impact on the biodiversity of the sites.

- NRW concerns from September 2020 have not been addressed by Welsh Water.
- The Planning Committee needs to ensure that the SSSI is not put at risk.
- The water sports centre will be used mainly for business meetings, sporting groups, school visits and organised events for wildlife and environmental groups. Concern was expressed that permission was being sought to extend the opening hours from 6.00am to midnight. It was considered that the current permission would suffice for the community events Welsh Water claims to seek. Extending the opening hours until 11.00pm with staff to vacate the site by 12.00am suggests that permission is being sought for the SSSI site to become a party venue that will have a detrimental impact on the wildlife. It was considered that these applications did not comply with Planning Policy Wales.
- The local Member quoted the Minister for Climate Change, Julie James' letter, following COP15 to all Heads of Planning dated 20<sup>th</sup> December 2022.
- The Planning Committee was asked to uphold its original decision to refuse both applications.
- Concern was expressed regarding the balconies being used as an overspill area during the closed season, 1<sup>st</sup> October – 29<sup>th</sup> February. It was considered that this should not occur as it will negatively affect the overwintering birds.
- 380 objections and a petition containing 181 signatures objecting to the applications have been received.
- Late correspondence outlines recommendations for refusal from a number of interested parties.
- Clarity was sought regarding conditions regarding light spillage from the Visitor Centre.

The Local Member for Llanbadoc & Usk, attended the meeting by invitation of the Chair and outlined the following points:

- Having reviewed the decision taken by the Planning Committee in November 2022 in respect of both applications and studied the applications presented to Committee today, the local Member agreed with the Planning Committee's decision to refuse the applications.
- The reservoir had been in place before the buildings were built on the site. It was considered that the SSSI status should therefore prevail.
- Concerns have been raised by Natural Resources Wales (NRW).

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- The Gwent Wildlife Trust and the Gwent Ornithological Society had produced reports exposing the flaws in the studies that had been undertaken.
- Torfaen County Borough Council's ecologist has lodged a holding objection to the applications. Objections have also been received from Llanbadoc Community Council, Llangybi Fawr Community Council, Usk Civic Society and the Coed y Paen Residents' Association, as well as receiving petitions and numerous objections from the general public.
- The mitigating factors put forward by Welsh Water were considered to be insufficient to allow approval of the applications.
- The priority is the preservation and integrity of the SSSI status.
- The local Member asked that the Planning Committee consider refusal of the applications.

Having considered the reports of the applications and the views expressed, the following points were noted:

- The events proposed could be held in other nearby locations that would be better suited for hosting such events.
- Preservation of the wildlife and the SSSI status was key.
- There will be 12 events in total, equating to six internal events being held in each building over the period of one calendar year. The internal events can take place throughout the year, including during the overwintering period. In addition, there will be 12 external events which will only take place outside the overwintering period. The external events will take place between 7.30am and 5.00pm. A condition has been applied for internal events (condition 9) whereby, the event shall finish no later than 11.00pm.
- The events are defined in the Management Plan.
- If the applications were approved, a request was made for hedgehogs to be added to condition 5 of the reports.
- The busiest period for the venues occurs over the summer months when the birds are not overwintering.

It was proposed by County Councillor F. Bromfield and seconded by County Councillor M. Powell that applications DM/2020/00762 and DM/2020/00763 be refused for the following reason:

It has not been demonstrated that the proposal to extend the range of uses of the building and the hours of operation will not have an adverse impact upon the

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Llandegfedd Reservoir Site of Special Scientific Interest (SSSI) which is designated for overwintering wildfowl. The development therefore conflicts with Local Development Plan Policy NE1.

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

#### **Application DM/2020/00762**

Agree to refuse the application	-	10
Disagree to refuse the application	-	1
Abstentions	-	1

The proposition was carried.

#### **Application DM/2020/00763**

Agree to refuse the application	-	11
Disagree to refuse the application	-	0
Abstentions	-	2

The proposition was carried.

We resolved that applications DM/2020/00762 and DM/2020/00763 be refused for the following reason:

It has not been demonstrated that the proposal to extend the range of uses of the building and the hours of operation will not have an adverse impact upon the Llandegfedd Reservoir Site of Special Scientific Interest (SSSI) which is designated for overwintering wildfowl. The development therefore conflicts with Local Development Plan Policy NE1.

#### **4. Application DM/2021/00036 - Proposed office, reception, shop and managers dwelling. Land south of Alice Springs, Kemeys Road, Kemeys Commander, Usk, Monmouthshire**

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

The local Member for Gobion Fawr, attended the meeting by invitation of the Chair and outlined the following points:

- The current business enhances the area seeking to attract tourism from afar.
- The business aspires to five-star rating receiving excellent reviews from guests.
- Visitors will contribute to the local economy by visiting local restaurants, public houses and shops, as well as tourist facilities.

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### **Minutes of the meeting of Planning Committee held in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Wednesday, 11th January, 2023 at 2.00 pm**

- Developing a luxury tourist offer requires appropriate levels of service and supervision.
- The business is a diversified enterprise associated with the large farming business more than two miles away. All the existing staff associated with the farm are employed on the farm. The intention is for the holiday let business at Alice Springs to be operated by appropriately, highly skilled specialist employees.
- It has become unrealistic to service the guests from a remote location on a farm two miles away. There is a need for 24-hour on-site support for guests who may arrive at various times throughout the day or evening.
- There is concern for elderly guests and guests with disabilities who might require support on arrival during their stay. Guests might fall ill or have an accident when the site is not attended.
- The site requires a Manager's dwelling allowing the constant presence of an experienced manager with appropriate skills including first aid training. With the potential for having 64 guests on site, it was considered unreasonable not to have a 24-hour on-site presence. It would be difficult for staff located on the farm two miles away to provide such a service with the management skills required for the holiday let business.
- The full-time manager would be an experienced professional and would likely have a family with a partner also being employed on the site.
- The Council accepts that this is a long-term viable business and that there is a need for emergency cover. The Council welcomes the holiday accommodation and acknowledges the manager's dwelling would provide effective management.
- The only issue being put forward to refuse the application is that the site could be managed by farm-based staff two miles away. The suggestion has been made for a nightwatchman to fulfil the need for emergency cover. However, this does not recognise the requirements of running and supporting a high-end tourist accommodation of up to 64 guests.
- It has been suggested that one of the holiday lets could be used to accommodate the proposed Manager. However, the Manager is likely to have a partner and possibly children requiring two holiday lets to be reconfigured with a substantial loss of income to the site.
- The business requires a 24-hour on-site presence of an experienced manager with an appropriate on-site manager's dwelling that allows for a partner and family.

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

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- Some Members expressed support for the application. Having a full time Manager on site would be beneficial to the business and guests. It would be impractical for staff on the farm to look after guests from over two miles away as it would take them away from their main role as well as requiring them to undertake duties in which they are not trained.
- The site has been constructed to a high standard with the plans submitted being in keeping with this. It was considered that a new property would be in keeping with the existing business. Having a larger property would appeal to a wider range of people with families to apply for a managerial position. The proposed development will not affect any neighbouring properties.
- The officer's recommendation for a condition to prevent the dwelling from becoming a residential property was welcomed. The proposed dwelling would be a natural development for the business providing security for guests.
- No objections have been received from the Highways Department.
- A shop on site will reduce the number of car journeys required.
- Due to the location of the site there will be no detrimental impacts on other businesses in the area.
- Some Members considered that the application did comply with TAN 6 and the applicant had identified the need for a full-time on-site manager.
- Concern was expressed that the application had taken two years to be considered by Planning Committee.
- If the application is approved, a condition would be required to tie the proposed dwelling to the business.
- Other Members expressed their support for the officer recommendation for refusal of the application.
- There are several houses locally near the site in which a manager could live.
- The business is a holiday let and not a hotel. It was considered that there was no requirement for a four bedroomed house to be built next to holiday accommodation in the open countryside.
- It would be unreasonable for one person to provide 24-hour support.

The Head of Planning provided the Committee with the following information:

- In order for a new dwelling to be constructed in the open countryside there has to be sufficient evidence within the application via TAN 6. A functional test and financial requirements must be met for the dwelling to be built.

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- Officers have reviewed the application with external consultants and fully support the business in developing and promoting the economic generation that it delivers for Monmouthshire but have concluded that there is not enough evidence via TAN 6 for the four bedroomed dwelling to be built on this site in the open countryside. A functional need for this dwelling has not been established.

The Development Management Area Manager informed the Committee that:

- Tourism is a vital part of Monmouthshire's economy. However, the tests as to whether it is required that an employee lives on site to manage that tourism enterprise is a separate matter. Not all the tests have been met to allow the building of a dwelling in the countryside.
- Guest arrivals can be managed by a dedicated employee of this business but there is no requirement for them to live on the site.
- This is a holiday let for all ages and is not specifically for over 50s use.
- Staff working shifts, exclusive to this report, could be available to deal with any issues that might arise at the holiday let without the need for anyone to be living on the site.
- Phosphates at the site are not considered to be harmful. Sustainable Drainage Approval Body (SAB) would be required via a separate process to the application.

The local Member summed up as follows:

- The Authority needs to demonstrate support for local businesses and investors in those businesses to develop in a reasonable way.
- There is an understanding for the need for someone to be on site.
- It is not for the local Authority to tell a business manager / owner how to run their business successfully.
- For the business to operate there is a need for someone to be living on the site. This might be a couple, potentially with children. This is the rationale for having a property with four bedrooms.
- The applicant has invested heavily and knows how the business needs to operate.

It was proposed by County Councillor B. Callard and seconded by County Councillor J. Butler that application DM/2021/00036 be refused for the following reason:



## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Wednesday, 11th January, 2023 at 2.00 pm

It has not been reasonably demonstrated that the proposed Rural Enterprise Dwelling meets the tests of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010). There is insufficient evidence to show that a new worker would need to live at the site of the apartments and that the complex could not be adequately managed by someone living close by or by more than one person working in shifts.

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

Agree to refuse the application	-	10
Disagree to refuse the application	-	3
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2021/00036 be refused for the following reason:

It has not been reasonably demonstrated that the proposed Rural Enterprise Dwelling meets the tests of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010). There is insufficient evidence to show that a new worker would need to live at the site of the apartments and that the complex could not be adequately managed by someone living close by or by more than one person working in shifts.

#### **5. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:**

##### **5.1. 60 Old Barn Way, Abergavenny**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at 60 Old Barn Way, Abergavenny on 30<sup>th</sup> November 2022.

We noted that the appeal had been dismissed.

##### **5.2. Arosfa, Llanfair Discoed, Chepstow**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Arosfa, Llanfair Discoed, Chepstow on 30<sup>th</sup> November 2022.

We noted that the appeal had been allowed and planning permission had been granted for a single-storey front extension at Arosfa, Llanfair Discoed, Chepstow NP16 6LY in accordance with the terms of the application, Ref. DM/2022/00696, dated 09 May 2022, subject to conditions.

**MONMOUTHSHIRE COUNTY COUNCIL**

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**5.3. The Cotlands, Beacon Road, Trellech**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at the Cotlands, Beacon Road, Trellech on 14<sup>th</sup> November 2022.

We noted that the appeal had been dismissed.

**5.4. Little Cider Mill Barn, Tre-Herbert Road, Croesyceiliog, Cwmbran**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Little Cider Mill Barn, Tre-Herbert Road, Croesyceiliog, Cwmbran on 14<sup>th</sup> November 2022.

**Appeal A**

We noted that the appeal had been dismissed, the enforcement notice had been upheld and planning permission had been refused on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

**Appeal B**

We noted that the appeal had been dismissed.

**The meeting ended at 3.35 pm.**

**Application Number:** DM/2019/01300

**Proposal:** Erection of 1 no. replacement detached dwelling. Provision of new access road. Amended domestic curtilage to existing dwelling house and all associated external works.

**Address:** Woodmancote and site of former 8a Highfield Close, off Highfield Road and Highfield Close, Osbaston, Monmouth

**Applicant:** Mr F Bucknall, Ms J Bucknall & Mrs R Jarman

**Plans:** Elevations - Proposed 5201 P 001 - Rev C, Ecology Report Bat Survey A BAT SURVEY OF WOODMANCOTE, Eric Palmer MCIEEM, Link Ecology Ltd. Dated March 2019 - , Ecology Report Bat Survey Update Bat Survey By: Eric Palmer MCIEEM Link Ecology Ltd. September 2020 - , Tree Survey Tree Survey Tree Survey and Arboricultural Constraints Report - , Drainage GRAYS 10165 TN01 R0 Technical Note Drainage Surface Water - , Planting Plan 17-74-PL-204 - Rev 0, Drainage 10165-GRY-XX-XX-DR-C-003 Rev P1 - , Tree Protection Plan NP253HR/JBUC/AIPP - , Tree Survey Tree survey and arboricultural constraints report Notes to exp Section 3 Arb constraint - , Tree Protection Plan NP253HR/BUC/AIPP 1 - Arb impact - , Ecology Report Confirmation Statement regarding Reptiles 8a Highfield Close - , Floor Plans - Proposed 5201P 101 - , Elevations - Proposed 5201P 102 - South and East Elevation, Elevations - Proposed 5201P 103 - North and West elevation

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Jo Draper  
Date Valid: 03.08.2022

**This application is presented to Planning Committee as there are five or more neighbour objections**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This is a full planning application for a replacement dwelling, (8a Highfield Close), new access road and amendment to the domestic curtilage of Woodmancote, Highfield Road, Monmouth. The bungalow 8a Highfield Close has since been demolished and is proposed to provide a new shared access through this plot into the site to serve the replacement dwelling which is to be situated at the northern part of the site, and the immediately adjacent site to the north, Woodmancote. This application previously comprised of five new detached dwellings, a replacement dwelling, all to be accessed off this new shared access from Highfield Close. During the application process the phosphate pollution issue emerged, and the five dwellings have been removed from the scheme. This application is for a replacement dwelling only. The agent has stated that the proposed scheme is future proofed to allow further dwellings to come forward at a time when a nutrient neutrality solution is in place.

The adjacent property to the north Woodmancote (also in the applicant's ownership) is also subject to a planning application for a replacement dwelling (DM/2021/00182) and is being presented alongside this planning application.

The application site is located within the development boundary of Monmouth, located on rising ground to the north of the town centre and east of the Monnow Valley. The site comprises 8a

Highfield Close, situated near the end of Highfield Close (previously subject to Planning Permission DC/2018/00217 for a replacement dwelling.

There are two fields to the south and east of the application site, the land falls away from the high point adjacent to Woodmancote, this application site slopes down north to south and east to west. The existing site is accessed by a field gate access onto Highfield Road along the northern boundary - this is in the land outside of the application site but in the ownership of the applicants. The remainder of this boundary is formed by an overgrown hedge. The two fields are given over to rough grassland and are divided by hedgerow.

The western boundary of the fields is formed by a post and wire fence, providing no visual separation between the fields and the houses immediately below it. The eastern and southern boundaries are formed by a hedgerows with trees. The garden of Woodmancote itself supports a number of large mature trees that sit on the boundary with Highfield Road.

Osbaston is characterised by traditional Victorian villas dotted around the area and more modern development. There is a great variation of architectural styles and materials used, the majority of the properties are detached and sit within well-maintained gardens, many of which support mature tree that contribute to the area's sense of place.

The application site is surrounded on the north and east by residential properties. There are views to the west, although the site is not in the immediate public domain. The character of the site is currently of rough grassland. This application proposes to develop the north-eastern part of it for the one dwelling. A large area of grassland is retained to the west between the new dwelling and those on Prospect Road immediately to the west.

## 1.2 Proposal Description

The proposed new dwelling is contemporary in design and comprises of two parallel staggered elements oriented east - west, the main part is a flat-roofed two-storey element accommodating the main habitable rooms, with a slightly smaller pitched roof element on the south accommodating the sitting room and ancillary elements including a garage, and guest suite. There is a small single-storey, flat-roofed link connecting both elements. Overall, the combined length of the two elements running east to west is 26.9m. The pitched roof element measures 6.5m in width with a depth of 14m, forming a long narrow unit, there is an overlap with the main flat-roofed element that is staggered back to the west of the plot; this projects a further 12.9m to the west, the same narrow form is replicated and there is a single-storey connecting hall element.

The layout and design of the proposed dwelling seeks to emulate the principles of low energy, passive designed houses. These are "ideally orientated with larger windows on the south facing elevations to maximise solar gain into primary living spaces, whilst mitigating the risk of overheating from the summer sun. The general design approach is for the plan layout to provide a long elevation facing south into private gardens with a narrow floorplan to limit the need for glazing on the north elevation. This approach ensures privacy and avoids issues of overlooking. Pergolas, balconies and overhanging canopy roofs will mitigate overheating".

These features are proposed in this scheme, large glazing panels on the south and west elevation, covered areas including a pergola on the south elevation and covered balconies on the west elevation. The form of the dwelling encompasses two long parallel buildings with narrow footprints.

External materials comprise a standing seam (metal) roof to the main two-storey element, the second wing has a sedum green roof, walls comprise a mix of render and timber boarding, with aluminium coping and coated aluminium fenestration, rainwater goods are galvanised steel with natural stone and render proposed to the wall.

The site slopes down from east to west and north to west; the proposed dwelling has been cut into the site.

The height of the roof to ridge on the main wing on the east elevation is 5.8m, although the new ground level is taken below the existing ground level as the proposal would be cut into this sloping

site; a retaining wall is proposed along the eastern boundary. Windows on the east elevation at first floor level serve a bedroom, stairway and bathroom. The bedroom is in the main two-storey flat roofed part which is staggered further away from the common boundary. There is a recessed enclosed balcony proposed on the west elevation of the flat roof element, this mirrors the enclosed arrangement proposed at ground floor level. There is a pergola to run adjacent to the main ground floor window on the south elevation.

There is a new mixed hedgerow to be planted along the eastern boundary with hedgerow and stockproof fence proposed to the west. It is proposed to alter the residential curtilage boundary of the property Woodmancote, shifting it to the south to square off the site, providing the northern boundary to this application site. Within the boundary of Woodmancote, there is a new mixed native-species hedgerow proposed on the southern boundary; this forms the northern boundary for this site. There is no indication of boundary material on the southern elevation of this development.

8a Highfield Close was purchased by the applicants to facilitate access to this site. It is proposed that this new single access serves both this replacement dwelling and the replacement dwelling proposed on the adjacent site under DM/2021/00182. This single shared access is proposed to run parallel to the rear boundary of numbers 4, 6 and 8 Highfield Close (it is proposed to close the vehicle access serving the adjacent site Woodmancote onto Highfield Road, making it pedestrian only).

The application site boundary shows the red line running centrally down the middle of the hedgerow that forms the common boundary to the rear of 4, 6 and 8 Highway Close, the distance from the boundary (centre of hedge) and the new access varies between 3m and 3.1m width. It is proposed to retain the existing hedge; the plans state that the 'existing overgrown boundary vegetation cut back and retained as boundary hedge, weak/gappy areas to be infilled with mixed native hedge species' with further 'incidental 'light tracery' species trees to strengthen boundary landscape buffer'. It is proposed that this buffer accommodates the swale, a filter drain is proposed along the edge of this shared access drive.

The required access would be provided through Highfield Close which would necessitate the removal of a length of hedgerow currently forming the boundary to 8a Highfield Close. The proposed new shared access also runs adjacent to the southern boundary of 8 Highfield Close. The red line boundary along this section runs midway in the hedgerow, there is a separating distance from the middle of this hedge to the edge of the shared driveway of 1.75m. The proposed shared drive measures 5.8m in width as it crosses through what was 8a Highfield Close, once within the site and running north, this reduces to 4.8m and then 4.1m once to the rear of 6 Highfield Close and adjacent to this replacement dwelling. The access continues to provide access into the adjacent site, Woodmancote. The access also forks off to the south (this is remaining from the original submission for the six dwellings that included residential units to the south; this has been retained within this application boundary). Within the site that was 8a Highfield Close it is proposed that in addition to delivering a shared access to this site it will accommodate the proposed attenuation area, with proposed planting and drainage accommodating a rain garden and cellular storage.

Updated tree information has been submitted in line with the new access and drainage proposals and there are eight trees of lesser importance proposed for removal as a result of the new vehicle access proposed. Note that all of these proposed removals involve trees of moderate to low quality (retention category C).

The supporting information states the following:

"The willow, tree 11, is visible from one or two adjacent properties, but any loss of amenity would be mitigated by the proposed planting of four replacement trees in its immediate area, specified in the planting plan as three silver birches (*Betula pendula*) and one cut-leaved alder (*Alnus glutinosa Laciniata*). Note also that the suspected decay in the existing willow is likely to mean that even if it were to be retained it is likely that it would have to be pollarded or even felled within the next few years."

A planting scheme has been provided as part of this application. There are in total 29 new trees indicated on the planting plan. All category A and B trees are being retained and only eight category C trees are being removed.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/01300	Erection of 1 no. Replacement Detached Dwelling. Provision of new access road. Amended domestic curtilage to existing dwelling house and all associated external works.	Pending Determination	
DM/2021/00182	Demolition of existing 2 storey dwelling. Construction of a 2 storey replacement dwelling including integral garage and amended access.	Pending Determination	

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision  
 S13 LDP Landscape, Green Infrastructure and the Natural Environment  
 S17 LDP Place Making and Design  
 S1 LDP The Spatial Distribution of New Housing Provision  
 S2 LDP Housing Provision

### 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  
 LC5 LDP Protection and Enhancement of Landscape Character  
 MV1 LDP Proposed Developments and Highway Considerations  
 SD4 LDP Sustainable Drainage  
 SD2 LDP Sustainable Construction and Energy Efficiency  
 LC1 LDP New Built Development in the 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 11

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

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

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

Monmouth Town Council 15.11.2022 Recommendation: REFUSAL

Grounds of Refusal:

1. Access concerns;
2. Impact and disturbance to neighbours;
3. Impact on biodiversity and trees in the area;
4. Potential impact on flood risk to the area;

Councillors noted that the committee had considered the associated application in October for the neighbouring development and were confused as to why the applications are not being considered as one especially as access is linked. Concerns were also raised regarding the objections from the Tree Officer and the potential impact this development could have on the area's biodiversity. It was noted that there are a large number of objections made by neighbours due to the access concerns from Highfield Close. Councillors accepted the concerns raised regarding the potential impact that this development would have on the traffic in the area, the neighbours' quality of amenity and the safety concerns of those using the road. It was questioned whether access could remain from Highfield Road which would reduce the impact on the area. Councillors also questioned the need to build on green spaces. It was noted that the area already has flooding issues due to the amount of development in the area and it was suggested that this development could worsen this issue. It would also see a further reduction of green spaces in an area that is highly developed which would see a further impact on the biodiversity.

**Natural Resources Wales:** No objection subject to a condition

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

Lighting Plan

Please note, without the inclusion of this condition we would object to this planning application.

We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC). As you are aware, on 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our Planning Advice (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note the application, as submitted, is now solely for a replacement dwelling of 8a Highfield Close, and plots 2-6 have been removed from the application and a new red line boundary submitted. We understand that the replacement dwelling will be of a similar size to the existing and will continue to use the existing connection to the mains sewer.

From the information available on your website, we note that Dwr Cymru Welsh Water has confirmed that there is no phosphorus permit at the Monmouth Wastewater Treatment Works (WwTW).

However, recognising the specific nature of the application submitted, a replacement dwelling, we are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Wye SAC.

**MCC Ecology:** No objection subject to conditions

The proposals are linked to applications DC/2019/01300 and DC/2018/00217 for which previous ecological surveys have been completed. The reports entitled An Update Bat Survey (Link Ecology, September 2020) and A Bat Survey (Link Ecology, March 2019) have been submitted with the application. The reports also reference various reports submitted for DC/2019/01300, of which the Update Ecology Report (Link Ecology, February 2021) and Preliminary Ecological Appraisal Report (Link Ecology, March 2020) are the most relevant. Although ecological surveys are expected to remain up-to-date to within two years of planning or licensing consideration, it is appreciated that the building which will be demolished has been surveyed on a number of occasions and was not previously found to support roosting bats. In addition, the 2020 survey is only just out of date. The conclusions in relation to likely absence of roosting bats are therefore acceptable, providing the precautionary approach detailed in the 2019 bat survey report is secured by condition.

In relation to landscaping and enabling works including access and drainage, impacts on important habitats and protected and notable species have been considered in the PEA Report. The approach remains generally acceptable, although it is requested that a statement by an ecologist is provided confirming whether reptiles are now likely to have colonised habitats within the former garden of 8a Highfield Close. The previous justification for likely absence was based on the amount of time since the habitat had established in 2019. Ecological avoidance, mitigation and compensation measures detailed in the PEA report will need to be secured by condition if consent is granted.

Although the trees which will be impacted do not appear likely to be of particularly high ecological value in their own right, any issues raised by the Tree Officer in relation to protection of mature or important trees will need to be addressed.

It is also requested that ecological enhancement measures in relation to this specific scheme are clearly shown on a site plan before determination in accordance with PPW 11. This will need to include any native/beneficial planting including native hedgerow planting, at least one integrated bat roost feature and one bird nesting feature and hedgehog connectivity measures. The proposals for Emorsgate seed mixes and gapping up/planting of native hedgerows shown on the Planting Plan are welcomed. Drainage features should be designed to benefit wildlife wherever possible. A detailed specification and Habitat Management Plan could then be secured by condition if consent is granted.

In response to the clarification required by the ecologist regarding reptiles there were three outstanding issues from the ecology response from September 2022.

An update report has been submitted that suggests that habitat is still present that could support a small reptile population and that the recommendations of the 2021 update ecology report should still apply relating to mitigation.

Significant phosphate impacts need to be ruled out or an HRA will need to be completed - it is noted on NRW's latest response (18/11/2022) they note that they are satisfied that the development is unlikely to increase the amount of phosphorous entering the catchment.

All features for net biodiversity gain need to be clearly shown on a site plan - whilst preferable to get this prior to determination a suitably worded planning condition covers this.

**MCC Landscape/GI:** No objection subject to conditions

The previous comments related to a scheme consisting of the erection of 1 no. replacement detached dwelling and five new detached dwellings and additional works.

The current scheme is reduced to the 1 new dwelling. The current proposal application red line area as per site plan 5201 P 001 REV C focusses on 1 new dwelling, improved access and proposed attenuation area. The proposal is located in a corner of the existing field, in a locally



elevated location with the backdrop of existing trees and boundaries of Woodmancote and properties on Highfield Close to the north and east. To the south is an existing field hedge which stretches east to west. The proposed individual dwelling as opposed to the original application of five dwellings would appear to demonstrate less visual impact and potential impact on as per LVA statement Appendix 1 by nature of location, localised topography and setting. The applicant has sought to mitigate for the loss of the nine trees within a planting scheme to the south of the site within the application boundary. The overall scheme layout, material selection and planting plan inclusive of green roof (roof B) to main building is broadly acceptable - however the following observations will require further clarification.

- It is noted that planting plan ref 17-74-PL-204 REV 0 does not include a specification or aftercare prescription for the proposed green roof. Further clarity would be welcome. This can be provided prior to determination or as a condition should the application be approved.

- It is noted that the southern boundary edge on plan ref 5201 P 001 REV C indicates existing hedge as being retained however it is not clear if there is to be additional stock proof fencing to the south of the site and along the proposed access. Further clarity would be welcome. This can be provided prior to determination or as part of a condition should the application be approved.

- Sustainable energy In line with PPW11; the submission should consider opportunities for sustainable design principles in the design process. For instance there could potentially be additional opportunities for areas of EV charging points and air source heat pumps. Additional GI with associated ecological benefits would be welcome adding to the reduction of overall carbon foot print and increase energy efficiency.

Overall it is considered from a Landscape and GI perspective that the revised proposed development will not have a detrimental impact on the character and appearance of the urban setting, localised landscape and provisions of Planning Policy Wales (Edition 11) February 2021 and policies S1, DES1, LC5 and NE1 of the adopted LDP.

**Welsh Water:** No objection

We have reviewed the information submitted as part of this application with particular focus on the Technical Note: Drainage - Surface Water and drawing number 10165-GRY-XX-XX-DR-C (Proposed SUDS plot 1). We can confirm discussions have progressed to establish the drainage arrangement and status of the public sewer network in the area and are content with the conveyance of surface water at a limited discharge rate. Condition is recommended accordingly.

**MCC Land Drainage Engineer:** No objection

Surface Water Drainage: Revised comments following clarification from DCWW:

The proposed development will require a Sustainable Drainage System (SuDS) designed, constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB). The SAB has received and undertaken initial review of the proposed SuDS (SAB application reference SAB/2022/055). The proposals appear to have identified a suitable surface water drainage destination (DCWW have confirmed that they consider the sewer to be combined rather than foul). The proposals include high quality green SuDS features including a green roof and rain gardens which are welcomed by the SAB. We therefore have no objection on grounds of surface water drainage.

The detail of the SuDS proposals will be further examined during appraisal of the SAB application (a separate process to the planning application).

**Flooding**

Flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding. Our database of previous flood events does not record any flood events in close proximity to the site. Our database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site. We therefore have no objection to the proposed development on flooding grounds.

**MCC Highways:** No objection

The highway authority has already provided comments in respect of the proposed means of access and the development as a whole and offers no further comments or observations in respect of this application other than to reiterate the recommended highway conditions to control the development as a whole. The highway authority would recommend therefore if the application is determined then conditions are required to ensure that the replacement dwelling is developed and built out with minimal disruption; this includes requirement for the access and turning area to be in place prior to works commencing on site (including demolition), no surface water to drain onto the highway and the submission of a Construction Traffic Management Plan.

**MCC Trees:** Tree officer comments given for both DM/2019/01300 and DM/2021/00182.

The tree officer has left the authority and the GI/Landscape Officer has reviewed the updated information in the absence of a replacement tree officer. Concerns were raised by the previous tree officer and this is addressed in full below. It appears on review that most areas of concern raised by the tree officer have been addressed across the two applications within the submitted information, notes and with reference to previously submitted information. The area identified and not sufficiently addressed relates to details of regular site monitoring of tree protection and monitoring within an Arboricultural Method Statement.

Submitted information

DM/2021/00182

Tree survey and arboricultural constraints report:- Notes to expand on Section 3 of the Arb constraints report Nov 2020

Arb impact and tree protection plan NP253HR/BUC/AIPP 1

DM2019 01300

Tree survey and arboricultural constraints report :- Notes to accompany Arb impact and tree protection plan NP253HR/BUC/AIPP 2

Arb impact and tree protection plan NP253HR/BUC/AIPP 2

DM/2019/01300 Tree officer comments and requirements as of 01.11.2022 . These comments are also relevant to DM/2021/00182. The concerns raised are listed below, and in review of the additional information submitted to address these concerns the GI Officer's comments are given below:

The applicant originally submitted a tree survey and accompanying tree constraints plan in February 2021. These documents by Jerry Ross Arboricultural Consultancy covered the entire site and related to the original proposal. Despite a significant change to the proposed site layout (including a proposed SuDS plan), the tree information has not been updated to reflect this. In addition, the original tree report is dated January 2018, and is therefore now four and a half years out of date and it is likely that the condition of the trees on site has changed within that time. This previously raised concern that insufficient information has been provided for the Local Planning Authority (LPA) to consider the impact of the proposals upon the trees within and adjacent to the red line development boundary of the proposals, there was a holding objection in place until full tree information is provided which demonstrates that trees and their root protection areas will not be damaged by the proposals.

Latest response following submission of information: An update to the Tree survey and Arboricultural constraints report has been provided 15.12.2022 and 11.12.2022 in the form of notes to accompany the tree impact and protection plans for both DM/2019/01300 and DM/2021/00182.

This is confirmed as being acceptable.

An updated tree constraints plan has been provided for both DM/2019/01300 and DM/2021/00182 and show the relevant root protection areas (RPAs) for the retained trees and how they relate to the proposals, inclusive of service runs and excavations.

This is confirmed as acceptable.

A Tree Root Protection Plan (TRPP) for the site clearance and construction phases of the project showing the type and position of the protective fencing to be used around the retained trees has been partially provided. Updated Plan ref NP253HR/BUC/AIPP 1 indicates type but not position of protective fencing. However original plan ref NP253HR/BUC/AIPP (DM/2021/00182) and NP253HR/BUC/AIPP 2 (DM/2019/01300) does.

This is confirmed as acceptable

d) An Arboricultural Method Statement (AMS) has been provided for:

a. Proposed alterations and excavation within RPAs has been provided and is broadly acceptable

b. A specification for the proposed new access road and MS to avoid damage to roots has been provided and is broadly acceptable (DM/2021/00182) and is included in the TREE REPORT - WOODMANCOTE MONMOUTH R2 under DM/2019/01300

However, the AMS has not provided details of regular site monitoring of tree protection and monitoring. This could be provided as a condition for both DM/2019/01300 and DM/2021/00182 and the following condition is therefore recommended to cover this point:

An updated Arboricultural Method Statement (AMS) by a qualified arborist shall be provided prior to the commencement of works. The AMS shall include details for the proposed monitoring of tree protection and tree condition inclusive of a chronological programme for site monitoring and production of site reports to be issued to the LPA at the demolition and development phases.  
Reason : To safeguard valuable green infrastructure assets in accordance with Council Policy S13 - Landscape, Green Infrastructure and the Natural Environment.

## 5.2 Neighbour Notification

To date 13 objections have been received. Many of the objections raise concern regarding the original scheme which was for the six dwellings that were previously proposed on this site. The points raised in relation to the current development for a single replacement dwelling, (as well as the concern regarding the potential for the site to lead to further development) are listed below

- The shared access is unnecessary as the adjacent development already has access from Highfield Road, therefore further access from Highfield Close would be superfluous
- Woodmancote already has an established access directly onto Highfield Road and that should be kept rather than bringing a long drive through fields to access onto Highfield close which is substandard in width and will add to the issues for existing residents
- The current access to the field could be used as the entrance to the development, and vastly increased and widened, this could serve as a valuable passing place on Highfield Road, which is very steep and narrow, and is currently unpleasant to negotiate. This would be a vast improvement to Highfield Road, and would stop Highfield Close from becoming a new and dangerous rat run
- This is intrinsically linked to the application Woodmancote and should be considered as one application
- This application would set both the location and principle for the access road which we have previously objected to a number of times due to loss of amenity, noise, privacy, light and general insensitive design. They are trying to circumvent the issues by slipping it through as part of this application.
- Planning guidance was for no more than 5 dwellings off a private drive. The applicants plan for a further 6 houses off this drive which will make it 7 dwellings off a private drive and compound all the associated issues. Is this good practice, especially as Woodmancote does not need a new access?

- This application will still need to comply with SAB requirements as the area of the new drive alone will be 400-500m<sup>2</sup>. The level and form of drive will naturally channel rainwater run-off towards the houses at the bottom of Highfield Close unless there is meaningful surface water attenuation and swales etc., built in rather than just expecting a gravel top surface to do the job
- Why can't any drive be located further from our boundaries with a protected landscape zone and trees incorporated to minimize the impact upon us? Surely that would be a more sensitive approach and would also help offset the negative ecological impact, loss of mature trees etc caused by this application
- There has been no recognition of our concerns and detrimental impact of noise, light etc. The road scrapes our boundaries and turns us almost into an island without any consideration. Moving it all further away would allow a proper tree planting zone and help alleviate these issues. It would also enable the vegetation and mature trees alongside our neighbours to be retained rather than obliterated, keeping significant screening and ecological habitat
- The road to the rear has dimensions from the middle of our privet hedge and not the field fence, which is the actual boundary, so this distorts the true picture. There is no space for a proper landscape buffer and the planting plan shows silver birch trees literally right on the true boundary. These grow to 25m and will spread over our property and overshadow us, how / who will maintain these? There is the same issue with hedging on the southern boundary and how this will be maintained from one side or who will be responsible
- All SAB features, including the swale along our boundary will presumably need to be adopted by them. Will they accept trees as shown?
- The apparent piecemeal nature of the development means that construction traffic could be using the road for years and we will suffer long term noise and associated discomfort if seven additional properties are to be built
- The development of one house is one thing but the unsympathetic, overdevelopment of the land which will be overbearing in nature to existing properties is not acceptable
- I would question why there are two planning applications for one project
- Question the accuracy of the boundary line shown on the plan
- While the tidying of the neglected boundary with neighbour's property might be welcome, it is a rich habitat for bird species but also would serve as a screen between our property and the proposed new development
- This is part of the wider application for development of the field as it proposed to be accessed off that development. Surely it should be withdrawn and clearly added to this application rather than adding further plots in underhand manner?
- This proposal will compound the issues we have previously objected to of over-development, loss of privacy and amenity and general nuisance from traffic / light / pollution from the development that would wrap around us in the currently insensitive scheme
- This proposal will directly affect the residents in Highfield Close so why have we not been notified?
- There will be loss of trees / mature hedgerows and loss of ecology
- The overbearing nature of the houses and reduction in privacy / amenity will be significant as well as the impact in terms of noise, light, fumes and disruption from vehicles throughout the day and evening including residents and visitor cars, delivery vans and lorries etc
- Leaving slightly more space behind the neighbour would also allow a more sensitive SAB scheme with swales for sustainable drainage as well as habitat creation and then structural landscape and tree planting zones to form a meaningful buffer, which would surely be a better and more sensitive scheme than swathes of permeable hardstanding?
- The same would apply to the side - why not locate the new road in the middle of that strip with SuDS features and structural landscape either side rather than scraping it along the side of neighbouring property?
- This development is intrinsically linked to the current application for the wider development of the field by the same applicant, and they should be assessed as one rather than slipping it, and the access road, through in a underhand way. Why has this not been made clear in the application information and why is the ownership of the adjacent field not outlined in blue on the site plans?
- Neighbour has discovered an old brick/concrete culvert that seems to run across the site (the demolished bungalow access) and onto my property
- The site plan as shown currently also has a water holding and storage, there is a water storage reservoir on neighbour's site used for grey water and as a means for coping with the excess

- surface water that occurs due to the poor porosity of the heavy clay. What happened if the proposed water storage is inadequate but is above my property and overflows?
- How have the existing and new requirements for the site been calculated and why are they being directed to a mains sewer when there might be an existing alternative water course across the site?
  - The pathways on our cul-de-sac are used by the residents regularly. Furthermore the proposed build will seriously affect the privacy of all residents on Highfield Close
  - Snow and ice make Highfield Close impossible to safely drive a vehicle on it without suitable intervention from MCC's Highways Department.
  - There is inadequate parking provision on the Close itself for visitors / deliveries to properties already there, should their driveways be parked upon. The Close is not wide enough to support additional vehicles e.g. delivery vans / lorries, trades people, 'BT Openreach' / other statutory agency vehicles, building development contractors etc. for more than just a few minutes
  - Any further increase in traffic would be a danger to all road users
  - The shared private drive must have a series of passing spaces along the drive to allow the safe passing of two cars or to be at least 4.1m wide over its length. If the applicants to the development have foreseen this why haven't they foreseen the resulting difficulties on the actual road that forms Highfield Close?
  - An increase to air and noise pollution to all those living in the Close and its immediate vicinity during any building process, as well as to the eventual living conditions of further residents should any development take place.
  - In the proposed plans there are to be trees and hedges to be removed from the garden to the rear of 'Woodmancote House' and the adjoining field. Behind the property of 6 Highfield Close are trees 8. (Portugal Laurel), 9. (Weeping Willow) and 10. (Ash) and a length of high hedge all of which form part of the natural local landscape character
- In the twenty two years that I have been visiting no.6 that rear hedge has been maintained by the neighbour - both on its top and on his side
- I note that the existing boundary between nos. 8 & 8a shows that the vegetation/hedge planting is to be retained. Drawing no. 17/74-PL-201 (the Richards Partnership Project: Woodmancote, Monmouth. Entitled Woodmancote Planting Plan) refers. Why not behind 6 & 8?
  - During the course of the year, the vegetation not only supports local wildlife but also acts as a noise barrier to what is going on in the field and housing beyond. They would also be improving air quality by absorbing local patches of CO2. It would appear from the reports that other hedging is to be removed and replaced with posts and wire - hardly conclusive to cutting down on air and noise pollution from a planned roadway shown to the rear of proposed properties 4, 5 & 6 and to the rear of the existing properties, opposite, on Highfield Close
  - The addition of housing will add to the risk of flooding as additional surface water will be generated from any development. What contingency plans are in place to remove any surface water generated by the buildings and road proposals into Highfield Close itself and into the gardens of neighbouring properties
  - The existing mains sewer, already, I believe, at/near capacity, may need to be renewed or rerouted causing major problems to the present occupants of Highfield Close and, especially, to the owner of no.5 Highfield Close, whose property the main sewage pipe runs through
  - MCC Planning Department should perhaps be aware of the lessons learned from the times they gave permission to the former owner of number 4 and present owners of 3 and 8 Highfield Close to extend their own properties and the resulting discomfort to all occupiers of the Close during construction
  - The original planning permission granted to rebuild a bigger property on land at 8a Highfield Close, formerly occupied by a bungalow and now knocked down, has apparently been changed. This is because one property was to be in situ on site
  - Further Ecological Surveys were carried out in March 2019. Why hasn't there been any further surveys carried out in March 2021?
  - Will any proposed construction traffic access the site of Woodmancote?
  - Affect local ecology
  - Close to adjoining properties
  - Development too high
  - General dislike of proposal
  - Inadequate access
  - Inadequate parking provision

- Increase danger of flooding
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Noise nuisance
- Not enough info given on application
- Out of keeping with character of area
- Over development
- Strain on existing community facilities
- Traffic or Highways
- Queried whether all neighbours should be consulted
- Information missing from plans
- Residential Amenity

### 5.3 Other Representations

Member of Parliament David Davies:

I understand a planning application has been submitted to demolish an existing two-storey dwelling and build several detached properties on Highfield Road in Osbaston. However, it has been brought to my attention that access to the site for the external works to take place will be via Highfield Close.

As you may be aware, Highfield Close is a very narrow cul-de-sac whereby two vehicles are unable to pass each other without having to mount the pavement. It has therefore been suggested that this road would be highly unsuitable for large construction vehicles and would cause significant disruption to local residents.

I must declare that I have a personal interest in this case as I also live in the local vicinity.

Although, I will make clear that I am contacting you on behalf of my constituent and these are the concerns which have been put to me by a number of local residents.

### 5.4 Local Member Representations

No comment received to date

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

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

## **6.0 EVALUATION**

### **6.1 Principle of Development**

Monmouth is identified in Local Development Plan (LDP) Strategic Policy S1 as a main town where new build residential development is permitted subject to detailed planning considerations and other policies of the LDP. The principle of the proposal meets the requirements of Strategic Policy S1 and Policy H1 of the LDP, subject to detailed planning considerations. The development would not be subject to any affordable housing contribution as it would be a replacement of the existing dwelling. This application relates to the neighbouring development proposal (DM/2021/00182) in that there is a new shared access proposed that serves both this development and the neighbouring replacement dwelling. Both planning applications are being presented together to Planning Committee.

#### 6.2.1 Good Design

There is no overwhelming type of house design within the surrounding area or a strong architectural style in the vicinity of the site. The existing dwelling has already been demolished. In its place is the site for the new shared access while the new proposed dwelling would be tucked into the field to the rear of Woodmancote to the north and no. 6 Highfield Close to the east. This application proposes to build an individually-designed four-bedroom dwelling to meet high environmental standards and uses high quality materials that work with a similar palate to that proposed on the adjacent site, Woodmancote. The green-roofed elements are a positive

contributing factor to the handling of surface water run-off as part of the SuDS design as well as being an ecological asset; with overhanging canopies helping to mitigate any overheating. There is the main two-storey element which is a flat-roofed, contemporary structure. Rendered gable walled elements are unified with timber clad single-storey elements under a green roof. This is staggered alongside a one and half storey traditionally pitched and proportioned building that is set at a lower ground level with the ridge just below the top of the roof on the main structure. The proposed dwelling works with the ground levels and effectively nestles the development into the site. The orientation of the property is such that the mass of the new development is north-south facing, minimising any potential over-dominating impact upon neighbouring properties; only Woodmancote, the adjacent property to the north will see within close range the main bulk of the elevations. This, however, is mitigated by the proposed development being set at a lower ground level and the generous separating distance. The neighbouring properties along Highfield Close have sight of the shorter gabled ends, but these gable ends are relatively narrow and the built form is staggered; the height has been reduced with the fall in ground levels and the built form is broken up to provide breathing space in between the two main elements of this dwelling. The proposed dwelling sits comfortably on the site, nestled within the topography and would be set against the backdrop of the dwellings on Highfield Close. The form, design and use of natural contemporary materials, coupled with the levels of the site, result in a development that is of a high-quality design that would comply with the relevant planning policies.

### 6.2.2 Place Making

The area is characterised by individually designed dwellings on spacious plots with mature trees. This development does not immediately add to the sense of place as it is not in the public domain, although there are some glimpsed viewpoints of the development from the west of the site and views from neighbouring dwellings. The orientation, form and staggered layout of the dwelling breaks up the mass of the proposal. This, combined with flat, green-roofed elements, ensure views are maintained for the existing properties in Highfield Close. The landscaping scheme delivers additional trees within this setting, softening the backdrop and retaining and enhancing the landscape belt that helps to assimilate the proposed development into the surrounding area.

What is also a characteristic of this area are the narrow highways and in places sub-standard private accesses to individual houses. This application site delivers a different solution and provides a new shared access with Woodmancote, taken from Highfield Close and wrapping around the rear boundary of 4, 6 and 8 Highfield Close, providing a shared access around the rear. This access can be partly viewed from the neighbouring properties, but once the landscaping matures along the buffer, this will be screened, while viewpoints from the west will view this highway against the backdrop of houses and a landscape buffer. This is not considered to detract from the sense of place.

### **6.3 Landscape**

The visual prominence of an area is a principal consideration in establishing the potential impact on its character or the experience of the area. The site is open to views from the rural landscape to the west, over which there are open panoramic views from within the site. However, it remains well hidden from public views in the immediate vicinity. The application site is a corner of the existing field, in a locally elevated location. There is backdrop of existing trees and the boundaries of Woodmancote and properties on Highfield Close to the north and east. The character of part of the site itself would inevitably change from one of rough grassland to one that is partly developed; however, most of the site remains as open grassland and the new dwelling which sits to the forefront of the dwellings on Highfield Close and adjacent to Woodmancote will be viewed within this context. The proposed individual dwelling has less visual impact and potential impact on the skyline by virtue of its location, local topography and the setting.

The applicant has sought to mitigate for the loss of trees within a planting scheme to the south of the site but within the application boundary. The overall scheme layout, material selection and planting plan inclusive of the green roof to the main building are acceptable. There is further clarification required on the maintenance of the green roof and specification of boundary materials, although this can be covered by planning condition

There are eight trees of lesser importance that are proposed for removal; this is as a result of the new vehicle access proposed, all of these involve trees of moderate to low quality (retention category C).

The neighbours have raised concern regarding the loss of the trees, in particular the willow tree, requesting that the access drive is shifted further away thus allowing this tree to be retained. The latest information submitted to support the application notes, "that the suspected decay in the existing willow is likely to mean that even if it were to be retained it is likely that it would have to be pollarded or even felled within the next few years". The tree is indeed visible from one or two neighbouring properties, although its loss of amenity would be mitigated by the proposed planting of four replacement trees in its immediate area, specified in the planting plan as three silver birches (*Betula pendula*) and one cut-leaved alder (*Alnus glutinosa* Laciniata). There are a total of 29 new trees indicated on the planting plan. Given that all category A and B trees are being retained and only eight category C trees are being removed and replaced with a significantly higher number of trees this is considered to be acceptable in landscape terms.

There are new stretches of native indigenous hedgerow proposed along the north, west and east boundaries, with further ecological enhancement and mitigation hedgerow relating to the hedgerows to be secured via planning condition.

There is potentially a landscape impact arising from the proposed shared access drive. Whilst this application started as an access drive serving six dwellings as part of DM/2019/01300, five houses have been removed and Woodmancote added, thus it would serve two dwellings. The issue is whether this access is visually acceptable in this case. It is stated in the supporting information that the access is positioned as low into the contours of the site as practical to further limit the impact on the properties along Highfield Close as well as on the overall skyline when viewed from further afield. The siting of the proposed access drive is visually less intrusive by reason of its location towards the rear boundaries of the neighbouring dwelling, as it sits against the backdrop of the proposed landscape buffer and the dwellings to the rear. It also does not involve significant alteration in ground levels; the potential intrusion is therefore softened by the backdrop that makes this part of the access drive visually acceptable.

The access from Highfield Close across the site that was 8a will be clearly visible and will read clearly as an engineered access to the field beyond, however the landscaping and surfacing materials proposed in this part of the site help to soften this element of the development and provides a gap between houses in this street frontage. The plot is not dominated by hard surfacing and there is no wider adverse landscape impact as a result of this aspect of the development.

Overall it is considered from a Landscape and GI perspective that the revised proposed development will not have a detrimental impact on the character and appearance of the urban setting, localised landscape and provisions of PPW (Edition 11), and policies S1, DES1, LC5 and NE1 of the adopted LDP.

#### **6.4 Biodiversity**

This application has been supported by ecological reports (including the recently updated reptile survey) that have been accepted by the ecologist and frame the conditions that secure implementation, compliance and enhancement of ecology on this site. It is accepted that the trees that are impacted by the proposal do not appear likely to be of particularly high ecological value.

Ecological enhancement is proposed and indicated but not detailed in language that enables these documents to be conditioned so a condition requiring ecological enhancement (to include any native/beneficial planting, including native hedgerow planting, integrated bat roost feature; bird nesting feature and hedgehog connectivity measures) are to be submitted and detailed as a planning condition. The proposals for Emorsgate seed mixes and gapping up/planting of native hedgerows shown on the Planting Plan are welcomed. Drainage features will be subject to SAB with an opportunity to benefit wildlife wherever possible. A detailed specification and Habitat Management Plan to be secured by planning condition.



Discharge of foul drainage will be via an existing sewer. NRW's latest response to the replacement dwelling states that they are satisfied that the development is unlikely to increase the amount of phosphorous entering the catchment. This is screened out in further detail below.

It can be concluded therefore that the ecological information submitted confirms that subject to planning conditions that the development is acceptable and complies with relevant planning policy in this case.

## **6.5 Impact on Amenity**

The proposed new dwelling is oriented east - west with the mass of the proposed building facing north and south. The neighbouring properties therefore look onto the narrower end gables, which by reason of the lower ground level are not overly high or dominant in terms of visual impact upon the neighbours, with relief provided with the visual gap between the two staggered wings with a connecting single-storey element. The mass is visible from the north and the south, although the staggered layout and use of materials helps to break up the built form. In addition, there is a significant separating distance between Woodmancote to the north and the closest dwelling to the south that ensures there is no adverse impact on residential amenity.

There is a first floor bedroom window on the east elevation, situated in the main two-storey flat roofed part which is staggered further away from the common boundary to the east with 6 Highfield Close. There is more than a satisfactory separating distance from this first floor habitable window and the common boundary with this neighbouring property and there is no adverse impact upon residential amenity due to overlooking in this case.

The viewpoint from no 6 Highfield Close (and partly from no 8 Highfield Close) will change with the new property being located in the foreground interrupting the long views to the west. The new building would be clearly visible, especially in the short term before the proposed tree planting has had an opportunity to mature. While there would inevitably be some adverse visual effects experienced by these residents who overlook the site, the built form of the proposed dwelling is softened significantly by the form, orientation, design and land levels. Furthermore, the properties on Highfield Close benefit from large rear gardens and the separating distance between the dwellings helps to minimise the impact further. The impact upon the amenity of these neighbouring properties as a result of the proposed dwelling alone is not significantly adverse in this case.

It is stated in the supporting information that the access is positioned as low into the contours of the site as practical to further limit the impact on the properties along Highfield Close as well as on the overall skyline when viewed from further afield. The site's eastern boundary with Highfield Close is formed by a hedgerow, which softens ground floor views over the site.

There is concern raised by neighbours on Highfield Close that there will be an impact upon their amenity due to noise and disturbance and pollution arising from the additional traffic as a result of this development. Highfield Close provides access to 13 dwellings and is an existing well-established residential road. There would be an increase in a maximum of 1 - 2 movements expected during the am peak period but this represents a minimal increase and the proposed access is considered acceptable to accommodate the increase in traffic movements without adversely affecting the neighbouring properties along this highway.

The main amenity issue that is being raised by neighbours relates to the proposed new shared access drive and the noise and disturbance caused by additional traffic using Highfield Close. The issue raised is that this shared access drive opens up the site for potentially further development beyond the two replacement dwellings this access is proposed to serve. This is an understandable concern given that the application was submitted originally as a proposal for six dwellings, five new dwellings have since been removed from the proposal, while the proposed replacement dwelling for Woodmancote has been added to be served via the proposed new access off Highfield Road. However, the access along this section remains unchanged with a spur heading south also included in the red line. This clearly is designed to provide access for further development in the future, but the potential for future additional development is not a consideration of this application and would be subject to a separate planning application that would be considered on its own

merits. What is under consideration in terms of amenity is the access road and how this affects neighbour amenity, not what it may potentially lead to in the future. It must be considered on the basis that if any future development never went ahead, is this development including the access acceptable?

The main issue relates to proximity to the rear boundary of 4, 6 and 8 Highfield Close, and in the case of 8 Highfield Close it passes both the south and west boundaries. Whilst this application is for an access that serves one dwelling, it is prudent given the adjacent proposal to consider this on the basis that this is to be used as an access for two dwellings overall.

The proposed new shared access runs adjacent to the southern boundary of 8 Highfield Close and measures 5.8m in width. There are also facing elevations by 10 and 12 Highfield Close. In the case of these two properties the access has been situated towards 8 Highfield Close on the furthest side to accommodate the proposed attenuation area, planting plans and drainage plans comprising a rain garden and cellular storage; this provides more than a suitable buffer to minimise disturbance upon these properties. With the issue of headlights shining into these properties, the turning area on Highfield Close is orientated so there would be no direct shining of headlights into these properties by cars entering and leaving from this new access.

The red line boundary along this section runs midway into the hedgerow with the common boundary for 8 Highfield Close, there is a separating distance from the middle of this hedge to the edge of the shared driveway of 1.75m. There is however a strong common boundary, and there is a drop in ground levels from the neighbouring property to the application site. Previously this access served one dwelling which stopped midway along this boundary. The difference with this proposal is that it runs the full length of the side of the property and potentially serves two dwellings, not just one. If it was to serve one dwelling only there would be little difference in vehicular movements. However, in the case of two dwellings there would be a marginal increase in traffic movements adjacent to the neighbour's boundary. Owing to the separating distance, level changes and the interspersed vegetation (which is to be bolstered by infilling the gaps in the hedgerow) there is sufficient mitigation to prevent this access from having a significant adverse impact upon the amenity of the neighbouring property.

Within the site the access runs parallel with rear of 4, 6 and 8 Highway Close, this reduces to 4.8m and then 4.1m, this is set off the common boundary by 3m to 3.1m, there is a buffer proposed comprising a reinforced landscaping strip with trees, hedgerow and a SAB feature. It is stated in the supporting information that the access is positioned as low into the contours of the site as practical to further limit the impact on the properties along Highfield Close as well as on the overall skyline when viewed from further afield. The level of traffic movements resulting from two dwellings coupled with the separating distance and buffer proposed provides a level of mitigation that prevents this from having a significant impact upon the amenity of the neighbouring properties in this case.

The neighbour has raised the issue that as the applicant also owns the land to the west, the development should therefore be shifted further west to provide a more substantial buffer to mitigate further the noise and disturbance arising from the vehicles using the access drive. This has implications upon the drainage design as levels change to the west of the proposed drive, and would also make the access more visible from the vantage points to the west. While this may be advantageous to neighbours it has an impact elsewhere. Therefore, the access is to be considered on the merits of where it is now proposed to be sited, not on where it could possibly be moved to. In this case, given the site characteristics, level of traffic, separating distance and buffer proposed it is considered acceptable in this case.

The proposed development including the access is not considered to have a significant adverse impact upon neighbour amenity in this case.

## **6.6 Highways**

MCC Highways have been consulted throughout this proposal and offer no objections subject to planning conditions. The conditions have been framed to ensure that the replacement dwelling is developed and built out with minimal disruption; this includes requirement for the access and turning area to be in place prior to works commencing on site (including demolition), no surface water to drain onto highway and the submission of a Construction Traffic Management Plan.

The neighbours have raised a number of issues, one of which is whether the access is suitable for what would be seven dwellings if the remaining five dwellings came forward in the future. The additional five dwellings are not part of the consideration of this application - at most this is being considered as a shared drive for two replacement dwellings, subject to this application and DM/2021/00182. The Highway Engineer has confirmed that the creation of a new access to serve both replacement dwellings can be accommodated off Highfield Close (it is noteworthy that since the submission of this application Welsh Government has published a suite of design standards, known as the Welsh Governments Common Standards for Residential, Industrial & Commercial Estate Roads that sets out the required standards for private shared drives and limits the number of dwellings to five).

Concerns have been raised that this proposal in addition to the adjacent site would lead to a dangerous increase in traffic using Highfield Close and there is also concern that this highway is too narrow to serve existing traffic with a refuse lorry having to reverse along the highway. The actual additional traffic is at the most associated with one net increase in dwellings, as the adjacent site is a replacement dwelling for 8a Highway Close that was already served from this highway. Highfield Close provides access to 13 dwellings, is approximately 4m wide and benefits from footways on both sides. Highfield Close is an existing well established residential street and is considered acceptable to accommodate the increase in traffic movements, an increase in a maximum of 1 - 2 movements would be expected during the am peak period. Highfield Close benefits from footways whereas Highfield Road along the site frontage of Woodmancote does not. These footways provide pedestrian access to the footways on Highfield Road and Hereford Road and beyond. It should also be noted that the provision of an access off the end of Highfield Close will provide an opportunity for vehicles to turn around and travel in a northerly in a forward gear along Highfield Close. All the properties in Highfield Close benefit from good off-street parking so parking on-street should be limited.

The issue has been raised that the proposed access is too engineered to serve just two dwellings. The Council's Highway Engineer has confirmed that the current proposal does not accord with the standards for what would be considered to be an adoptable residential street but a shared private drive is appropriate.

The proposed new access is acceptable from a highway standpoint and complies with relevant planning policy.

## **6.7 Flooding**

The application site is not in an area at risk of flooding. The flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding. Our database of previous flood events does not record any flood events in close proximity to the site. Our database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site. Therefore there is no objection to the proposed development on flooding grounds.

## **6.8 Drainage**

### **6.8.1 Foul Drainage**

The application site is within the Wye River SAC. 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 previously (designated pursuant to EU retained law) 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 phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a Habitats Regulations Assessment (HRA) to determine whether they are likely to have a significant effect on the SAC condition.

The objective around the management of riverine phosphate is to prevent a net gain in dwellings on the land at this time. This application was therefore amended to be solely a replacement dwelling of 8a Highfield Close. Therefore this scheme involves just plot 1, with plots 2 - 6 omitted from the application. It should be noted that the agent has stated that the scheme is designed to facilitate further dwellings to come forward at a time when a nutrient neutrality solution is in place, but any further development will be subject a separate planning application and considered on its own merits.

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the riverine Special Areas of Conservation (SACs) catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

Any development that does not increase the volume of foul wastewater

This proposal is a replacement dwelling for 8a Highfield Close. Whilst 8a Highfield Close has been demolished and removed from site, it has the benefit of an extant planning permission (DC/2018/00217) Approved 12/04/2018 for the 'Demolition of concrete sectional bungalow and replace with two storey covered ceiling dwelling. Demolish detached garage and replace with double garage with study over'. This was to be built on the plot of 8a, this site differs in that the position of the replacement dwelling has changed. However, there remains no increase in the volume of wastewater.

### 6.8.2 Surface Water Drainage

The proposed development will require a Sustainable Drainage System (SuDS) designed, constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB). The agents have proposed a sustainable drainage strategy appropriate for the scheme that will also be subject to a SAB application. This strategy has been tailored to serve the wider development of the land and includes permeable paving, rain gardens and shallow wetland attenuation. The proposed landscaping scheme has been amended to align with the sustainable drainage strategy. The proposed drainage and landscaping strategy presented is applied to both planning applications.

The SAB has received and undertaken initial review of the proposed SuDS (SAB application reference SAB/2022/055) and there is no objection on grounds of surface water drainage. The proposals appear to have identified a suitable surface water drainage destination (DCWW have confirmed that they consider the sewer to be combined rather than foul). The proposals include high quality green SuDS features including a green roof and rain gardens which are welcomed by the SAB. The detail of the SuDS proposals will be further examined during appraisal of the SAB application (a separate process to the planning application).

In response to neighbour concerns regarding the landscape buffer and the trees impacting upon the surface water drainage, it is not considered that this will create a conflict with the landscape buffer from the details that have been submitted to date to the SAB team, however this will be subject to further scrutiny during the consideration of the SuDS application, the team are aware of the concerns that have been raised.

A neighbour has raised concern regarding an old brick/concrete culvert that seems to run across the site (the demolished bungalow access). The Council's surface water drainage officer has visited the site and what has been discovered is a concrete covering. This does not have an impact on the proposed development. Concerns regarding surface water holding and discharge rates will be covered in the detail of the SAB application.

## **6.9 Response to the Representations of Third Parties and/or Community/Town Council**

6.9.1 The concerns raised by neighbours and the Town Council are summarised below:

- Access (addressed in para 6.5 Impact on Amenity and 6.6 Highways)
- This is linked to a further 6 houses on the adjacent fields and they should be dealt with as one. (addressed in para 6.5 Impact on Amenity)

- This application would set both the location and principal for the access road which we have previously objected to a number of times due to loss of amenity, noise, privacy, light and general insensitive design. They are trying to circumvent the issues by slipping it through as part of this application. (addressed in para 6.5 Impact on Amenity and 6.6 Highways)
- Suitability of Highfield Close (addressed in para 6.5 Impact on Amenity and 6.6 Highways)
- Compliance with SAB requirements (addressed in para 6.8.2 Surface Water Drainage)
- Why can't any drive be located further from our boundaries with a protected landscape zone and trees incorporated to minimize the impact upon us? Surely that would be a more sensitive approach and would also help offset the negative ecological impact, loss of mature trees etc caused by this application. (addressed in para 6.5 Impact on Amenity and 6.6 Highways)

The road to the rear has dimensions from the middle of our privet hedge and not the field fence, which is the actual boundary, so this distorts the true picture. There is no space for a proper landscape buffer and the planting plan shows silver birch trees literally right on the true boundary. These grow to 25m and will spread over our property and overshadow us, how / who will maintain these? There is the same issue with hedging on the southern boundary and how this will be maintained from one side or who will be responsible.

(There is a condition that covers ongoing maintenance of landscaping to cover this issue).

The apparent piecemeal nature of the development means that construction traffic could be using the road for years and we will suffer long term noise and associated discomfort if seven additional properties are to be built.

(A condition requiring a construction management plan to be submitted is proposed).

- Affect local ecology (addressed in para 6.3 Landscape)
- Close to adjoining properties (addressed in para 6.5 Impact on Amenity)
- Development too high (addressed in para 6.5 Impact on Amenity)
- General dislike of proposal (addressed in para 6.2 Design)
- Increase in traffic (addressed in para 6.5 Impact on Amenity and 6.6 Highways)
- Increase of pollution (addressed in para 6.5 Impact on Amenity)
- Loss of privacy (addressed in para 6.5 Impact on Amenity)
- Noise nuisance (addressed in para 6.5 Impact on Amenity)
- Out of keeping with character of area (addressed in para 6.2 Design)
- Over development (addressed in para 6.2 Design)
- Strain on existing community facilities

(no additional dwellings are proposed, so this would not be relevant).

- Queried whether all neighbours should be consulted

(All adjoining neighbours were consulted and a site notice posted).

- Residential Amenity (addressed in para 6.5 Impact on Amenity)

There will be loss of trees / mature hedgerows and loss of ecology (addressed in para 6.4 Biodiversity and 6.3 Landscape)

There doesn't seem to be any Sustainable drainage / SAB features or design as part of this overall scheme (addressed in para 6.4 Biodiversity, 6.3 landscape and 6.8.2 Surface Water Drainage)

The same would apply to the side - why not locate the new road in the middle of that strip with SuDs features and structural landscape either side rather than scraping it along the side of neighbouring property. (addressed in para 6.5 Impact on Amenity)

Neighbour has discovered a old brick/concrete culvert that seems to run across the site with surface water drainage queries (addressed in para 6.8.2 Surface Water Drainage).

Proposed construction traffic (addressed in para 6.6 Highways)

Maintenance of hedgerows (addressed 6.3 Landscape; ongoing maintenance is covered by planning condition)

Different standards relating to existing condition of Highfield Close and the requirements for a shared drive on the proposed new access (addressed in 6.6 Highways)

## **6.10 Well-Being of Future Generations (Wales) Act 2015**

6.10.1 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.

## **6.11 Conclusion**

6.11.1 The proposed dwelling sits comfortably on the site, nestled within the contours at the corner of a larger grassland area. The proposal is a high quality design that uses cladding and natural materials to help assimilate this development within the context of this area. The green roofed elements are a positive contributing factor to the handling of surface water run-off as part of the SuDS design as well as being an ecological asset. The proposed new dwelling is considered to contribute to the visual appearance of the area, by virtue of the high quality design and how it works with the land levels to nestle the proposed development into the site, against a more urban backdrop with a strong landscaping scheme that helps to soften the visual impact of the proposed development upon the surrounding area.

The proposed development has retained what is characteristic of this area maintaining that sense of place, with a high quality design of property that embraces the topography of the site. The ecological information submitted confirms that subject to planning conditions, the development is acceptable and complies with relevant planning policy. The proposed development, including the access, is not considered to have a significant adverse impact upon neighbour amenity in this case. The proposed demolition of 8a Highway Close has already been undertaken, while the principle of its replacement is already established with an extant planning consent. From a landscape and GI perspective, the proposed new replacement dwelling will not have a significant detrimental impact on the character and appearance of the wider valued landscape. The Highway Authority has been consulted throughout this proposal and offers no objections subject to planning conditions. The conditions have been framed to ensure that the replacement dwelling is developed and built out with minimal disruption.

The proposal has been fully assessed both in relation to the single replacement dwelling and in relation to the shared access. This has been considered on the basis of it providing access to both this dwelling and the adjacent proposed dwelling. In conclusion the proposal is considered to be compliant with all relevant planning policies and 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 Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

Detailed scaled plans, showing existing and proposed levels.

Proposed and existing utilities/services above and below ground.

Soft landscape details shall include: means of protection, planting plan, specifications including species, size, density and number, cultivation and other operations associated with green roof, rain water garden, planting and seeding establishment.

Hard surfacing materials.

Minor artefacts and structures (e.g. Refuse or other storage units, fencing, signs and lighting).

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

4 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing and shall include details of the arrangements for its implementation.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

5 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1

6 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bird nesting and bat roosting provision identifying location, positioning and specification, The scheme shall provide for the future management and an implementation timetable and shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1

7 Prior to commencement of development an updated Arboricultural Method Statement (AMS) by a qualified arborist shall be submitted to and approved by the Local Planning Authority. The AMS shall include details for the proposed monitoring of tree protection and tree condition inclusive of a chronological programme for site monitoring and production of site reports to be issued to the LPA at the demolition and development phases. The development shall be implemented fully in accordance with the approved AMS.

REASON: To safeguard valuable green infrastructure assets in accordance with Council Policy S13 - Landscape, Green Infrastructure and the Natural Environment.

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

REASON: To protect the amenity of the surrounding area in accordance with Policy EP1 of the LDP and to ensure compliance with LDP Policy MV1

9 No development shall commence until details of the design, height and materials proposed for the screen walls or fences shown on the layout plan have been submitted to and approved in writing by, the Local Planning Authority. Such walls and fences shall be erected before the dwelling is completed or occupied whichever is the earlier and retained in perpetuity.

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

10 Surface water flows from the development shall only communicate with the public combined sewer through an attenuation device that discharges at a rate not exceeding 0.25 l/s.

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

11 Before the approved development is first occupied the means of access, together with the parking spaces and turning facilities, shall be laid out and constructed in accordance with the approved plan.

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

12 No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

REASON: To ensure no surface water drains onto the highway and to ensure compliance with LDP Policy MV1.

13 No development hereby approved other than that associated with the proposed accesses shall commence until the means of access has been constructed in accordance with the approved plans and turning provision provided to enable all delivery, construction and contractor's vehicles to turn within the curtilage of the site as well as providing for suitable levels of on-site parking.

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

14 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 building 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 LPA.

REASON: To safeguard roosting and / or foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.



**Application Number:** DM/2021/00182

**Proposal:** Demolition of existing two-storey dwelling. Construction of a two-storey replacement dwelling including integral garage and amended access

**Address:** Woodmancote, Highfield Road/ Highfield Close, Osbaston, Monmouth

**Applicant:** Miss Juliet Bucknall

**Plans:** Block Plan 5302 P01 - D, Floor Plans - Proposed 5302 P02 - B, Elevations - Proposed 5302 P03 - A, Other NP253HR/JBUC/ACP - , Tree Protection Plan NP253HR/JBUC/AIPP - , Site Plan 5302 P05 - C, Bat Survey A BAT SURVEY OF WOODMANCOTE, Eric Palmer MCIEEM, Link Ecology Ltd. Dated March 2019 - , Bat Survey Update Bat Survey By: Eric Palmer MCIEEM Link Ecology Ltd. September 2020 - , Tree Survey Tree Survey and Arboricultural Constraints Report - , Drainage GRAYS-10165-TN01-R0 - , Planting Plan 17-74-PL203 Rev A - A, Drainage 10165-GRY-XX-XX-DR-C-002 Rev P1 - , Tree Survey Tree survey and arboricultural constraints report Notes to exp Section 3 Arb constraints Nov 2020 - , Tree Protection Plan NP253HR/BUC/AIPP 1 - Arb impact \_ Tree protection

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Jo Draper  
Date Valid: 03.08.2022

### **3 1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This is a full planning application for a replacement dwelling, new access road and an amendment to the domestic curtilage of Woodmancote, Highfield Road, Monmouth. The application site is located within the development boundary of Monmouth.

The existing property, Woodmancote, is a 1950s detached house and the plot measures 0.5 hectares and is densely covered by mature foliage and trees. The site is currently accessed from Highfield Road. There are neighbouring properties on the opposite side of Highfield Road and to the east of the application site. There is a field to the south and west of the existing house, this area is subject to a current planning application (DM/2019/01300) which is also being presented to Planning Committee alongside this application. DM/2019/01300 originally proposed five new detached dwellings, a replacement dwelling, and a new access off Highfield Close through the plot of what was 8a Highfield Close; this dwelling has been demolished. During the course of the application the riverine phosphate pollution issue emerged, leading to the five dwelling element being removed from the scheme. Planning application DM/2019/01300 is now for a replacement dwelling only.

The area is characterised by a mix of house types. The existing dwelling is situated in an elevated position with views all around to the surrounding countryside. The house is screened from distant views by the substantial mature trees in the existing garden. The existing boundaries are demarcated by hedgerows and mature trees.

#### 1.2 Proposal Description

The proposed replacement dwelling is situated on the footprint of the existing dwelling. The proposed scheme is contemporary in design with some traditional forms in terms of a pitched roof

two-storey element for the main part and ancillary single storey elements. The agent has stated that the house will be constructed with a highly insulated airtight timber frame using the principles of 'Passivhaus' as far as possible within the constraints of the site (as the mature trees restrict the position, layout and form of the house significantly). Revised plans have been submitted that have reduced the scale of this proposal.

There is a green roof proposed on parts of the proposal. The proposal includes a ground floor bedroom and an integral single garage with workshop/storage. External materials proposed comprise timber cladding, rendered walls, aluminium clad windows and doors, green roofing and natural slate roofing.

The site boundary was amended during the course of this application to close the existing vehicle access from Highfield Road and use the shared access proposed to serve the adjacent development proposed under Planning Application DM/2019/01300. The plot of 8a Highfield Close was purchased by the applicants to facilitate access to the adjacent site that serves the development proposed under DM/2019/01300; this has since been demolished and it is proposed that this new single access serves both this replacement dwelling and the single replacement dwelling proposed on the adjacent site under DM/2019/01300. This single shared access serving both properties is proposed to run adjacent to the rear boundary of numbers 4, 6 and 8 Highfield Close. It is proposed to close the vehicle access serving this property onto Highfield Road, making it pedestrian only.

The shared access runs parallel with the rear common boundary of 4, 6 and 8 Highfield Close. The application site boundary shows the red line running centrally down the middle of the hedgerow that forms the common boundary to the rear of 4, 6 and 8 Highfield Close, the distance from the boundary (the centre of hedge) and the new access is approx. 3m in width. It is proposed to retain the existing hedge, the plans state that the 'existing overgrown boundary vegetation cut back and retained as boundary hedge, weak/gappy areas to be infilled with mixed native hedge species' with further 'incidental 'light tracery' species trees to strengthen boundary landscape buffer'. It is proposed that this buffer accommodates a swale, while a filter drain is proposed along the edge of this shared access drive.

The proposed new shared access also runs adjacent to the southern boundary of 8 Highfield Close. The red line boundary along this section runs midway in the hedgerow, there is a separating distance from the middle of this hedge to the edge of the shared driveway of 1.75m. The proposed shared drive measures 5.8m in width as it crosses through what was 8a Highfield Close; once within the site and running north, this reduces to 4.8m and then 4.1m to the rear of 6 Highfield Close and adjacent to the proposed replacement dwelling subject to DM/2019/01300. The access also forks off to the south (this is remaining from the original submission of DM/2019/01900 for the six dwellings that included the residential unit to the south, the five dwellings have been removed whilst the phosphates and drainage issues are being addressed, although the first part of the access has been kept in with this application boundary). Within the site that was 8a Highfield Close this is to become the proposed attenuation area, with proposed planting and drainage accommodating a rain garden and cellular storage.

It is proposed to alter the residential curtilage boundary of Woodmancote shifting it to the south to square off the site accommodating a rain garden in the revised garden curtilage as well as other ecological enhancements the details of which the agent has requested are provided as a condition if this application is approved. There are two sections of hedge to be removed: the *Lonicera nitida* hedge (H5) that forms the current southern boundary of the garden is to be replaced by a new hedge slightly further to the south to be of a mixed native species as specified in the Planting Plan. There is also a section of hedge that currently extends to the south that is to be removed to make way for the proposed Rain Garden / Bioretention area planting.

The ecological report submitted with this application recommends in-built bat boxes and nesting provision targeting house martins and swifts for ecological enhancement. Proposals to be included within the new curtilage of Woodmancote and forming part of the ecological enhancements of the whole site include a wildlife pond with hibernaculum and log pile.

Updated tree information has been submitted and this confirms that the proposed new dwelling sits largely upon the footprint of the existing house, the layout having been designed to have a minimal impact upon any of the most significant trees.

There are, however, eight trees of lesser importance proposed for removal, this is as a result of the new vehicular access proposed. It should be noted that all of these proposed removals involve trees of moderate to low quality (retention category C).

The supporting information states the following:

"The willow, tree 11, is visible from one or two adjacent properties, but any loss of amenity would be mitigated by the proposed planting of four replacement trees in its immediate area, specified in the planting plan as three silver birches (*Betula pendula*) and one cut-leaved alder (*Alnus glutinosa* Laciniata). Note also that the suspected decay in the existing willow is likely to mean that even if it were to be retained it is likely that it would have to be pollarded or even felled within the next few years."

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/01300	Erection of 1 no. Replacement Detached Dwelling. Provision of new access road. Amended domestic curtilage to existing dwelling house and all associated external works.	Pending Consideration	
DM/2021/00182	Demolition of existing 2 storey dwelling. Construction of a 2 storey replacement dwelling including integral garage and amended access.	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  
EP3 LDP Lighting  
NE1 LDP Nature Conservation and Development  
GI1 LDP Green Infrastructure  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
SD4 LDP Sustainable Drainage  
SD2 LDP Sustainable Construction and Energy Efficiency

## 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 11**

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.

### **Technical Advice Notes**

TAN 12: Design

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Monmouth Town Council** 04.10.2022 Recommendation: refusal on the following grounds:

1. Lack of information regarding drainage
2. Impact on neighbours
3. Access to property

Concerns were raised about the potential impact on neighbours in regard to access along Highfield Close. Councillors noted the comments made by neighbours, particularly in respect of the possibility that this application was being used as a gateway development. Councillors questioned the need for new access to this development when access is already available on Highfield Road.

Concerns were raised that the change in access to Highfield Close would cause a loss of amenity for existing residents due to the increased traffic using the narrow highway. The increased traffic would include construction vehicles for a period of time which could cause potential obstructions on the highway.

It was noted that previously the committee had raised concerns with the lack of information regarding drainage. Councillors noted the SAB Officer still had concerns about the proposed drainage on site.

**MCC Ecology:** No objection subject to conditions

The proposals are linked to applications DC/2019/01300 and DC/2018/00217 for which previous ecological surveys have been completed. The reports entitled An Update Bat Survey (Link Ecology, September 2020) and A Bat Survey (Link Ecology, March 2019) have been submitted with the application. The reports also reference various reports submitted for DC/2019/01300, of which the Update Ecology Report (Link Ecology, February 2021) and Preliminary Ecological Appraisal Report (Link Ecology, March 2020) are the most relevant. Although ecological surveys are expected to remain up-to-date to within two years of planning or licensing consideration, it is appreciated that the building which will be demolished has been surveyed on a number of occasions and was not previously found to support roosting bats. In addition, the 2020 survey is only just out of date. The conclusions in relation to likely absence of roosting bats are therefore

acceptable, providing the precautionary approach detailed in the 2019 bat survey report is secured by condition.

In relation to landscaping and enabling works including access and drainage, impacts on important habitats and protected and notable species have been considered in the PEA Report. The approach remains generally acceptable, although it is requested that a statement by an ecologist is provided confirming whether reptiles are now likely to have colonised habitats within the former garden of 8a Highfield Close. The previous justification for likely absence was based on the amount of time since the habitat had established in 2019. Ecological avoidance, mitigation and compensation measures detailed in the PEA report will need to be secured by condition if consent is granted.

Although the trees which will be impacted do not appear likely to be of particularly high ecological value in their own right, any issues raised by the Tree Officer in relation to protection of mature or important trees will need to be addressed.

It is also requested that ecological enhancement measures in relation to this specific scheme are clearly shown on a site plan before determination in accordance with PPW 11. This will need to include any native/beneficial planting including native hedgerow planting, at least one integrated bat roost feature and one bird nesting feature and hedgehog connectivity measures. The proposals for Emorsgate seed mixes and gapping up/planting of native hedgerows shown on the Planting Plan are welcomed. Drainage features should be designed to benefit wildlife wherever possible. A detailed specification and Habitat Management Plan could then be secured by condition if consent is granted.

Discharge of foul drainage will be via an existing sewer. I note NRW's commences on application DC/2019/01300 dated 12 August 2021:

We understand from the information available on your website that Welsh Water have confirmed that there is no phosphorus permit at the Monmouth Wastewater Treatment Works (WwTW). Referring to our Planning Advice (May 2021) the applicant should also confirm whether the necessary treatment capacity - to remain within existing discharge permit limits - will be delivered within the current Asset Management Plan (AMP) period. If not, we would expect the applicant to liaise with DCWW regarding phosphorus removal options for the WwTW and discuss what provision could be made to remove additional phosphorus from the connection.

In response to the clarification required by the ecologist regarding reptiles there were three outstanding issues of the ecologist's response from September 2022. Additional information has been submitted to address this.

An update report has been submitted that suggests that habitat is still present that could support a small reptile population and that the recommendations of the 2021 update ecology report should still apply relating to mitigation.

Significant phosphate impacts to be ruled out or HRA will need to be completed – it is noted on NRW's latest response (18/11/2022) they note that they are satisfied that the development is unlikely to increase the amount of phosphorous entering the catchment.

All features for net biodiversity gain to be clearly shown on a site plan - whilst preferable to get this prior to determination a suitably worded planning condition covers this

#### **MCC Landscape/GI:** No objection subject to conditions

From a Landscape and GI perspective the proposed two-storey dwelling footprint although larger is aligned to avoid tree RPZ and orientate to provide a more sustainable and energy efficient aspect. Due to the current mature nature of the existing garden and boundary treatments it is considered that the visual impact on the wider landscape setting and urban character of the proposed lower profile dwelling will be minimised. It is noted on plan ref 5302 P 01 A that there will be a break in hedge boundary as well as ecological enhancements in association with a surface drainage feature. Further clarity would be welcome to include any new soft landscaping as part of a SuDS scheme plus mitigation for loss of hedge.

From a Landscape and GI perspective the revised planting plan and layout as per dwg 17-74-PL-203 rev A is acceptable. A landscape maintenance and management plan will be required that includes proposed maintenance and management of landscape elements of the SuDS i.e. rain garden, swale and attenuation areas inclusive of filter changes and reinstatement of planting / seeding if impacted.

The plan document should also show planting details and methodology for tree planting in the vicinity of the attenuation cellular storage and outfalls to ensure root barriers are considered to ensure integrity of the system. This can be provided prior to determination or as a condition should the application progress to approval

The proposed demolition of existing two-storey dwelling. Construction of a two-storey replacement dwelling including integral garage and amended access will not from a landscape and GI perspective have a significant detrimental impact on the character and appearance of the wider valued landscape, provisions of Planning Policy Wales (Edition 11) February 2021 and policies S13, NE1 and LC5 of the Monmouthshire County Council Adopted Development Plan 2011-2021. Conditions recommended accordingly.

**MCC Land Drainage Engineer:** No objection

Surface Water Drainage: Revised comments following clarification from DCWW:

The proposed development will require a Sustainable Drainage System (SuDS) designed, constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB). The SAB has received and undertaken initial review of the proposed SuDS (SAB application reference SAB/2022/055). The proposals appear to have identified a suitable surface water drainage destination (DCWW have confirmed that they consider the sewer to be combined rather than foul). The proposals include high quality green SuDS features including a green roof and rain gardens which are welcomed by the SAB. We therefore have no objection on grounds of surface water drainage.

The detail of the SuDS proposals will be further examined during appraisal of the SAB application (a separate process to the planning application).

**Flooding**

Flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding. Our database of previous flood events does not record any flood events in close proximity to the site. Our database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site. We therefore have no objection to the proposed development on flooding grounds.

**MCC Highways:** No objection

Having reviewed the updated information provided, we have no further comments to make and would direct the applicant to our earlier comments for this application and the related DM/2019/01300.

Following receipt of a re-consultation dated 24/11/2021 the highway authority has reviewed the application and the supporting information uploaded to the planning website on 02/11/2021 and thereafter does not affect the highway authority's earlier position regarding this application.

The application proposes the demolition of an existing dwelling and construction of a replacement with an amended means of access. The amended means of access and the proposed dwelling replacement has been the subject of a separate planning application, planning application number DM/2019/01300, that is currently not determined.

The highway authority has already provided comments in respect of the proposed means of access and the development as a whole and offers no further comments or observations in respect of this application other than to reiterate the recommended highway conditions to control the development as a whole. The highway authority would recommend therefore if the application is determined then conditions are required to ensure that the replacement dwelling is developed and built out with minimal disruption; this includes requirement for the access and turning area to be in place prior to works commencing on site (including demolition); no surface water to drain onto highway; submission of a Construction Traffic Management Plan.

**MCC Trees:** Tree officer comments given for both DM/2019/01300 and DM/2021/00182.

The tree officer has left the authority and the GI/Landscape Officer has reviewed the updated information in the absence of a replacement tree officer. Concerns were raised by the previous tree officer and this is addressed in full below. It appears on review that most areas of concern raised by the tree officer have been addressed across the two applications within the submitted information, notes and with reference to previously submitted information. The area identified and not sufficiently addressed relates to details of regular site monitoring of tree protection and monitoring within an Arboricultural Method Statement.

#### Submitted information

DM/2021/00182

Tree survey and arboricultural constraints report:- Notes to expand on Section 3 of the Arb constraints report Nov 2020

Arb impact and tree protection plan NP253HR/BUC/AIPP 1

DM2019 01300

Tree survey and arboricultural constraints report :- Notes to accompany Arb impact and tree protection plan NP253HR/BUC/AIPP 2

Arb impact and tree protection plan NP253HR/BUC/AIPP 2

DM/2019/01300 Tree officer comments and requirements as of 01.11.2022 . These comments are also relevant to DM/2021/00182. The concerns raised are listed below, and in review of the additional information submitted to address these concerns the GI Officer's comments are given below:

The applicant originally submitted a tree survey and accompanying tree constraints plan in February 2021. These documents by Jerry Ross Arboricultural Consultancy covered the entire site and related to the original proposal. Despite a significant change to the proposed site layout (including a proposed SuDS plan), the tree information has not been updated to reflect this. In addition, the original tree report is dated January 2018, and is therefore now four and a half years out of date and it is likely that the condition of the trees on site has changed within that time. This previously raised concern that insufficient information has been provided for the Local Planning Authority (LPA) to consider the impact of the proposals upon the trees within and adjacent to the red line development boundary of the proposals, there was a holding objection in place until full tree information is provided which demonstrates that trees and their root protection areas will not be damaged by the proposals.

Latest response following submission of information: An update to the Tree survey and Arboricultural constraints report has been provided 15.12.2022 and 11.12.2022 in the form of notes to accompany the tree impact and protection plans for both DM/2019/01300 and DM/2021/00182.

This is confirmed as being acceptable.

An updated tree constraints plan has been provided for both DM/2019/01300 and DM/2021/00182 and show the relevant root protection areas (RPAs) for the retained trees and how they relate to the proposals, inclusive of service runs and excavations.

This is confirmed as acceptable.

A Tree Root Protection Plan (TRPP) for the site clearance and construction phases of the project showing the type and position of the protective fencing to be used around the retained trees has been partially provided. Updated Plan ref NP253HR/BUC/AIPP 1 indicates type but not position of protective fencing. However original plan ref NP253HR/BUC/AIPP (DM/2021/00182) and NP253HR/BUC/AIPP 2 (DM/2019/01300) does.

This is confirmed as acceptable

d) An Arboricultural Method Statement (AMS) has been provided for:

- a. Proposed alterations and excavation within RPAs has been provided and is broadly acceptable
- b. A specification for the proposed new access road and MS to avoid damage to roots has been provided and is broadly acceptable (DM/2021/00182) and is included in the TREE REPORT - WOODMANCOTE MONMOUTH R2 under DM/2019/01300

However, the AMS has not provided details of regular site monitoring of tree protection and monitoring. This could be provided as a condition for both DM/2019/01300 and DM/2021/00182 and the following condition is therefore recommended to cover this point:

An updated Arboricultural Method Statement (AMS) by a qualified arborist shall be provided prior to the commencement of works. The AMS shall include details for the proposed monitoring of tree protection and tree condition inclusive of a chronological programme for site monitoring and production of site reports to be issued to the LPA at the demolition and development phases.  
Reason : To safeguard valuable green infrastructure assets in accordance with Council Policy S13 - Landscape, Green Infrastructure and the Natural Environment.

## 5.2 Neighbour Notification

To date eight objections have been received. The points raised are as follows:

- This development already has access from Highfield Road, therefore further access from Highfield Close would be superfluous.  
The current access to the field could be used as the entrance to the development, and vastly increased and widened, this could serve as a valuable passing place on Highfield Road, which is very steep and narrow, and is currently unpleasant to negotiate. This would be a vast improvement to Highfield Road, and would stop Highfield Close from becoming a new and dangerous rat run
- This is intrinsically linked to another planning submission for a further six houses on the adjacent fields and they should be dealt with as one.
- This application would set both the location and principle for the access road which we have previously objected to a number of times due to loss of amenity, noise, privacy, light and general insensitive design. They are trying to circumvent the issues by slipping it through as part of this application.
- The house already has an established access directly onto Highfield Road and that should be kept in our opinion rather than bringing a long drive through fields to access onto Highfield Close which is substandard in width and will add to the issues for existing residents
- We always understood that planning guidance was for no more than five dwellings off a private drive. The applicants plan for a further six houses off this drive which will make it seven dwellings off a private drive and compound all the associated issues. Is this good practice, especially as this one does not need a new access?
- This application will still need to comply with SAB requirements as the area of the new drive alone will be 400-500m<sup>2</sup>. The level and form of drive will naturally channel rainwater run-off towards the houses at the bottom of Highfield Close unless there is meaningful surface water attenuation and swales etc., built in rather than just expecting a gravel top surface to do the job.
- Why can't any drive be located further from our boundaries with a protected landscape zone and trees incorporated to minimize the impact upon us? Surely that would be a more sensitive approach and would also help offset the negative ecological impact, loss of mature trees etc caused by this application.
- There has been no recognition of our concerns and there would be detrimental impact due to noise, light etc. The road scrapes our boundaries and turns us almost into an island without any consideration. Moving it all further away would allow a proper tree planting zone and help alleviate these issues. It would also enable the vegetation and mature trees alongside our neighbours to be retained rather than obliterated, keeping significant screening and ecological habitat.  
The road to the rear has dimensions from the middle of our privet hedge and not the field fence, which is the actual boundary, so this distorts the true picture. There is no space for a proper landscape buffer and the planting plan shows silver birch trees literally right on the true boundary.



These grow to 25m and will spread over our property and overshadow us, how / who will maintain these? There is the same issue with hedging on the southern boundary and how this will be maintained from one side or who will be responsible.

- All SAB features, including the swale along our boundary will presumably need to be adopted by them. Will they accept trees as shown?
- The apparent piecemeal nature of the development means that construction traffic could be using the road for years and we will suffer long term noise and associated discomfort if seven additional properties are to be built.
- The development of one house is one thing but the unsympathetic, overdevelopment of the land which will be overbearing in nature to existing properties is not acceptable.
- I would question why there are two planning applications for one project.
- Question the accuracy of the boundary line shown on the plan.
- While the tidying of the neglected boundary with our property might be welcome on the one hand, it is not only a rich habitat for a number of bird species but also would serve as a screen between our property and the proposed new development.
- This is part of the wider application for development of the field behind us as it proposes to be accessed off that development. Surely it should be withdrawn and clearly added to this application rather than adding further plots in underhand manner?
- This proposal will compound the issues we have previously objected to of over development, loss of privacy and amenity and general nuisance from traffic / light / pollution from the development that would wrap around us in the currently insensitive scheme.
- This proposal will directly affect the residents in Highfield Close so why have we not been notified?
- There will be loss of trees / mature hedgerows and loss of ecology.
- The wanton destruction of a perfectly serviceable and attractive house - the access to this new development must only be from Highfield Road.
- The overbearing nature of the houses and reduction in privacy / amenity will be significant as well as the impact in terms of noise, light, fumes and disruption from vehicles throughout the day and evening including residents and visitors' cars, delivery vans and lorries etc.
- Leaving slightly more space behind the neighbour would also allow a more sensitive SAB scheme with swales for sustainable drainage as well as habitat creation and then structural landscape and tree planting zone to form a meaningful buffer, which would surely be a better and more sensitive scheme than swathes of permeable hardstanding?

The same would apply to the side - why not locate the new road in the middle of that strip with SuDS features and structural landscape either side rather than scraping it along the side of neighbouring property.

- We have pointed out a number of times that this is intrinsically linked to the current application for the wider development of the field by the same applicant, and they should be assessed as one rather than slipping it, and the access road, through in a underhand way. Why has this not been made clear in the application information and why is the ownership of the adjacent field not outlined in blue on the site plans?
- Neighbour has discovered an old brick/concrete culvert that seems to run across the site (the demolished bungalow access) and onto my property. I wonder if this has been considered as a route for water that comes out lower down the hill?
- The site plan as shown currently also has a water holding and storage. Given I have a water storage reservoir on my site that we are using for grey water and as a means for coping with the excess surface water that occurs due to the poor porosity of the heavy clay.

What happened if the proposed water storage is inadequate but is above my property and overflows?

How have you calculated the existing and new requirements for the site and why are they being directed to a mains sewer when there might be an existing alternative water course across the site?

- Affect local ecology
- Close to adjoining properties
- Development too high
- General dislike of proposal
- Inadequate access
- Inadequate parking provision

- Increase danger of flooding
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Noise nuisance
- Not enough info given on application
- Out of keeping with character of area
- Over development
- Strain on existing community facilities
- Traffic or Highways
- Queried whether all neighbours should be consulted
- Information missing from plans
- Residential Amenity

Member of Parliament David Davies:

I understand a planning application has been submitted to demolish an existing two-storey dwelling and build several detached properties on Highfield Road in Osbaston. However, it has been brought to my attention that access to the site for the external works to take place will be via Highfield Close.

As you may be aware, Highfield Close is a very narrow cul-de-sac whereby two vehicles are unable to pass each other without having to mount the pavement. It has therefore been suggested that this road would be highly unsuitable for large construction vehicles and would cause significant disruption to local residents.

I must declare that I have a personal interest in this case as I also live in the local vicinity.

Although, I will make clear that I am contacting you on behalf of my constituents and these are the concerns which have been put to me by a number of local residents.

### 5.3 Other Representations

No further comment requested

### 5.4 Local Member Representations

No formal comment submitted

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**

Monmouth is identified in Local Development Plan (LDP) Strategic Policy S1 as a main town where new build residential development is permitted subject to detailed planning considerations and other policies of the LDP. As such the principle of the proposal meets the requirements of Strategic Policy S1 and Policy H1 of the LDP in principle, subject to detailed planning considerations. The development would not be subject to any affordable housing contribution as it would be a replacement of the existing dwelling. This application relates to the neighbouring development proposal (DM/2019/01300) in that there is a new shared access proposed that serves both this development and the neighbouring property.

#### 6.2.1 Good Design

There is no overwhelming type of house design within the surrounding area or a strong architectural style in the vicinity of the site. This existing dwelling has aspects that have merit, but the main elevations have been subject to piecemeal alterations and the dwelling appears to be in poor condition. In its place, this application proposes to build an individually designed three bedroom dwelling which shares the same language and palette of materials as the adjoining proposed development. It is designed to meet high environmental standards whilst respecting the

mature trees that frame this site. There is the main two-storey element which is traditionally pitched and proportioned, rendered gable-walled elements are unified with timber clad single-storey elements under a green roof. The proposed dwelling sits comfortably on the site, nestled within the mature trees on site that works with cladding and natural materials and helps to assimilate this development within the context of this area. The green roofed elements are a positive contributing factor to the handling of surface water run-off as part of the SuDS design as well as being an ecological asset, with overhanging canopies helping to mitigate any overheating. The proposed new dwelling is not considered to have an adverse impact on the visual appearance of the area, moreover, will contribute to the visual appearance of the area, by virtue of the high quality design and how it sits within the mature landscaping that frames the site.

### 6.2.2 Place Making

This area is characterised by spacious plots, individually designed residential units, houses set back from the highway frontage but with no uniform building line and featuring mature trees set within both private land and on the highway verges. This application site also meets these characteristics, the proposed dwelling is a high quality individually-designed contemporary dwelling which works in association with the mature landscaping that is being retained and frames the site and is totally in character with this area. What is also a characteristic of this area, are the narrow highways and in places sub-standard private accesses to individual houses. This application site has sought to address this by removing the existing vehicle access from Highfield Road and moving it to a shared access around the rear. This access can be partly viewed from the neighbouring properties, but once the landscaping matures along the buffer this will be screened, whilst viewpoints from the west will see this highway against the backdrop of houses and a landscape buffer and as such, will not be out of keeping with the character of the area. The proposed development has retained what is characteristic within this area maintaining that sense of place, whilst addressing a feature that is less desirable by altering the vehicular access.

### **6.3 Landscape**

The application site is situated on the crest of the hill with vantage points from the surrounding area; such viewpoints are interspersed by substantial mature trees that screen distant views of the site particularly from the north and the west. From a Landscape and GI perspective, the proposed two-storey dwelling footprint, although larger, is aligned to avoid any tree root protection zone and works with the mature trees that envelope this site. Due the current mature nature of the existing garden and boundary treatments it is considered that the visual impact on the wider landscape setting and urban character of the proposed lower profile dwelling will be minimised. There will be a break in the hedge boundary, with ecological enhancements in association with a surface drainage feature proposed within the small extension of garden curtilage. There is a need for further clarity regarding new soft landscaping which is required as part of a SUDS scheme plus mitigation for loss of some hedge, the detail of this will be secured by relevant planning conditions. There are eight trees of lesser importance that are proposed for removal, this is as a result of the new vehicular access proposed, all of these proposed removals involve trees of moderate to low quality (retention category C).

The neighbours have raised concern regarding the loss of the trees, in particular a willow tree, requesting that the access drive is shifted further away thus allowing this tree to be retained. The latest information submitted with the supplementary notes, "that the suspected decay in the existing willow is likely to mean that even if it were to be retained it is likely that it would have to be pollarded or even felled within the next few years."

The tree is indeed visible from one or two neighbouring properties, although its loss of amenity would be mitigated by the proposed planting of four replacement trees in its immediate area, specified in the planting plan as three silver birches (*Betula pendula*) and one cut-leaved alder (*Alnus glutinosa* Laciniata). There are in total twenty-nine new trees indicated on the planting plan. All Category A and B trees are being retained and only eight Category C trees are being removed and replaced with a significantly higher number of trees.

There are two sections of hedge that are to be removed due to the proposed extension of garden curtilage and the accommodation of the proposed Rain Garden / Bioretention area planting. The new curtilage boundary is planted with an ecologically rich indigenous species hedgerow. Further ecological enhancement and mitigation of hedgerow would be secured via planning condition.

There is potentially a landscape impact arising from the proposed shared access drive, and whilst it started as an access road serving six dwellings as part of DM/2019/01300, five houses have been removed in this case and Woodmancote added. Thus the new access would serve two dwellings. The key issue is whether this access is visually acceptable in this case. The siting of the access drive is visually less intrusive by siting it towards the rear boundaries of the neighbouring dwellings, as it sits against the backdrop of the proposed landscape buffer and the dwellings to the rear. It also does not involve significant alteration in ground levels, and the potential intrusion is therefore softened by the backdrop that makes this part of the access drive visually acceptable. The access from Highfield Close across the site that was no. 8a will be clearly visible and will read clearly as an engineered access to the field beyond; however the landscaping and surfacing materials proposed in this part of the site help to soften this part of the development and provides a gap between houses in this street frontage resulting in this plot not being dominated by hard surfacing; there is no wider adverse landscape impact as a result of this aspect of the development.

The proposed demolition of the existing two-storey dwelling and construction of a two-storey replacement dwelling including integral garage and amended access will not, from a landscape and GI perspective, have a significant detrimental impact on the character and appearance of the wider valued landscape, the provisions of Planning Policy Wales (Edition 11) February 2021 and policies S13, NE1 and LC5 of the adopted LDP.

#### **6.4 Biodiversity**

This application has been supported by ecological reports (including the recently updated reptile survey) that have been accepted by the Council's Ecologist and frame the conditions that secure implementation, compliance and enhancement of ecology on this site. It is accepted that the trees that are impacted by the proposal do not appear likely to be of particularly high ecological value.

Ecological enhancement is proposed and indicated but not detailed in language that enables these documents to be conditioned so a condition requiring ecological enhancement (to include any native/beneficial planting, including native hedgerow planting, integrated bat roost feature; bird nesting feature and hedgehog connectivity measures) are to be submitted and detailed as a planning condition. The proposals for seed mixes and gapping up/planting of native hedgerows shown on the Planting Plan are welcomed. Drainage features will be subject to SAB approval with an opportunity to benefit wildlife wherever possible. A detailed specification and Habitat Management Plan would need to be secured by planning condition.

Discharge of foul drainage will be via an existing sewer. NRW's latest response to the replacement dwelling on the adjacent site under DM/2019/01300 provides that they are satisfied that the development is unlikely to increase the amount of phosphorous entering the catchment. This is screened out in further detail below.

It can be concluded therefore that the ecological information submitted confirms that subject to planning conditions, the development is acceptable and complies with relevant planning policy.

#### **6.5 Impact on Amenity**

The existing mature trees and hedges along the Highfield Road boundary provide sufficient landscape screening between the existing development and neighbouring properties to the north of the site. Closest properties to the redevelopment are Ty Bryn, Highfield Road, 4 Highfield Close and if approved Plot 1 of the proposed new replacement dwelling.

The proposed replacement dwelling will have less impact on Ty Bryn than the existing house, given that it has been relocated and is designed with single-storey elements where a two-storey currently stands. The closest part of the development to Ty Bryn is the garage with its flat green roof which sits alongside Ty Bryn's garage. There is a strong established mature hedge boundary along the eastern boundary that softens and screens the development from the aspect of Ty Bryn and 4 Highfield Close, thus minimising any potential over-dominating impact. There are first floor windows proposed on the east elevation of the proposed dwelling, although the new dwelling is set back from Ty Gwyn so there is no direct overlooking into the neighbour's habitable rooms. In

addition, the separating distance is acceptable which, combined with the intervening boundary vegetation, minimises overlooking into the private amenity space. This applies also to 4 Highfield Close - the separation space and vegetation minimises immediate overlooking. There is more than a sufficient separating distance between this proposed dwelling and the dwelling proposed to the rear on the adjacent site (subject to planning application DM/2019/01300). There is no direct impact upon the amenity of these neighbouring properties as a result of the dwelling alone.

There is concern raised by neighbours on Highfield Close that there will be an adverse impact upon their amenity due to noise and disturbance arising from the additional traffic resulting from this development. Highfield Close provides access to 13 dwellings and is an existing well-established residential street. As a result of this development, there would be an increase in a maximum of 1 - 2 movements expected during the am; this represents a minimal increase and is considered acceptable to accommodate the increase in traffic movements without adversely affecting the neighbouring properties along this highway.

The main amenity issue that has been raised by neighbours relates to the proposed new shared access drive and the noise and disturbance caused by additional traffic using Highfield Close. The issue raised is that this shared access drive opens up the site for potentially further development beyond the two replacement dwellings this access is proposed to serve. This is an understandable concern given that the application for the adjacent site was submitted originally as a proposal for six dwellings; five new dwellings have since been removed, a single new build dwelling (which is the replacement dwelling for what was previously 8a Highfield Close) remains situated at the furthest point tucked in behind the proposed new south boundary of Woodmancote. However, the access along this section remains unchanged with a spur heading south also included in the red line. This clearly is designed to provide potential access for further development in the future. The potential for future further development is not a consideration of this application this will be subject to a separate planning application and considered on its own merits. What is under consideration in terms of amenity is the access road and how this affects neighbour amenity, not what it may potentially lead to in the future. It must be considered on the basis that if any future development never went ahead, is this development including the access acceptable?

The main issue relates to proximity to the rear boundary of numbers 4, 6 and 8 Highfield Close, and in the case of 8 Highfield Close it passes both the south and west boundaries. Whilst this application is for an access that serves one dwelling, it is prudent given the presence of the adjacent proposal to consider this on the basis that this is to be used as an access for two dwellings also.

The proposed new shared access runs adjacent to the southern boundary of 8 Highfield Close and measures 5.8m in width. There are also facing elevations by 10 and 12 Highfield Close. In the case of these two properties the access has been situated towards 8 Highfield Close on the furthest side to accommodate the proposed attenuation area; planting plans and drainage plans indicate this area will comprise a rain garden and cellular storage, providing a suitable buffer to minimise disturbance upon these properties. With the issue of headlights shining into these properties, the turning area on Highfield Close is orientated so there is no direct shining of headlights into these properties by cars entering and leaving from this new access.

The red line boundary along this section runs midway into the hedgerow with the common boundary for 8 Highfield Close. There is a separating distance from the middle of this hedge to the edge of the shared driveway of 1.75m. There is however, a strong common boundary and there is a drop in ground levels from the neighbouring property to the application site. Previously this access served one dwelling which stopped midway along this boundary, the difference with this proposal is that it runs the full length of the side of the property and potentially serves 2 dwellings, not just one. In the case it is to serve one dwelling there is little difference in vehicular movement. However, in the case of two dwellings there will be a marginal increase in traffic movement adjacent to the neighbour's boundary, although given the separating distance, level changes, coupled with the interspersed vegetation (to be bolstered by infilling the gaps in hedgerow) this is sufficient to prevent this new access from having a significant adverse impact upon the amenity of the neighbouring property.

Within the site the access runs parallel with rear of 4, 6 and 8 Highway Close, this reduces to 4.8 and then 4.1m. This is set off the common boundary by 3m to 3.1m. There is a buffer proposed comprising a reinforced landscaping strip with trees, hedgerow and a SAB feature. The level of traffic movements resulting from two dwellings coupled with the separating distance and buffer proposed, provides a level of mitigation that prevents this from having a significant impact upon the amenity of the neighbouring properties. In the case of 4 Highfield Close, there is just this application site being accessed so the traffic movements are for one property. As such, the impact upon this property is mitigated further by the lower number of traffic movements.

A neighbour has raised the issue that as the applicant also owns the land to the west, the development should therefore be shifted further west to provide a more substantial buffer to mitigate further the noise and disturbance arising from the vehicles using the access drive. This has implications upon the drainage design as levels change to the west of the proposed drive, this would also make the access more visible from the vantage points to the west, so whilst this may be advantageous to neighbours it has an impact elsewhere. Thus, the access is to be considered on its merits where it is sited, not on where it could possibly be moved to. In this case, given the site characteristics, level of traffic, separating distance and buffer zone proposed it is considered acceptable.

The proposed development including the means of access is not considered to have a significant adverse impact upon neighbour amenity.

## **6.6 Highways**

The highway authority has been consulted throughout this proposal and offer no objections subject to planning conditions. The conditions have been framed to ensure that the replacement dwelling is developed and built out with minimal disruption; this includes requirement for the access and turning area to be in place prior to works commencing on site (including demolition); no surface water to drain onto the highway and submission of a Construction Traffic Management Plan.

The supporting information states that the existing access has poor visibility and restricted access between mature trees, with a hard impermeable drive and parking areas situated under trees.

The neighbours have raised a number of issues, one of which is whether the access is suitable for what would be seven dwellings if the remaining five dwellings came forward in the future. The additional five dwellings are not part of the consideration of this application. At the most this is being considered as a shared drive for two replacement dwellings, subject to this application and the application DM/2019/01300. The Council's Highways Engineer has confirmed that the creation of a new access to serve both replacement dwellings can be accommodated off Highfield Close (it is noteworthy that since the submission of DM/2019/01300 the Welsh Government has published a suite of design standards, known as the Welsh Government's Common Standards for Residential, Industrial & Commercial Estate Roads; this sets out the required standards for private shared drives and limits the number of dwellings to five).

Concerns have been raised that this proposal, in addition to the adjacent site, would provide a dangerous increase in traffic using Highfield Close. There is a concern that this highway is too narrow to serve existing traffic with a refuse lorry having to reverse along the highway. The actual additional traffic is the amount associated with one dwelling, as the adjacent site is a replacement dwelling for 8a Highway Close that was already served from this highway. Highfield Close provides access to 13 dwellings, is approximately 4m wide and benefits from footways on both sides, Highfield Close is an existing, well-established residential street and is considered acceptable to accommodate the increase in traffic movements. An increase in a maximum of 1 - 2 movements would be expected during the am peak period. Highfield Close benefits from footways whereas Highfield Road over the site frontage does not. These footways provide pedestrian access to the footways on Highfield Road and Hereford Road and beyond. It should also be noted that the provision of an access off the end of Highfield Close will provide an opportunity for vehicles to turn around and travel in a northerly direction in a forward gear along Highfield Close. All the properties in Highfield Close benefit from good levels of off-street parking so parking on the road should be limited.

The closure of the existing access as proposed in this application will reduce traffic movements over what is a very narrow section of Highfield Road. Scaling from an OS plan, the average width of Highfield Road over the site frontage is approximately 4.16m (including the verge and narrow footway) and the road is bounded on the application side with mature trees and hedgerow that further reduces available carriageway width and visibility. The absence of an access along this stretch is considered to be an improvement to road safety.

The issue has been raised that the proposed access is too engineered to just serve two dwellings. The Highway Engineer has confirmed that the current proposal does not accord with the standards for what would be considered to be an adoptable residential street but for a shared private drive is appropriate.

The proposed new access is acceptable from a highway standpoint and complies with relevant planning policy.

## **6.7 Flooding**

The application site is not in an area at risk of flooding. The flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding. Our database of previous flood events does not record any flood events in close proximity to the site. Our database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site. Therefore there is no objection to the proposed development on flooding grounds.

## **6.8 Drainage**

### 6.8.1 Foul Drainage

The application site is within the Wye River SAC. 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 previously (designated pursuant to EU retained law) 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. NRW has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through an 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' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

Any development that does not increase the volume of foul wastewater as this is a *replacement* dwelling.

### 6.8.2 Surface Water Drainage

The proposed development will require a Sustainable Drainage System (SuDS) designed, constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB). The SAB has received and undertaken initial review of the proposed SuDS (SAB application reference SAB/2022/055) and there is no objection on grounds of surface water drainage. The proposals appear to have identified a suitable surface water drainage destination (DCWW have confirmed that they consider the sewer to be combined rather than foul). The proposals include high quality green SuDS features including a green roof and rain gardens which are welcomed by the SAB.

The detail of the SuDS proposals will be further examined during appraisal of the SAB application (a separate process to the planning application).

In response to neighbour concerns regarding the landscape buffer and the trees impacting upon the surface water drainage, it is not considered that this will create a conflict with the landscape

buffer from the details that have been submitted to date to the SAB team, however this will be subject to further scrutiny during the consideration of SAB. The SAB team are aware of the concerns that have been raised.

A neighbour has raised concern regarding an old brick/concrete culvert that seems to run across the site (the demolished bungalow access). The Council's surface water drainage officer has visited the site and all that has been discovered is a concrete covering; this does not have an impact on the proposed development. Concerns regarding surface water holding and discharge rates will be covered in the detail of the SAB application.

## **6.9 Response to the Representations of Third Parties and/or Town Council**

6.9.1 The concerns raised by neighbours and the Town Council are summarised below:

- Access (addressed in para 6.5 Impact on Amenity and 6.6 Highways)
  - This is linked to a further six houses on the adjacent fields and they should be dealt with as one (addressed in para 6.5 Impact on Amenity)
  - This application would set both the location and principle for the access road which we have previously objected to a number of times due to loss of amenity, noise, privacy, light and general insensitive design. They are trying to circumvent the issues by slipping it through as part of this application. (addressed in para 6.5 Impact on Amenity and 6.6 Highways)
  - Suitability of Highfield Close (addressed in para 6.5 Impact on Amenity and 6.6 Highways)
  - Compliance with SAB requirements (addressed in para 6.8.2 Surface Water Drainage)
  - Why can't any drive be located further from our boundaries with a protected landscape zone and trees incorporated to minimize the impact upon us? Surely that would be a more sensitive approach and would also help offset the negative ecological impact, loss of mature trees etc caused by this application (addressed in para 6.5 Impact on Amenity and 6.6 Highways)
  - The road to the rear has dimensions from the middle of our privet hedge and not the field fence, which is the actual boundary, so this distorts the true picture. There is no space for a proper landscape buffer and the planting plan shows silver birch trees literally right on the true boundary. - These grow to 25m and will spread over our property and overshadow us, how / who will maintain these? There is the same issue with hedging on the southern boundary and how this will be maintained from one side or who will be responsible?  
(There is a condition that relates to ongoing maintenance of landscaping to cover this issue)
  - The apparent piecemeal nature of the development means that construction traffic could be using the road for years and we will suffer long term noise and associated discomfort if seven additional properties are to be built.  
(Condition requiring a construction management plan to be submitted)
  - Affect local ecology (addressed in para. on Landscape above)
  - Close to adjoining properties (addressed in para. Impact on Amenity)
  - Development too high (addressed in para Impact on Amenity)
  - General dislike of proposal (addressed in para. on Design)
  - Increase in traffic (addressed in para on Impact on Amenity and Highways)
  - Loss of privacy (addressed in para. on Impact on Amenity)
  - Noise nuisance (addressed in para. on impact on Amenity)
  - Not enough info given on application
  - Out of keeping with character of area (addressed in para. 6.2 on Design)
  - Over development (addressed in para. on Design)
  - Strain on existing community facilities  
(no additional dwellings proposed, so not relevant)
  - Queried whether all neighbours should be consulted  
all adjoining neighbours consulted and a site notice posted
  - Residential Amenity (addressed in para on Impact on Amenity)
- There will be loss of trees / mature hedgerows and loss of ecology (addressed in paras. on Biodiversity and on Landscape)
- There doesn't seem to be any Sustainable drainage / SAB features or design as part of this overall scheme (addressed in paras. on Biodiversity, Landscape and Surface Water Drainage)



The same would apply to the side - why not locate the new road in the middle of that strip with SuDs features and structural landscape either side rather than scraping it along the side of neighbouring property. (addressed in para. on Impact on Amenity)

Neighbour has discovered a old brick/concrete culvert that seems to run across the site with surface water drainage queries.

(addressed in para. on Surface Water Drainage).

## **6.10 Well-Being of Future Generations (Wales) Act 2015**

6.10.1 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.

## **6.11 Conclusion**

The proposed dwelling would sit comfortably on the site, nestled within mature trees on site that work with cladding and natural materials, helping to assimilate the development within the context of this area. The green-roofed elements are a positive contributing factor to the handling of surface water run-off as part of the SuDS design as well as being an ecological asset. The proposed new dwelling is considered to contribute to the visual appearance of the area by virtue of the high quality design and how it sits within the mature landscaping that frames the site. The proposed development has retained what is characteristic within this area maintaining that sense of place, with a high quality design of property that embraces the landscape assets on this site. It has been concluded that the ecological information submitted confirms that subject to planning conditions the proposed development is acceptable and complies with relevant planning policy. The proposed development, including the access, is not considered to have a significant adverse impact upon neighbour amenity. The proposed demolition of the existing two-storey dwelling and construction of a two-storey replacement dwelling including integral garage and amended access will not have a significant detrimental impact on the character and appearance of the wider valued landscape. The Highway Authority has been consulted throughout this proposal and offers no objections subject to planning conditions. The conditions have been framed to ensure that the replacement dwelling is developed and built out with minimal disruption.

The proposal has been fully assessed both in relation to the single replacement dwelling and in relation to the shared access. This has been considered on the basis of it providing access to both this dwelling and the adjacent proposed dwelling. In conclusion the proposal is considered to be compliant with all relevant planning policies and is recommended for approval.

## **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 Prior to the commencement of development full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: Soft landscape details shall include: means of protection, planting plan, specifications including cultivation and other operations associated with tree, shrub, hedge, SUDs, grass planting and establishment. To include tree planting methodology and root containment in proximity to SUDS

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

4 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bird nesting and bat roosting provision identifying location, positioning and specification shall be submitted to and approved by the local planning authority. The scheme shall provide for the future management and an implementation timetable. The development shall only proceed in accordance with the approved plan and shall be retained as such thereafter.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1

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 building 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 LPA. The development shall be carried out in accordance with the approved lighting scheme.

REASON: To safeguard roosting and / or foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

6 Prior to commencement of development an updated Arboricultural Method Statement (AMS) by a qualified arborist will be submitted and approved by the Local Planning Authority. The AMS shall include details for the proposed monitoring of tree protection and tree condition inclusive of a chronological programme for site monitoring and production of site reports to be issued to the LPA at the demolition and development phases. The development shall be implemented fully in accordance with the approved AMS.

REASON: To safeguard valuable green infrastructure assets in accordance with Council Policy S13 - Landscape, Green Infrastructure and the Natural Environment.

7 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, S13, and GI 1 and NE1

8 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing on site and shall include details of the arrangements for its implementation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, S13, and GI 1 and NE1

9 Before the approved development is first occupied the means of access, together with the parking spaces and turning facilities, shall be laid out and constructed in accordance with the approved plan.

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

10 No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

REASON: To ensure no surface water drains onto the highway and to ensure compliance with LDP Policy MV1.

11 No development hereby approved other than that associated with the proposed accesses shall commence until the means of access has been constructed in accordance with the approved plans and turning provision provided to enable all delivery, construction and contractor's vehicles to turn within the curtilage of the site as well as providing for suitable levels of on-site parking. REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

12 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of Highfield Close and the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP. REASON: To protect the amenity of the surrounding area in accordance with Policy EP1 of the LDP and to ensure compliance with LDP Policy MV1.

13 The development shall be carried out in strict accordance with Sections 4 of the approved reports entitled An Update Bat Survey (Link Ecology, September 2020) and A Bat Survey (Link Ecology, March 2019) and Section 6 of the Update Ecology Report (Link Ecology, February 2021). Should the development not be carried out in strict accordance with the approved mitigation plan/strategy all works shall cease immediately until alternative means of mitigation have been submitted to and approved in writing by the Local Planning Authority. The agreed alternative scheme shall be carried out in accordance with the timescale approved within that alternative mitigation scheme. REASON: To comply with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 and to ensure compliance with LDP Policy NE1 in relation to bats, nesting birds, reptiles and other wildlife.

14 A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall include the following;

- a) Description and evaluation of Green Infrastructure assets to be managed including specification and location plan for all habitat creation including planting, creation of a green roof, habitat boxes and hedgehog connectivity measures.
- b) Trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for establishment of features and management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- g) Details of the person or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The management plan shall demonstrate how the scheme considers the predicted impacts of climate change

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be implemented. Management shall be undertaken in strict accordance with the approved Management Plan.

REASON: To provide net biodiversity gain in accordance with PPW 11 and to safeguard all Green Infrastructure Assets at the site in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4

15. Surface water flows from the development shall only communicate with the public combined sewer through an attenuation device that discharges at a rate not exceeding 0.25 l/s.

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.

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**Application Number:** DM/2022/00484

**Proposal:** Full planning application for the construction of 9 dwellings including means of access, drainage, landscaping, associated engineering and infrastructure works

**Address:** Land at former Tythe House, Church Road, Undy, NP26 3EN

**Applicant:** Mr Chris Withey

**Plans:**

- T2326-1-PA-01 LOCATION PLAN 17/08/22
- T2326-1-PA-02 SITE SURVEY 17/08/22
- T2326-1-PA-03F SITE PLAN 10/01/23
- T2326-1-PA-04E SITE PLAN LEVELS 10/01/23
- T2326-1-PA-05E SITE HARDSCAPE/BOUNDARY TREATMENT 10/01/23
- T2326-1-PA-06 SCREEN WALL 17/08/22
- T2326-1-PA-07 BOUNDARY FENCE 17/08/22
- T2326-1-PA-08 MESH BOUNDARY FENCE 17/08/22
- T2326-1-PA-09 BOUNDARY FENCE (FRONT) 17/08/22
- T2326-1-PA-10 TOBERMORE HYDROPAVE PEDESTA 17/08/22
- T2326-1-PA-11B PLANS PLOT 1 12/10/22
- T2326-1-PA-14A PLANS PLOT 2 24/08/22
- T2326-1-PA-15A ELEVATIONS PLOT 2 24/08/22
- T2326-1-PA-15B ELEVATIONS PLOT 1 12/10/22
- T2326-1-PA-16C PLANS PLOTS 3 & 4 10/01/23
- T2326-1-PA-17C ELEVATIONS PLOTS 3 & 4 10/01/23
- T2326-1-PA-18 PLANS PLOTS 5 & 6 24/08/22
- T2326-1-PA-19 ELEVATIONS PLOTS 5 & 6 24/08/22
- T2326-1-PA-24 PLANS PLOTS 7 & 8 24/08/22
- T2326-1-PA-25 ELEVATIONS PLOTS 7 & 8 24/08/22
- T2326-1-PA-26 PLANS PLOT 9 24/08/22
- T2326-1-PA-27 ELEVATIONS PLOT 9 24/08/22
- T2326-1-PA-28 STREET ELEVATION 24/08/22
- T2326-1-PA-32A ENLARGED SECTION 10/01/23
- T2326-1-PA-33B DISTANCES 10/01/23
- T2326-1-PA-35C SECTIONS & CROSS SECTIONS 10/01/23
- T2326-1-PA-36C SITE SECTIONS 10/01/23
- T2326-1-PA-37D SITE SECTIONS 10/01/23
- T2326-1-PA-38 CROSS SECTION ZZ 10/01/23
- 521.01 H PLANTING PLAN 10/01/23
- 9766-GRY-01-00-DR-C-100-P8 DRAINAGE LAYOUT 10/01/23
- 9766-GRY-01-00-DR-C-102-P8 SECTION 38 HIGHWAY LAYOUT 10/01/23
- 9766-GRY-01-00-DR-C-105-P9 VEHICLE TRACKING REFUSE VEHICLE 10/01/23
- 9766-GRY-01-00-DR-C-104-P5 SECTION 104 FOUL DRAINAGE LAYOUT 10/01/23
- 9766-GRY-01-00-DR-C-106-P1 SECTION 104 FOUL DRAINAGE LONGSECTIONS DETAILS 11/11/22
- 9766-GRY-01-00-DR-C-110-P4 ADOPTION PLAN 10/01/23
- Construction Method Statement 11/11/22
- 12700 Outline Remediation Strategy 11/11/22
- 2821 Written Scheme of Investigation 03/10/22
- Preliminary Ecological Appraisal Report WWE20229- 25.03.22
- Flood Consequence Assessment 9766-REP01-R1-FCA March 2021.

## **RECOMMENDATION: Approved Subject to S106 agreement**

Case Officer: Ms Kate Young  
Date Valid: 29.03.2022

**This application is presented to Planning Committee due to the number of unresolved objections received**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The application site which measures 0.4 ha is located within the Magor with Undy Development Boundary. The site which until recently contained a two storey dwelling and some stone outbuildings, is now vacant and overgrown. Towards the centre of the site are some mature trees which are the subject of preservation orders. To the south of the site is Church Road and St Marys Church. To the north is the playing fields with the railway line beyond. To the east and west of the site is existing residential development which comprises two-storey detached dwellings. Topographically the site slopes upwards from southwest to northeast. The site contains an existing Public Right of Way which runs from north to south along the eastern boundary, this connects Church Road with the open space to the north.

In 2010 planning permission DC/2007/01277 was granted for residential development on the site involving conversion of existing buildings to four dwellings and erection of six new build dwellings, two of the new dwellings on the site were to be affordable and subject to a s106 Agreement. Work on that development never started and the permission has now lapsed.

The site is within a designated Archaeologically Sensitive Area. The southern half of the site is within a C1 Flood Zone.

#### 1.2 Value Added

Following negotiations with planning and highway officers the proposed layout of the site and the design of the houses has been significantly altered to protect residential amenity and to comply with highway standards. The width and alignment of the public footpath running through the site has been altered; it is now 3 metres wide for its whole length.

#### 1.3 Proposal Description

This full application seeks the erection of nine new residential properties two of which would be affordable homes (constructed to Welsh DQR standards). A new vehicular access would be created off Church Road. A private drive would provide vehicular access to the three properties at the front of the site. To the front of the site a new footpath would be created along Church Road and between the footpath and houses would be the sustainable drainage system including swales. The existing public footpath to the north would be retained and resurfaced to a width of three metres.

On the southern part of the site there would be three, 4-bedroom, detached dwellings with integral garages facing towards Church Road. There would be two pairs of semi-detached dwellings, facing north east towards the public right of way. Plots 5 and 6 would be the affordable units and each would have two bedrooms. Plots 3 and 4 would have four bedrooms each, one of which would be in the roof space. There would be roof lights on the front and rear elevations. At the end of the spine road, facing in towards the site would be two detached properties. Plot 1 would have three bedrooms on the first floor and a master bedroom with en-suite in the roof space, this property would have a roof lights on the side elevation. Plot 2 would also have three bedrooms at first floor level and a fourth bedroom in the roof space. The roof space would be served by windows in the front and rear gables and one rooflight.

All of the dwellings would be finished in white render with Stonewold grey slates on the roof. The parking spaces would be of permeable pavements. The boundary fences would be retained where

possible there would also be a chain link fence to the rear of plots 1 and 2, hooped metal railings and screen walling to the side of plot 1 adjacent to the footpath. A comprehensive planting plan has been submitted which included tree and shrub planting. The ground levels at the front of the site are being raised significantly.

The planning application is supported by the following information:

Planning Statement - Highlight Planning;  
 Preliminary Ecological Appraisal - Wildwood Ecology;  
 Site Investigation Report - Integral Geotechnique;  
 Flood Consequences Assessment - GRAYS;  
 Drainage Design Statement - GRAYS;  
 Tree Survey - Treescene;  
 Tree Constraints Plan - Treescene; and  
 Planting Plan - Catherine Etchell Associates Ltd.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/00484	Full planning application for the construction of 9 dwellings including means of access, drainage, landscaping, associated engineering and infrastructure works.	Pending Determination	
DC/1996/01103	Change Of Use To Licensed Premises.	Approved	24.02.1998
DC/2002/00325	Conversion Of Existing Buildings And Six Number New Build Residential Units With Garages And Associated Works.	Approved	14.10.2004

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision  
 S4 LDP Affordable Housing Provision  
 S12 LDP Efficient Resource Use and Flood Risk  
 S13 LDP Landscape, Green Infrastructure and the Natural Environment  
 S16 LDP Transport  
 S17 LDP Place Making and Design

### Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
 SD3 LDP Flood Risk

SD4 LDP Sustainable Drainage  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
MV3 LDP Public Rights of Way  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
GI1 LPP Green Infrastructure

## **Supplementary Planning Guidance**

Affordable Housing SPG July 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

Green Infrastructure April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf>

Domestic Garages SPG (January 2013):

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

Monmouthshire Parking Standards (January 2013)

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

## **National Planning Policies (If Any)**

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**

### **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 11**

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

**Magor with Undy Community Council** (August 2022) – the Council considered the content of this application and were aware of previous application for the same site. They were mindful of concerns raised by Network Rail regarding proximity, drainage, noise and lighting impact upon railway line infrastructure. The Council are further mindful of the matters raised by Monmouthshire CC Highways as there remains unanswered questions regarding the public right of way and encroachment onto the highway. That the proposed application was an over-development and not considerate of the existing environment.

It is recommended that the application be declined because it does not satisfy the concerns of residents, consultees and the proposed application is considered to be an over-development which is inconsiderate of the existing environment.

**MCC Highways** - The Highway Authority make specific reference to the Engineering Drawings prepared by Grays Consulting Engineers drg ref. '9766-GRY-01-00-DR-C-102 Rev. P8' and '9766-GRY01-00-DR-C-105 Rev. P9'. The Highway Authority are satisfied that the above drawings still reflect the highway layout approved as per the below comments dated 27/10/2022. In light of the above there are no highway grounds to sustain an objection to the application subject to the below highway conditions being applied to any grant of planning approval or be included in a Section 106 Agreement.

**Natural Resources Wales (NRW)** - We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching conditions relating to flood risk and protected species.

**MCC Housing Officer** - It is agreed that there would be provision for 2 x 4 person 2-bedroom affordable houses which meets the policy requirement for 25% on site affordable housing and meets an identified need in this location. The affordable units are not clearly marked on the plans but I understand these to be units 5 and 6. The affordable homes need to be designed to meet Welsh DQR 2021 Appendix A and B space requirements, this has been confirmed by the developer and is reflected in the floor plans provided. The affordable homes would need to be neutral tenure at this stage and will be transferred to the preferred RSL, in this instance Melin Homes. I can see that the plans have been amended so that the affordable homes now provide 2 parking spaces each and accessed from the adopted road rather than a private drive.

**MCC Ecology** - No objection subject to conditions.

Welcome the submission of the updated planting plan which illustrates changes around plot 3 and 4. The reduction in size is welcome from a biodiversity perspective. Suggested conditions are compliance with the PEA and restriction of external lighting. Concerns are raised over the relocation of a proposed tree now in the private garden of plot 3, where it is preferable for landscaping to be maintained in communal areas.

**Network Rail** - No objection.

**Dwr Cymru - Welsh Water** - No objection subject to a condition requesting a drainage scheme.

**Glamorgan Gwent archaeological Trust (GGAT)** - The proposal requires archaeological mitigation. I can confirm the submitted written scheme of investigation is appropriate.

**SuDS Approving Body (SAB)** - Concerns with regards flood risk.

Surface Water Drainage

The application has demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer) and has submitted a pre-application for the SAB's approval therefore there are no objections to this site on a Surface Water Drainage Basis.

From the plans submitted the total construction area is above 100m<sup>2</sup> (building footprint, yard area, hardstanding and parking bays) if it is then SAB approval will be required prior to any works commencing on site. Please attach a SAB informative to the decision notice and draw the applicant's attention to this requirement. This does not however subtract from the need for the drainage statement highlighted above

#### Flooding

The Flood Consequences assessment (FCA) submitted by the applicant assesses the impacts of the flood risk on the site.

NOTE the flood maps used are the current flood maps. In December 2021 NRW released new maps alongside the TAN15 changes. These maps show significantly more flood risk to the site as there was a change in the classification in the NRW Flood Defences. We would request the applicant demonstrate/assess the flood risk against this new set of maps as it significantly increases the flood risk to the site.

#### **MCC Environmental Health**

The proposed development is in close proximity to the railway line and the potential for disturbance of noise from the rail traffic on the use and enjoyment of the residential properties should be considered. Recommend that a noise assessment is undertaken. No dimensions or measurements shown on the plans.

#### **MCC Tree Officer - No objection.**

The applicant has submitted a BS5837: 2012 tree survey report and accompanying tree constraints plan. The five trees listed in the report are two Sycamore (T1, T5) and three False Acacia (T2, T3, T4). Trees 1 - 4 have been graded as category U (very poor condition / dead) and recommended for removal, and the offsite tree T5 listed as a category C low quality tree with a useful life expectancy of 10 - 20 years. It is very unlikely that trees 1 - 4 would significantly improve in condition, and I have no objection to their removal.

Based upon its poor structural condition, and the public access nature of the site, tree 4 should be removed regardless of whether the development proposals proceed or not.

Trees 1 – 3 are of low quality, and if required, it should be possible to retain them within the proposed layout as shown on drawing no. T2326-1-PA-03 where that part of the site has been shown as garden space.

#### **MCC Public Rights of Way Officer (PROW) – Objects.**

Council Public Rights of Way (PROW) Team seek positive outcomes from development by pursuing the improvement of existing PROW, the application of good design principles to new routes and the provision of new or upgraded routes. Public path number 1 in the community of Magor with Undy runs through the site of the proposed development. The existing right of way is a footpath, and the width of this way is believed to be the full width of the bounded area which is around six metres for most of its length. The path is a proposed Active Travel route. The Active Travel (Wales) Act 2013 requires that highway authorities, local authorities and the Welsh Ministers must take reasonable steps to enhance the provision made for walkers and cyclists. Instead of enhancing and improving the path, this application seeks to diminish the size of the path and for this reason this planning application is objected to. Monmouthshire Public Rights of Way ask that the existing right of way is left at its full width, and the development is changed to accommodate this. If the applicant wishes to reduce the width of the way, then a path order application will need to be made and a successful path order will be required. Importantly, path orders are subject to legal tests and public consultation, path order applications are therefore not guaranteed to succeed.

The latest design shows the footpath reduced to 3 metres in width and therefore MCC PROW maintain their objection to this development.

#### **MCC Landscape and GI Officer**

No objection subject to conditions

The revised submission has simplified the overall scheme with a reduction in development density, an overall reduction in GI provision and value in terms of streetscape and hard surface interfaces. Suggested conditions relate to Landscaping plans, management and implementation.

#### 5.2 Neighbour Notification

Letters of objection were received from seven addresses following re-consultation (updated 26/01/23). These can be read in full on the website but are summarised here for reference; comments, initial and post re-consultation, have been included.

- The number of houses are too many, this is over development and creates a crowded development, the proposed density is greater than the surrounding area and so is out of character. Poor placemaking
- Some proposed dwellings have an overbearing and over dominant impact on existing properties in particular the impact on 14 Bridewell Gardens, Camelot and Carolyn, this causes a loss of light an unreasonable overlooking. The ridge levels of all the new houses will be well above the ridge levels of all surrounding properties. The site should be developed with bungalows or an older people's complex. Loss of light to neighbouring properties resulting from the raising of ground levels. This does not comply with the Infill SPG
- Lack of turning heads at the ends of the estate roads to the north and west of the site creates and unsafe highways position, particularly when considering large delivery vehicles where visibility is poor. Concerns that the arrangement will cause congestion on Church Road and will have a detrimental impact on the PROW.
- Church Road cannot accommodate any more traffic. Highway danger due to increased traffic. No visitor parking, provided. Danger to pedestrians who use this area for daily walking. Additional traffic will compromise the use of a thriving community hall. There are no pavements on Church Road, so a danger for school children. Headlights from cars will shine into existing properties
- Private shared driveways should be a minimum of 4.5m wide, the road is too narrow.
- There are concerns over flooding, the area floods and the new TAN 15 Maps reflect this which will make the development unlikely in June 2023. Surface water run-off from the proposed raised levels may flood neighbouring and existing properties. Increased risk of flooding
- Concerns over the process of handling the application and the inclusion of a PPA.
- The site is not allocated for residential development in the LDP
- The PROW should be 6m wide. In addition there is no separation between the PROW and the estate roads, which is dangerous and vehicles will encroach on the PROW to manoeuvre through the site. The proposed boundary treatment of Plot 1 is adjacent to the PROW and will have a 2m high fence creating a tunnel effect at the top section of the PROW. In addition who will maintain the PROW
- The plans show the refuse lorry will not be accessing the site fully and whilst turning encroaches on the PROW. Two bin collections points are proposed, concerns are raised over the ability of residents to carry refuse to these points, that refuse will be left out indefinitely causing a large collection of waste piling up and causing a health and safety issue as well as being unsightly.
- The development has a detrimental impact on the setting of the SAM and the Listed Building.
- Insufficient dimensions and information in relation to distances between properties. Details of existing properties not shown. The plan does not show the existing access track.
- Concerns over capacity of current pipework/drainage infrastructure to accommodate more development
- Noise and pollution during construction and following the completion of the development
- MCC Estates Solicitor has confirmed that an historical "statement of truth" exists on at least one of the 1950s semi-detached properties adjacent to this land and backing on to the playing fields, which states that both vehicular and non-vehicular access to the rear garden of the said property exits via the PROW and via the field, now leased via a Community Asset Transfer by Undy AFC
- Will the wildflower/wildlife corridor that is adjacent to my property be above or below the low retaining wall and who will maintain it?
- This is not a sustainable location, the public transport for the area is inadequate
- Neighbour believes from recent evidence that they have had a Right of Way over the 6 metre plus lane that runs from Church Road to the double gates at the rear of Camelot

since the 1960's. The development will reduce access to the playing fields for emergency access.

- The church is vital part of the community and will be severely impacted by this decision in terms of setting and potential congestion.
- Comments from MCC Landscape Architect and Highway Authority have not been taken into account.
- TPO's on the site have been nullified.
- I would like to see the person responsible for arranging for the old house and the even older barn to be demolished, prosecuted for doing so without either planning or archaeological consideration

### 5.3 Other Representations

None Received

### 5.4 Local Member Representations

Councillor Angela Sandles

The number of dwellings proposed is over-development for the area in question. Nine homes on such a small plot of land seems excessive. There are clearly two pinch-points. Namely, plot one with regards to the PROW, and plot nine regarding the neighbouring property (14 Bridewell Gardens) noting there will possibly be problems with surface water drainage into this property from the new development. The ridge height of the proposed properties in comparison to the existing properties is not compatible due to the disparity in heights. I have reservations about the size/width of the proposed roads on this site, noting that large vehicles such as general deliveries and refuse collections needing access will be unable to turn which could be a health and safety issue.

Also raise concerns over the extent of Green Infrastructure on the site as part of the overall scheme.

Therefore, I strongly object to this development in its current format.

Councillor John Crook – Observations

This is an Urban Approach out of character to a Rural Village Location infill.

General Density figure not suitable for a narrow odd L-shaped site village location. 30 units per hectare is only a guide to an open average accessible site, whereas this is not one of those average sites.

Please take a look at the Interactive Local Development Plan Map –

Monmouthshire. MCC Licence 100023415. which clearly shows two different lined locations One North of the Main Wales to London Railway line and the other South of that Railway line. Two different Densities, much heavier North, much lower South.

Inadequate residential amenities for future occupiers (gardens too small) for family development. Very poor Infrastructure/ facilities are available in Undy.

Not against this development but with a reduced number of properties for example 7 in total which would allow better Road Access, more landscaping / GI Facilities for the occupants, more Open Spaces, and larger gardens.

Remove Plot No 1, make Plot No2 a larger property. Remove Plot No 9 to provide a turning circle – a Hammerhead much like the one in Bridewell Gardens next door.

The 45 degree angle Between Plot 14 at Bridewell Gardens as marked up on Plan T2326 – 1- PA-03-C is meaning less as the 2.1 metre retaining wall and Plot 9. Has an overbearing impact especially to the privacy and the rear garden of Plot 14 Bridewell Gardens as both properties are not parallel with each other.

Confusion over the width of the access.

The PROW is 6 metres wide for its whole length. Diminishing the size of the path is contrary to active travel

The site should be compared to the adjacent Bridewell Gardens

Need clarification regarding the French drain

Some of the allocated parking spaces will be difficult to manoeuvre into and out of

Road is too narrow for refuge vehicles, leading to issues with smell and health and safety

Highways should re-assess the road layout.

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**

PPW 11 paragraph 4.2.23, states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. The site is located within the Magor with Undy development boundary within which there is a presumption in favour of new residential development subject to detailed planning considerations. The plot is of sufficient size to accommodate nine residential dwellings of a similar size to existing dwellings in this area. Policies S1 and H1 allow for new residential development to be built inside the development boundaries of Severnside Settlements of which Undy is one. Therefore, the principle of new residential development in this location is acceptable.

### **6.2 Sustainability**

The Local Development Plan (LDP) and PPW encourage sustainable development and promote making the most efficient use of brownfield land. This is a sustainable location for a new residential development as it is located within an existing residential area close to many facilities such as the playing fields and the primary school. The site is also within reasonable walking distance of the shops and other services provided in Magor Square. Magor with Undy is served by a local bus service linking it to the larger settlements of Caldicot, Chepstow and Newport. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

#### **6.2.1 Good Design**

Policy DES1 of the LDP requires that all development shall be of a high quality, sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. The adopted SPG on Infill Development says that the size of the infill proposal should reflect the prevailing character of the adjacent properties in terms of scale, mass and rhythm of the street scene. The proposed new dwellings will be set back approximately 20 metres from Church Road, and Green Infrastructure and a rain water garden will be set between the road and the new dwellings, providing a visual buffer and biodiversity enhancement. The public right of way will be open and visually linked to the development, providing open views through the site.

Planning officers have spent considerable time discussing the design of the house types with the developers and many changes have been made. Plots 7, 8 and 9 do follow the pattern of the street scene, facing onto Church Road although they are set slightly further back in the plot. The ground levels of this part of the site have to be raised to take the properties out of the flood zone; as a result the finished floor levels of these three units are above those of the adjoining properties. In order that the roof heights do not exceed the ridge heights of neighbouring properties, the roof pitches on these three new dwellings are shallow and the maximum ridge height 7.1 metres.

Plots 5 and 6 are the proposed affordable units. They have a simple design but the central part of the front elevation protrudes forward slightly and there is a canopy over the front doors. The affordable units will be finished in the same materials as the rest of the development which helps them to assimilate. They have the same level of detailing as the other properties on the development with brick headers and concrete cills. Plots 3 and 4 are also a pair of semi-detached properties. They have quite a steep roof pitch with a maximum ridge height of 8.9 metres. They have high level windows serving the rear bedrooms. There are canopies over the front doors that are finished in grey hanging tiles. Plots 1 and 2 are detached dwellings. They will appear to be three-storey because of the large windows in the top gable in the roof space but will be 8.8 metres in height to the ridge. The principal windows of plots 1 and 2 are on the rear elevation, facing towards the playing fields and on the front elevation looking into the site.

The new development on this site will engage well with the existing properties on Church Road and will enhance the street scene. The massing and form of the new dwellings respect the character and form of the existing dwellings in the area. They are of a similar size, height and plot width when compared to other properties in this part of Church Road. All of the proposed dwellings will be finished in white render with grey slate Stonewold tiles on the roof. The window frames will be charcoal grey upvc which will give a contemporary feel to the development. The finishing materials on the two affordable units on plots 3 and 4 match exactly those on the rest of the site and therefore there will be no visual distinction between the market and the affordable housing. The scale of the proposed dwellings and their finishing materials will respect those of the surrounding existing residential development and therefore the character of the area will be preserved in line with the objectives of Policy DES1 of the LDP.

### 6.2.2 Place Making

Policy DES1 of the LDP requires that a development contributes to a sense of place while its intensity is compatible with existing uses. PPW 11 states that good design is fundamental to creating sustainable places where people want to live work and socialise. The special character of an area should be central to its design.

Policy DES1 criterion i) of the adopted Local Development Plan states that Development proposals will be required to make the most efficient use of land, compatible with other criteria, including that the minimum net density of residential development should be 30 dwellings per hectare. In this case the developable site area is circa 0.3ha and 9 homes are proposed which provides a net density of 30 dwellings per hectare, thus complying with LDP Policy DES1.

The density, size and massing of the proposed new development would be similar to that of the adjoining housing development at Bridewell Gardens. Planning officers consider that the prevailing character of this area is being reflected in the new proposal. It is accepted that the housing development to the south of this site, on the opposite side of Church Road, is predominantly bungalows set on large plots, and therefore their density is lower. The proposed new development, however, will be seen more in the context of Bridewell Gardens and the properties to the north of Church Road.

In this case the layout, form, scale, visual appearance of the development do engage with the surroundings, providing new residential dwellings in an established residential area. The character of the area is respected in terms of massing, scale, form and materials. The development will contribute to a sense of place. An area of overgrown waste land will be used to provide nine modern houses which will visually enhance the area. The proposal therefore complies with one of the key objectives of PPW11.

### 6.2.3 Green Infrastructure and Landscape

There will be a substantial amount of green infrastructure to the front of the site in the form of rain gardens and swales that will be planted with a wild flower mix. This will form part of the Sustainable Drainage System (SuDS). There will be several shrub beds planted throughout the site. Nine new trees will be planted at the front of the site with a further two, set back in the site. A ruderal vegetation strip will be retained at the northern end of the site, adjacent to the playing fields, this is to provide reptile habitat. The applicant has submitted a tree survey report and tree constraints plan. There are five trees subject to a Group Tree Preservation order listed in the report, of which there are two Sycamore (T1, T5) and three False Acacia (T2, T3, T4). Trees 1 - 4 have been graded as category U (very poor condition / dead) and recommended for removal, and the offsite tree T5 listed as a category C low quality tree with a useful life expectancy of 10 - 20 years. It is very unlikely that trees 1 - 4 would significantly improve in condition, and the MCC Tree Officer has no objection to their removal. However following negotiations with planning officers, the layout of the scheme has been amended and trees T1, T2, T3 and T5 are now being retained. The three False Acacia will be retained in an area of Public Open Space and subject to a management company for maintenance purposes. An Arboricultural Method Statement (AMS) including details of how the adjacent large Sycamore tree (T5) to the north-west of the site will have its Root Protection Area (RPA) protected during the proposed work will be required by condition.

The GI officer requested a number of conditions in their response comprising of Landscape condition, Landscape works implementation and GI and landscape management plan. Two conditions are proposed addressing the issues of full details of hard and soft landscaping and implementation. These are not copied verbatim as some details required are already provided on the plans; where further details are required these have been included as per the conditions. It is not considered necessary on a project of this scale that a full GI Management Plan is required. Sufficient details have been provided to make an informed decision and that all communal areas will be maintained through a management company. In addition, the implementation condition as proposed is considered sufficient to ensure compliance. The amount of green infrastructure being retained and integrated into the development proposal is acceptable and proportional to the scale of the development and would meet the requirements of Policy GI1 of the LDP.

### **6.3 Historic Environment**

The site is not in a Conservation Area. St Mary's Church to the south east of the site is Grade II listed. Remnants of a Roman building was found at Undy Athletic Club and the finds of Roman and medieval date within the church yard of St Mary's Church, less than 30m away from the site, show that there is the likelihood of evidence for previous human activity being located in the application area. Therefore, GGAT have requested a condition for a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource via condition.

Despite the site being opposite a listed building, St Mary's Church, it is considered that the development would not have a detrimental impact on its setting. The Church, as is very common, is set within a residential area. In this context, it is surrounded by modern residential properties and set back from the road with a parking area and churchyard. The proposed new dwellings are also set back from the road and are considered to provide sufficient breathing space around the building respecting its immediate setting.

There is also a Scheduled Ancient Monument, MM126, Undy Churchyard Cross set within the southern part of the Churchyard. Given the separation distances and the position of the cross set back behind the village hall and Church itself, it is not considered that the development would affect the setting of the SAM.

### **6.4 Biodiversity**

Wildwood Ecology have undertaken a Preliminary Ecological Appraisal (PEA) of the Application Site. The ecological baseline conditions at the site and immediately adjacent areas were assessed in July 2020 and March 2022 through a combination of desk study and field Surveys which followed the standard Phase 1 Habitat Survey protocol. The Phase 1 Habitat Survey and desk top analysis found that the site was located a sufficient distance away from any designated sites. Accordingly, there would be no impacts on designated features because of development on this site. No overriding constraints were identified in terms of particularly sensitive ecological succession on the site.

MCC Ecologists evaluated the PEA and found the site to include scattered trees, tall ruderal vegetation, dense bramble scrub, and poor semi-improved grassland as well as two metal shipping containers present at the eastern site boundary. No invasive species were identified within the site during the survey. Habitats within the site are considered to provide suitable commuting, foraging and nesting opportunities for bats, nesting birds, badger, hedgehog, invertebrates and low numbers of reptiles. The walkover surveys followed standard survey guidelines as set out in Joint Nature Conservation Committee (JNCC) (2010) Handbook for Phase I Habitat Survey. A technique for environmental audit.

Three trees within the site were assessed as having low potential for roosting bats. Surrounding habitats including the nearby railway corridor provide good foraging opportunities for bats. The shipping containers were assessed as having negligible potential for roosting bats. Precautionary methods have been recommended regarding the protected and priority species listed above within the ecology report. These measures are deemed acceptable for the works. The level of survey effort

and assessment is considered proportionate to the nature and scale of the application. MCC Ecologists agree with the conclusions of the PEA. The ecology report also states that a dark corridor should be maintained around the boundary of the site. Any lighting to be installed as part of the development must be designed sensitively for biodiversity to minimise impacts to nocturnal species. This can be imposed by condition.

Following the amendments to plots 3 & 4 a proposed tree is now within the private garden of plot 3 and not in the communal space. The tree remains part of the landscaping plan, and as per conditions is required to be maintained for a minimum of 5 years. The tree is a welcome part of the scheme, however its location in a private garden would not render the application unacceptable. Therefore it is considered to have sufficient protection in line with all of the other planting and Green Infrastructure on the site.

#### Biodiversity Net Benefit

Planning Policy Wales (PPW) 11 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 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The PEA report includes details of proposed enhancement measures to include installation of five bat boxes, three house sparrow terraces, three starling boxes and two bird boxes. The report recommends box designs of suitable sturdy construction. Additionally, raingardens and wildflower grassland areas will be incorporated into the development design. These enhancement measures are considered acceptable for the proposals and locations are illustrated in 'Appendix II: Proposed Development Plans and Enhancement Plan 2022' of the PEA report. The proposal accords with the objectives of Policy NE1 of the LDP.

### 6.5 Impact on Amenity

The site is surrounded by residential properties, the dwellings on Church Road and Bridewell Gardens immediately adjacent to the site are all two storey in height. In addition, there is a row of three bungalows to the south of the site on the opposite side of Church Road. Undy Community Hall and car park are to the east of the site on the opposite side of Church Road.

To the north-east of the site is a two-storey dwelling named Camelot. It has its side elevation facing into the site. There are no windows on this side elevation. Plots 4 and 5 of the new development face the side elevation of Camelot at a distance of over 10 metres. Between the front elevation of these new dwellings and the side elevation of Camelot is the access road into the site and the public right of way. The existing boundary wall for Camelot adjacent to the public right of way (PROW) will not be altered as a result of this proposal. Plot 6 will look towards the front garden and bay window of Camelot and plot 3 will look towards the rear garden, again this is at a distance of 10 metres.

Plots 1 and 2 will face into the site with their principal windows facing into the playing fields at the rear. Plot 2 has no windows on the south-west elevation and it is over 20 metres from the side elevation of 9A Bridewell Gardens and 9 metres from the closest part of the single-storey rear extension of Carolyn in Bridewell Gardens. The existing timber boundary fence along the common boundary will be retained, retaining privacy at ground floor level. To the first floor of plot 2 the bedroom window is set to the far side of the dwelling at approximately 15m from the first floor of Carolyn. The remaining bathroom windows are to be conditioned to be obscured glazed. Due to the distance between the existing and the proposed dwellings and their orientation, being at right angles to each other, it is considered that there will be no significant loss of privacy.

Plots 3 and 4 face into the site and are separated from Camelot by the internal access road and PROW. To the rear the plots have been amended from the original scheme to increase the separation distance to the rear of the existing property, Acacia. The intervening distance is 20.1m, which is considered acceptable. It is proposed to have habitable rooms in the roof space of plots 3 and 4; these are serviced by rooflights to the front elevation with a rooflight over the stairs to the rear. Given the intervening distance and the arrangement of the windows it is considered that there will be no significant loss of privacy to neighbouring properties.



Plots 7, 8 and 9 all face towards the rear elevation and garden of Darlea. In 2021 planning permission was granted for a single-storey extension to the rear of Darlea, that will protrude 3.5 metres from the rear elevation and run the whole width of the house. It extends to approximately 7 metres from the rear boundary. There is a close boarded fence along the common boundary. The separation distance from the rear elevation of Darlea (minus the ground floor extension) to the rear elevation of plot 9 of the new development would be 21 metres which complies with the standards outlined in the adopted infill SPG. The approved single-storey extension to Darlea, if built, would be protected from overlooking by the close-boarded fence along the common boundary.

No 14 Bridewell gardens faces onto Church Road. Plot 9 will be adjacent; there will be a separation distance of 4.2m between plot 9 and 14 Bridewell Gardens. The existing floor level of No14 Bridewell Gardens sits at circa 8m and the FFL of plot 9 will sit at 9.3m. The ridge height of 14 Bridewell gardens is at 16.12m AOD and the proposed plot 9 will be 16.18m AOD, meaning that despite the increase in ground levels, the height of the proposed is the same as the existing building. No 9 will be built on a retaining wall and there will be a strip of wildflower planting between the two. Plot 9 is set much further back in the plot so that the front elevation of plot 9 is towards the rear elevation of no 14 Bridwell Gardens. With this in mind, consideration has been to ensure protection of daylight to the rear of 14 Bridewell Gardens. Concerns have been raised over this assessment of how the 45-degree measurement has been achieved. However, the measurements have been taken from a habitable room (dining room) as set out in the SPG. The measurements show an element of loss of daylight, however given the north facing orientation this is not considered to be a loss of reasonable daylight standards at the property. Plot no 9 would be sited to the northwest and therefore would have a limited impact on the sunlight that No 14 Bridewell receives. Plot no 9 has a side window on the first floor facing towards no 14 Bridewell Gardens. This will serve an en-suite bathroom and will be of obscure glazing. No 14 Bridewell Gardens also has a first-floor window on the side elevation but the two properties are staggered so that the windows will not overlap.

The ground levels to this portion of the site are proposed to be increased by approximately 900mm, however this is addressed through landscaping to the front of the site adjacent to the road and a retaining wall incorporated as part of the gable wall of the proposed plot 9. The ridge height of the building would be 7.7m above the existing ground level of No 14 Bridewell Gardens. At its highest point to the rear of plot 9 the retaining wall will be 2.4 above ground level, this decreases as existing ground levels increase to the rear of the garden of plot 9 to 1.8m above the ground level. On balance given that plot 9 is side by side with 14 Bridewell Gardens and maintains existing ridge heights it is not considered that there will be an unacceptable overbearing or overlooking impact and would be in accordance with the requirements of policy EP1 of the LDP.

To the south of the site is a row of three bungalows. These are set at a lower level and approximately 18 metres back from the road. Given this arrangement there will be no unacceptable levels of overlooking and overdominance as the front elevations of the new dwellings are over 40 metres from the front elevations of the bungalows.

The proposal accords with the Council's normal privacy standards for new development. The layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development.

## **6.6 Highways**

### **6.6.1 Sustainable Transport Hierarchy**

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located within the Severnside Settlement of Magor with Undy. The Square in Magor, which is less than one mile from the site contains a Post Office, supermarket and other facilities. There are two primary schools within walking distance of the site, there are also churches and public houses within the Village. There is a public bus service that runs from Newport to Chepstow and this gives easy access for the range of facilities in the nearby settlement of Caldicot. The site is in a relatively

sustainable location so that the occupiers of these dwellings will be less reliant on the car to go about their daily business.

### 6.6.2 Access / Highway Safety

At the request of the Highway Authority the layout of the site has been altered to ensure that there is no development on highway land and to ensure adequate turning provision within the site. The additional pavement along Church Road is to be welcomed. The proposal is now acceptable having regards to access and accords with Policy MV1 of the LDP.

### 6.6.3 Parking

The adopted Monmouthshire Parking Guidelines require one car parking space per bedroom for new dwellings up to a maximum of three per dwelling. In this case, three car parking spaces are being provided for each dwelling except for units 3 and 4 which will have two car parking spaces each as they are two bedroom properties. The proposal therefore accords with the adopted parking standards and complies with the objectives of Policy MV1 of the LDP. A condition will be imposed ensuring that the car parking provision is provided prior to occupation of the dwellings.

Following the amendments, Highways raise no objection to the scheme but do suggest six conditions. It is agreed that full compliance with the highways plans is required (1), as well as requiring details of future management of streets (3). However, conditions requiring street phasing is not considered necessary on a small development of 9 houses (2), details of surface water are addressed by the SAB application (4), the Construction Management Plan is already added in condition 18 (5) and requirement for a sec. 278 agreement it is not considered within the remit of the planning application, this is managed through a separate consenting regime.

## **6.7 Affordable Housing**

Policy S4 of the Local Development Plan requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. The policy says that within the Severnside Settlements, developments sites with a capacity of five or more dwellings will make provision for 25% of the total number of dwellings on the site to be affordable. In this case two affordable units are being provided on the site; these are both two-bedroom units and are compliant with DQR standards. The provision of two-bedroom units is in line with the need demonstrated by the local housing register. The affordable units will be constructed by the developer and then passed onto a social housing provider, Melin Homes. This will be secured via a s106 Legal Agreement.

## **6.8 Flooding**

The southern half of the site is within a C1 Flood Zone as defined in the Development Advice Map (DAM) contained in TAN15. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Paragraph 6.2 of TAN 15 says that 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; and,
- 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.

In this case the site is not in a C2 Zone. The new housing will be built on previously developed land (this site used to be occupied by a two-storey dwelling, a stone barn and various outbuildings). A Flood Consequences Assessment (FCA) was submitted as part of the application. It is proposed to raise the ground levels in the southern part of the site by 1.3 metres so that the Finished Floor Levels will all be above 9.3m AOD. The private drive for plot 9 will be at 9.1m AOD. NRW have evaluated the FCA and concluded that, "Subject to the development being carried out in accordance with the FCA, the development meets with the requirements of A1.14." They recommend that a condition be imposed that the planning permission shall only be carried out in accordance with the approved Flood Consequence Assessment.

The Planning Authority consider that the location of this development in a C1 Zone is justified and that all of the criteria set out in the tests in paragraph 6.2 of the TAN are satisfied.

## **6.9 Drainage**

### 6.9.1 Foul Drainage

The application site is in an area served by mains drains and in such areas the foul drainage must discharge to mains. The applicant has indicated that this is the case. Welsh Water have offered no objection to the application but request a condition to ensure that surface water does not enter the mains drains.

### 6.9.2 Surface Water Drainage

Grays have prepared a drainage strategy to support the planning application. The application will be subject to the SuDS legislation. The applicants intended to run consultation with the SuDS Approving Body (SAB) in parallel with the planning process. A series of SuDS features including swales, raingardens and permeable paving are proposed to serve the development site. The dwellings will drain to individual permeable paving and raingardens at plot level which will be retained under private ownership. The swale/raingarden features running parallel to the access road(s) and the main raingarden/ bioretention feature near the site's access will be offered for adoption.

The SAB approving body confirms that the application has demonstrated a means of surface water discharge. A pre-application submission for SAB approval has been made and therefore there are no objections to this site from a surface water drainage perspective. Drawing 766-GRY-01-00-DR-C-100 Rev P8 shows Filter (or French Drains) along the western site is the site adjacent to 14 Bridewell gardens and also along the boundary with Darlea. This was suggested by the Lead Local Flood Authority to ensure no surface water flooding of neighbouring properties.

## **6.10 Phosphates**

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 SAC's. 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. This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

## **6.11 Contaminated Land**

A Site Investigation Report prepared by GHR Developments was submitted as part of the planning application. They contracted a contaminated land consultancy to undertake a site investigation and risk assessment. MCC Environmental Health Officers have reviewed the submitted site investigation report by Integral Geotechnique (12700/RAH/20/SI) dated September 2020. This report is a desk top study and intrusive site investigation.

It appears that Tythe House, which was present on the earliest historical maps, was demolished in around 2014 and the trail pits dug at the site, and a site walk-over identified made ground on site. This made ground consisted of brick, concrete, plastic, clay pipes, scrap metal and timber. In addition, asbestos containing material was identified on site. Two stockpiles were present containing pipe fragments, plastic, bricks, wood chippings, and asbestos containing tile fragments. Laboratory testing of the 4 samples taken from the made ground identified exceedances above the assessment criteria, for lead and several PAHs. No samples were taken from the natural ground, or from the stockpiled materials, however the asbestos containing tile found in one of the stockpiles was sampled and found to be chrysotile hard cement material. The site investigation identified that end users would need to be protected from the elevated concentrations of PAH and lead.

The recommendation to achieve this is to use a capping layer of at least 600mm of clean imported subsoil and topsoil over a geotextile membrane in all gardens and area of soft landscaping. Prior to placement of the clean cover, all exposed formations should be inspected and any identified asbestos containing materials handpicked under an appropriate risk assessment and managed in accordance with the Control of Asbestos Regulations 2021, and then disposed off-site at a licensed facility by licenced contractors. An alternative is to remove made ground from garden and landscaped areas and use a 300mm clean cover capping system. If this is chosen all exposed formations would require inspection and sampling and analysis of soils to confirm acceptability of the underlying materials, prior to placement of the capping layer. The decision on which will be chosen is likely dependent on the proposed site levels chosen.

The site investigation also identified construction workers to be at risk from the contaminated material, and thus proposed requirements for working practices, which include the use of dust suppression techniques to minimise inhalation of dust and gases. In addition, a system would need to be established to identify additional contamination during work and reported so appropriate action can be taken. A licensed contractor would be required to deal with any asbestos materials, and routine visual checks made for its presence on site.

Ground gas from offsite or onsite sources (the made ground was not considered to be thick enough at 0.9 metres to create gas) was not considered to be a risk, however the site is in an area with a probability that between 3%-5% of properties are above the radon action level, and therefore basic radon protective measures are necessary. Water supply pipes will need to be protected from contamination (e.g. PE or PVC pipes to protect against PAHs) if they are in contact with the made ground. The Council's Environmental Health Officer recommends that based on the findings of the site investigation, and the identification of elevated lead and PAHs in the made ground, along with asbestos tile in one of the two stockpiles, that conditions are needed requiring a Remediation Strategy, including Method statement and full Risk Assessment to be submitted to and approved in writing by the LPA.

There is a small amount of contamination on the site resulting from the demolition of the buildings on the site in about 2014. If undeveloped the contamination will remain in its current form. As part of the proposed development a Remediation Strategy will be implemented which will improve the situation and the contamination will be managed effectively thus improving the situation for existing neighbouring properties and future occupiers of the site.

## **6.12 Public Right of Way**

There is a Public Right of Way (PROW) which runs along the north eastern boundary of the application site, linking Church Road with the playing fields and is hard surfaced to a width of approximately 1.3metres. (although this varies along its length). The path is a proposed Active Travel Route. The Active Travel (Wales) Act 2013 requires that highway authorities, local authorities and the Welsh Ministers must take reasonable steps to enhance the provision made for walkers and cyclists. The PROW officer has responded stating that the existing PROW is 6m wide.

In their response of 25.05.22 the officer provides evidence for this statement.

*If a path runs between fences or walls the presumption is that the whole area between these has been dedicated to the public provided the fences were laid out in reference to the Highway. If the*

*boundaries marked on the Definitive Map and other historical mapping were set out in reference to the Highway then the path is around 6m wide.*

*The width of a path can also be determined by statute and the Definitive Statement, but neither of these apply in this case.*

*If the width of a path is not defined by statute, physical boundaries or the Definitive Statement, its width is, as a matter of evidence, that habitually used by the public. The path in question follows a track. From what I know of the site and most sites it is not unreasonable to assume that the public have been walking the whole width of that track rather than confining themselves to a narrow strip along its side.*

*It should therefore be assumed that the right of way is at least as wide as the track and probably as wide as the historic boundaries it ran between i.e. about 6m wide.*

Looking at the aerial photos of the site and street view within the last 20 years the path has been a narrow worn track to the side of the site. It is clear that walkers have not been using the whole width of the track, more a very narrow unfinished informal track. It is therefore considered that it cannot be assumed the track is 6m wide. However the application has been amended to retain the footpath in its current position and increases the surfaced width of the path to three metres for its entire length with tarmac. Planning officers consider that a three metre wide tarmac path would be sufficient and a significant improvement on the current arrangement. This will enhance the current provision and allow for a shared path to be used by cyclists and pedestrians of all abilities. The three metre width of the path is consistent with other housing developments that have recently been approved in the County including Fairfield Mabey, Sudbrook and Caldicot all of which contain paths that are three metres wide. The applicants will have to apply under the Town and Country Planning Act to amend the width of the Right of Way.

### **6.13 Noise**

The site is approximately 75 metres from the main South Wales railway line. The railway line is set at the bottom of an embankment and between the site and the railway line is the playing fields. Environmental Health has concerns that the proposed development is in close proximity to the railway line and therefore in their view there is the potential for disturbance of noise from the rail traffic on the use and enjoyment of the residential properties. It is recommended that a noise assessment is undertaken to assess which Noise Exposure Category the proposed site falls within as provided in Planning Guidance Wales Technical Advice Note (Wales) 11: Noise.' Planning Officers do not consider that a noise assessment is required in this case given the distance to the railway line (over 75 metres), its location within an embankment and the fact that there are many existing houses in Undy that are far closer to the railway line. The applicants are proposing that triple glazing would be installed to the windows in the rear elevations of Plots 1 and 2 and that this will be maintained as such thereafter. That matter can be secured by condition.

### **6.14 Planning Obligations**

The two affordable dwellings, to be built on plots 5 and 6 that would be handed over to be managed a registered social housing provider within a certain time period, would be secured by a s106 agreement.

### **6.15 Response to the Representations of Third Parties and/or Town Council**

Councillor Sandles considers that the proposed development of 9 new dwellings on this site constitutes overdevelopment. Policy DES1 criterion i) of the adopted LDP sets out that development proposals will be required to make the most efficient use of land, compatible with other criteria, including that the minimum net density of residential development should be 30 dwellings per hectare. In this case the developable site area is circa 0.3ha and 9 homes are proposed which provides a net density of 30 dwellings per hectare, thus complying with LDP Policy DES1. The density size and massing of the proposed new development would be similar to that of the adjoining housing development at Bridewell Gardens, planning officers consider that the prevailing character of this area is being reflected in the new proposal.

The Councillor also considers that plot 1 is too close to the proposed Right of Way, but since the submission was made, plot 1 has been rotated so that it is parallel to plot 2 allowing it to engage more with the rest of the development and allowing for more "breathing space" for the PROW. Councillor Sandles considers that plot 9 is too close to the existing property at 14 Bridewell Gardens. The plans show that there will be over 4 metres between the side elevations of these two properties, and this is significantly more than is often allowed between two properties side by side; there will however be a significant difference in the slab levels of each house with Plot 9 being higher than No 14 Bridewell Gardens. The difference in ridge height has been addressed in the main body of the report and is shown on the sectional drawing, Section C-C on plan no. T2326 1 PA 36C.

The width of the new road and private shared drive has the approval of the Highway Authority and complies with their standards.

The surface water drainage will be the subject of a separate SAB application and will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The application has demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer) and has submitted a pre-application for the SAB's approval; therefore there are no objections from the approving body with regards to surface water drainage. The applicants intended to run consultation with the SAB in parallel with the planning process. A series of SuDS features including swales, raingardens and permeable paving are proposed to serve the development site. Filter drains will be provided close to the boundaries of the site, where the ground is to be raised.

Most of the issues raised by the neighbours have been addressed in the main body of the report. The Highway Authority has no objection to the proposed nine dwellings on the site and consider that Church Road has sufficient capacity to accommodate this scale of development. There will be a footway provided along Church Road which will benefit the local community because as residents have commented, there is no footpath along this part of Church Road at the present time.

The amenity space, wildflower gardens, PROW and rainwater gardens will all be maintained by a management company, as is now commonplace with this type of development.

Whilst it may have been possible to develop this site with bungalows, the application before us is for two-storey dwellings, some with accommodation in the roof space, and the application before the Council must be considered on its merits.

Planning officers are aware of the single-storey extension to Darlea and the bay window to the front of Camelot, this is addressed in paragraph 6.5.

There have been concerns raised in relation to the impact of the proposed development on the residential amenity of a number of properties this has been addressed within paragraph 6.5 and on balance the development would not have an unacceptable impact on the amenity of any other party to warrant refusing the planning application.

Previously the sewers in this area were at capacity and new dwellings were only allowed where alternative foul drainage discharge was provided. The capacity of the sewers has since been upgraded by DC-WW and this is no longer an issue.

The Statement of Truth regarding pedestrian and vehicular access to the rear of Camelot is a private legal matter and not one in which the Council as planning authority would be involved.

There will inevitably be some noise and disruption resulting from the construction phase of the development; a construction management plan can be imposed to limit the hours of construction operations and deliveries to the site.

The width of the PROW has been discussed in the main body of the report. The applicants will have to apply under the Town and Country Planning Act to reduce the width of the Right of Way if the planning application is successful, as is usual in these cases.

A bin refuse area is being provided on the site close to the turning area where the refuse vehicles will pick up the household rubbish.

This site has had a long and complex planning history over the last 30 years, with new build residential properties and conversion of the former buildings on site being allowed, however none of these are extant now and the current proposal must be considered on its own merits in line with the adopted policies at this time.

Concerns were raised over the demolition of the former buildings on the site. At the time of demolition the buildings were not listed or in a Conservation Area and therefore their demolition did not require express consent.

## **6.16 Well-Being of Future Generations (Wales) Act 2015**

6.16.1 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.

## **6.17 Conclusion**

The site is located within the Magor with Undy development boundary within which there is a presumption in favour of new residential development subject to detailed planning considerations. The plot is of sufficient size to accommodate nine residential dwellings of a similar size to existing dwellings in this area. Policy S1 and H1 allow for new residential development to be built inside the development boundaries of Severnside Settlements of which Undy is one. Therefore, the principle of new residential development in this location is acceptable. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

The new development on this site will engage well with the existing properties on Church Road and will enhance the street scene. The massing and form of the new dwellings respect the character and form of the existing dwellings in the area. They are of a similar size, height and plot width when compared to other properties in this part of Church Road. The finishing materials on the two affordable units on plots 3 and 4 match exactly those on the rest of the site and therefore there will be no visual distinction between the market housing and the affordable ones. The scale of the proposed dwellings and their finishing materials will respect those of the surrounding existing residential development and therefore the character of the area will be preserved in line with the objectives of policy DES1 of the LDP. The development will contribute to a sense of place. An Area of overgrown waste land will be used to provide 9 contemporary houses which will visually enhance the area. The proposal therefore complies with one of the key objectives of PPW11.

There will be a substantial amount of green infrastructure to the front of the site in the form of rain gardens and swales, these will be planted with a wildflower mix and trees. Three of the existing trees on the site will be retained. MCC Ecologists agree with the conclusions of the Preliminary Ecological Survey. Biodiversity enhancements are being provided so the proposal complies with the objectives of LDP Policy NE1.

The proposal accords with the Council's normal privacy standard for new development. It is acknowledged that any development on the land will have an impact on the existing neighbouring properties, it is considered that the layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting and maintaining reasonable levels of amenity for the occupiers of existing neighbouring residential properties. The proposal also accords with the

specific privacy distances outlined in the adopted SPG on Infill Development. The road and footway layout has been designed on the advice of the Highway Authority who offer no objections and the parking provision accords with the adopted standards; therefore the proposal accords with LDP Policy MV1.

The current application seeks to retain the public footpath in its current position but to increase the width of the surfaced element of the path to three metres for its entire length and to re-surface it with tarmac. Planning officers believe that a three metre wide path is sufficient. This will enhance the current provision and allow for a shared path to be used by pedestrians and cyclists.

Two affordable units are being provided on the site, these are both two-bedroom units and are compliant with DQR standards. The provision of such dwelling units is in line with the need demonstrated on the local housing register and complies with Policy H4 of the LDP. The Planning Authority consider that the location of this development in a C1 Zone is justified and that the criteria set out in the tests in paragraph 6.2 of the TAN are satisfied. NRW has no objection to the proposal provided that the development is carried out in accordance with the FCA. The Sustainable Drainage Approving Body confirms that the application has demonstrated a means of surface water discharge and has submitted a pre-application for the SAB's approval; therefore there are no objections to this site on the basis of surface water drainage.

There is a small amount of contamination on the site resulting from the demolition of the buildings on the site in about 2014. If undeveloped the contamination will remain in its current form. As part of the proposed development a Remediation Strategy would be implemented which would improve the situation and the contamination can be managed effectively thus improving the situation for existing neighbouring properties and future occupiers of the site. Planning Officers do not consider that a noise assessment is required in this case given the substantial distance to the railway line (over 75 metres), its location in an embankment and the fact that there are many existing houses in Undy that are far closer to the railway line.

The proposal is policy compliant in all respects and is therefore recommended for approval.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

Affordable Housing

25%, DQR, Tenure Neutral.

Triggers: The Landowner covenants not to occupy or permit first occupation of more than 0% of the market housing until all of the affordable units have been constructed and are ready for occupation.

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

### **Conditions :**

#### **1 TIMESCALE**

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 APPROVED PLANS**

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 BIODIVERSITY COMPLIANCE**



The development shall be carried out in strict accordance with Section 5 (Conclusions and Recommendations) of the approved 'Preliminary Ecological Appraisal Report - Former Tythe House, Church Road, Undy by Wildwood Ecology dated 25 March 2022' report.

Reason: To ensure safeguards for species of principle importance for conservation and to ensure compliance with LDP Policy NE1.

#### **4 BIODIVERSITY ENHANCEMENT**

The 'Appendix II: Proposed Development Plans and Enhancement Plan 2022' of the PEA report which illustrates the design and location of bat and bird box provision shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the development.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.

#### **5 PERMITTED DEVELOPMENT RIGHTS**

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 building 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 LPA.

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

#### **6 ARCHAEOLOGY**

The development permitted by this planning permission shall only be carried out in accordance with the approved Written Scheme of Investigation for an archaeological watching brief PN 2821 dated October 2022 by Archaeology Wales.

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

#### **7 DRAINAGE SCHEME**

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

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

#### **8 FCA COMPLIANCE**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequence Assessment FCA undertaken by Grays (Consulting Engineers) Limited, Reference 9766-REP01-R1-FCA (Revision - R1) dated 24 March 2022 and the following mitigation measures detailed within the FCA: Development Levels - Finished Floor Levels must be set at or above 9.3 m AOD (metres Above Ordnance Datum) and private drive set at or above 9.1m AOD.

Reason To reduce the risk and impacts of flooding to the proposed properties and their owners/occupiers.

#### **9 CONTAMINATION EHO.**

Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

#### **10 CONTAMINATION REMEDIATION**

Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

#### **11 CONTAMINATION - Imported Material EH03**

Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

#### **12 TREES PROTECTION**

i) PRIOR to the commencement of any works associated with the development (including site vegetation clearance, demolition, tree felling, tree pruning, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), the following shall be undertaken by a competent arboriculturalist and submitted and agreed in writing by the local planning authority:

a) An Arboricultural Method Statement (AMS) including details of how the adjacent large Sycamore tree (T5) to the North West of the site will have its Root Protection Area (RPA) protected during the proposed works.

b) The AMS must be accompanied by an up to date tree retention and protection plan (TRPP) in accordance with 'BS5837: 2012 - Trees in relation to design, demolition and construction - Recommendation'.

c) The TRPP must clearly show the proposed site layout, including boundary treatments, the crown spread of T5 and its RPA given as a figure on the plan, where tree protection fencing will be located, and what the tree protection fencing will be.

ii) During construction

a) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

b) No fires shall be lit within 15 metres of the nearest point of the canopy of any retained tree.

c) No equipment, machinery or structure shall be attached to or supported by a retained tree.

d) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

e) No alterations or variations to the approved works or tree protection scheme shall be made without prior written consent of the local planning authority.

REASON: to ensure trees are managed responsibly.

#### **13 LANDSCAPE DETAILS**

Prior to the commencement of development updated full and comprehensive details of soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable agreed with the Local Planning Authority.

Detailed cross sections of frontage swale / rain garden basin and retaining wall with existing and proposed levels

Soft landscape details for landscaping to include planting plan, specifications including species, size, density, number and location, cultivation and other operations associated with planting and

seeding establishment, inclusive of rain gardens and SUDS shall be submitted to and approved by the LPA.

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1, LC1 and LC5 of the Local Development Plan

#### **14 LANDSCAPE IMPLEMENTATION**

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

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

#### **15 LANDSCAPE MAINTENANCE**

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

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

#### **16 PARKING**

No dwelling shall be occupied until the relevant and associated car parking and service vehicle provision have been provided in accordance with the approved plan and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure provision is made for the parking of vehicles and to ensure compliance with LDP Policy MV1.

#### **17 STREET MANAGEMENT**

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

REASON: In the interests of the highway safety and free flow of traffic in compliance with LDP policies S16 and MV1.

#### **18 CONSTRUCTION METHOD STATEMENT**

No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

v) wheel washing facilities;  
vi) measures to control the emission of dust and dirt during demolition and construction; and  
vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.  
REASON: In the interests of amenity, in compliance with LDP policies S13 and EP1 and in the interests of the highway safety and free flow of traffic, in compliance with LDP policies S16 and MV1.

**19 NOISE GLAZING**

Triple glazing shall be installed to the windows in the rear elevations of Plots 1 and 2 and shall be maintained as such thereafter.

REASON: In the interests of amenity, in compliance with LDP policies S13 and EP1.

**20. SECTION 38 HIGHWAYS COMPLIANCE**

Notwithstanding the details shown on the approved plans, the footpath along the site's frontage with Church Road shall follow the alignment shown on Section 38 Highways Layout 9766-GRY-01-00-DR-C-102 REV P08 (10.01.23) AND 9766-GRY-01-00-DR-C-105 REV P09 (10.01.23)

REASON: In the interests of highway safety in compliance with LDP Policy MV1

**21. STREETS FUTURE MANAGEMENT**

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

REASON: In the interests of highway safety in compliance with LDP Policy MV1

**22. OBSCURE GLAZING**

The windows to Plot 2 front elevation bathroom windows and Plot 9 side left first floor window shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

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

**23. PUBLIC RIGHT OF WAY**

No development shall commence until full details of the proposed hardstanding, delineation and design of the public right of way have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and remain as such in perpetuity.

REASON: In the interests of highway safety and design in compliance with LDP Policy MV1 & DES1.

**INFORMATIVES**

**SAB INFORMATIVE:**

Following the implementation of the Sustainable Drainage (Approval and Adoption) Order 2018 the applicant may require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government Standards. The total construction area for this site is potentially in excess of the 100 m<sup>2</sup> threshold. Total construction area includes existing buildings that are being replaced, re roofed, removed or patio/driveway areas including permeable surfacing. The SuDS scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing on site. It is recommended that the applicant approach the SAB for Pre App discussion prior to formal submissions to the LPA as the SAB process can affect site layout. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us on [SAB@monmouthshire.gov.uk](mailto:SAB@monmouthshire.gov.uk) so we can update our records accordingly.

**HIGHWAYS**

No development shall commence until the applicant has entered into a Section 278 agreement pursuant to the Highways Act 1980 with the Council for the off-site footway provision and localised carriageway widening works on Church Road.

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## Appeal Decision

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by Mr A Thickett BA (Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 10/01/2023

Appeal reference: CAS-01991-W8D7P7

Site address: New House Farm, Llangybi, Monmouthshire, NP15 1NP

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- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr R Harry against the decision of Monmouthshire County Council.
  - The application Ref DM/2021/01628, dated 29 September 2021, was refused by notice dated 21 December 2021.
  - The works proposed are the installation of two rooflights within the roof of the listed property on its rear elevation at second floor level (loft space), the installation of a further two rooflights to a mid-century extension and the replacement of an existing roof light.
  - A site visit was made on 8 December 2022.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have amended the appellants description of the works by removing superfluous text.
3. All the rooflights subject to this appeal are in situ. Listed building consent was granted for the insertion of rooflights to the main roof and a later extension to the rear in 2019. The consent was subject to a condition requiring the rooflights to be flush to the roof pitch, with no greater upstand than 25mm above the slate. Further, that the specifications of the rooflights should be agreed with the Council before they were fitted. The appellant did not comply with the condition. The appeal application seeks to retain the rooflights as fitted and a rooflight inserted in the south facing roof slope of an offshoot from the main house and later extension.
4. This rooflight replaced a glass tile which sat within the slate roof. It provided illumination but did not open. The appellant claims the roof around the glass tile was leaking and needed to be replaced. Whilst this may be the case, given Building Regulations exemptions can be made in relation to works to listed buildings, I have seen nothing to indicate a like for like repair was not possible. It has not been shown that replacing the glass tile with the much bulkier, opening rooflight was the minimum necessary in the interests of safety or health or for the preservation of the building. I do not agree,

therefore, that the works to replace the glass tile find support under Section 9(3) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

### **Main Issue**

5. The main issue is the impact of the rooflights on the special architectural and historic interest of New House Farm, a Grade II\* listed building.

### **Reasons**

6. According to the listing description New House Farm dates to around 1700 and has been altered very little since. The house is rendered and whitewashed over local rubblestone and has Welsh slate roofs with ridge tiles and red brick stacks. It has large and small rear wings, one of which is partly original and there is also a single storey addition to the left hand gable. The building has been listed Grade II\* due to its *'fine design and exceptionally unaltered state including such features as original doors and ironmongery. This house is a classic example of its type.'*
7. Prior to the installation of the rooflights, the roofs to the main house and rear additions remained unaltered and their simple, plain unspoilt appearance is a significant contributor to the architectural and historic interest of this Grade II\* listed building. I acknowledge consent was granted for rooflights in these roof slopes but the final details were not approved. The extent to which the frames extend and break above the roof slopes calls attention to these modern and uncharacteristic features in a building of this age. As fitted the rooflights are significant and adverse interruptions in the historic plain and simple form of the roofs, to the detriment of the special architectural and historic interest of New House Farm.
8. The appellant takes issue with the Council's objections in relation to the design, finish and size of the roof lights compared to the permitted scheme but the precise specifications were not agreed as required by condition. Further, notwithstanding any other matters, on its own, the harm caused by the extent to which the frames protrude above the roof slopes provides compelling grounds to dismiss this appeal.
9. Whilst the appearance of the front of the house may be the main reason for listing and the roof may have been replaced due to fire damage, the whole of the building is listed Grade II\*. Nor does it matter that the rear of the building is not visible from public viewpoints, it can be seen from the surrounding properties. The appellant points to similar rooflights installed in other listed properties nearby but I am not aware of the details of these cases. In this case, the duty to preserve the special architectural and historic interest of this Grade II\* building rests with me and I find the rooflights do neither.

### **Conclusion**

10. I have seen nothing to suggest that the existing roof lights are the only way of providing a means of escape. The appellant's claims of alleged favourable treatment of applications made by people employed by or associated with the Council are not within my remit. For the reasons given above and having regard to all matters raised I conclude that the appeal should be dismissed.
11. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards making our cities, towns and villages even better places in which to live and work.

*A Thickett*

Inspector





## Appeal Decision

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by Mr A Thickett BA (Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 11.01.2023

Appeal reference: CAS-01782-V5X9G7

Site address: Grove View, Bully Hole Road, Shirenewton, Monmouthshire, NP16 6SA

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- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by A Corner against the decision of Monmouthshire County Council.
  - The application Ref DM/2021/00568, dated 25 March 2021, was refused by notice dated 17 December 2021.
  - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
  - The use development for which a certificate of lawful use or development is sought is occupation of the building by a non agricultural/forestry worker.
- 

### Decision

1. The appeal is allowed

### Main Issue

2. The main issue is whether the occupation of Grove View is limited to a person employed in agriculture or forestry.

### Reasons

3. Grove View was granted planning permission in 1966 for what was described as; '*Site for erection of Woolaway type bungalow on existing smallholding to be occupied by full time agricultural worker*'. Condition 1 states; '*The proposal is permitted on the understanding that the bungalow will be occupied by a person employed or last employed locally in agriculture as defined under Section 221 of the 1962 Act or in forestry, and the dependents of such persons and is to be permanently attached to the existing smallholding*'. The reason for the condition is; '*To ensure the occupant of the bungalow is a 'bona fide' farmworker.*' That the planning application was made for a new dwelling to house an agricultural worker is not in dispute. The bungalow has been empty since 2017. Nothing is submitted to indicate that the occupants of the dwelling up to 2017 were not employed or last employed in agriculture.
4. Both parties cite caselaw to support their positions. I agree with the appellant that the Trustees of Hercules Unit Trust Ltd against the Highland Council 30/09/2013 (DCS

NO400-002-011) and *Trinder v Sevenoaks* (1967, 204 EG 803) cases are superseded by later judgements. These include *Trump International Golf Club Scotland Limited v Scottish Ministers*, [2016] S.C. (UKSC) 25 and the findings of Lord Hodge at paragraph 34 of that judgement:

*'When the court is concerned with the interpretation of words in a condition in a public document .... it asks itself what a reasonable reader would understand the words to mean when reading the condition in the context of the other conditions and of the consent as a whole. This is an objective exercise in which the court will have regard to the natural and ordinary meaning of the relevant words, the overall purpose of the consent, any other conditions which cast light on the purpose of the relevant words, and common sense.'*

5. Looking at the consent as a whole, the purpose of the planning permission was to provide a dwelling, that dwelling was to be occupied by an agricultural worker. None of the other conditions assist in determining whether Condition 1 prohibits occupation by persons not employed in agriculture. Nor does the second part of Condition 1 which states the proposal must be permanently attached to the existing smallholding. The *'proposal'* must refer to the *'Woolaway type bungalow.'* I do not see how it could relate to the occupants, not least because the condition allows occupation by a person employed or last employed locally in agriculture, that being someone no longer (or never) employed on the smallholding. In this regard the condition is internally inconsistent and unenforceable.
6. The reason for the condition states that it was imposed to ensure the occupant of the bungalow is a farmworker but does not say why this was necessary. Although it probably was the case, the Council produce nothing to indicate that planning policy at that time precluded dwellings in the countryside unless essential to meet the needs of agriculture. Further, the reason makes no mention of forestry.
7. I agree with the appellant that in drafting a planning permission, a distinction may need to be made between the use planning permission is granted for and what is restricted or prohibited; food and non food retail in out of town locations for example. In *Cotswold Grange Country Park LLP v Secretary of State for Communities and Local Government* [2014] EWHC 1138 (Admin) at [15] (Appendix 3) Hickinbottom J stated;  
*'the grant identifies what can be done – what is permitted – so far as use of land is concerned; whereas conditions identify what cannot be done – what is forbidden. Simply because something is expressly permitted in the grant does not mean that everything else is prohibited. Unless what is proposed is a material change of use – for which planning permission is required, because such a change is caught in the definition of development – generally, the only things which are effectively prohibited by a grant of planning permission are those things that are the subject of a condition, a breach of condition being an enforceable breach of planning control.'*
8. The occupation of the bungalow by a person not employed or last employed in agriculture or forestry would not constitute a material change of use. It seems clear that whoever drafted the planning permission thought the permission was for an agricultural workers' dwelling and the bungalow must be occupied by a person employed or last employed in agriculture. It matters not what the conventions may have been in 1966, limiting occupation is dependent on the effective wording of conditions. Circular 16/14 'The Use of Planning Conditions in Development Management' warns a condition which uses ambiguous terms will give applicants (and future occupants) little idea of what is expected of them.

9. The condition only refers to what is permitted and not in terms specifying what is not permitted. Further, the condition permits occupation of the bungalow beyond that included in the description of the permitted development; that being a person employed in forestry and persons no longer employed in agriculture or forestry, reinforcing the argument that the condition only sets out what is permissible rather than what is not. The condition does not restrict occupancy to agriculture or forestry workers.
10. In *Lambeth LBC v Sec of State for Communities and Local Government* [2019] 2 P&CR 18, Lord Carnwarth said:  
*‘whatever the legal character of the document in question, the starting-point— and usually the end-point—is to find ‘the natural and ordinary meaning’ of the words there used, viewed in their particular context (statutory or otherwise) and in the light of common sense.’*
11. Dictionary definitions of ‘understanding’ in this context refer to informal, unwritten agreements, not legally binding requirements or limitations. An understanding that the dwelling be occupied by a person employed or last employed in agriculture is not a prohibition against occupation by someone not employed in agriculture or forestry. Nor, as worded, does the condition place a continuing obligation or limitation on any subsequent occupier. I consider a reasonable, informed reader would take the view the bungalow intended to house an agricultural worker. But, for the reasons given above, I do not consider that same reader would take the view that first or subsequent occupation was limited to an agricultural worker.

### **Conclusion**

12. For the reasons given above I conclude, on the evidence now available, that the Council’s refusal to grant a certificate of lawful use or development in respect of the occupation of Grove View by a non agricultural/forestry worker was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is considered to be lawful.

*A Thickett*

Inspector



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## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191

(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(WALES) ORDER 2012: ARTICLE 28

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**IT IS HEREBY CERTIFIED** that on 25 March 2021 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

- 1) The occupation of the building by a non agricultural/forestry worker is not prohibited by Condition 1 of planning permission reference 2333 granted 20 September 1966.

Signed:

*A Thickett*

Inspector

Date: XXXX

Reference: CAS-01782-V5X9G7

**First Schedule:** Occupation of the building by a non agricultural/forestry worker.

**Second Schedule:** Grove View, Bully Hole Road, Shirenewton, Monmouthshire, NP16 6SA

### NOTES

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use/ operations described in the First Schedule taking place on the land specified in the Second Schedule was/ were lawful, on the certified date and, thus, was/ were not liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the use/ operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/ operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the Local Planning Authority.

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## Plan

This is the plan referred to in the Lawful Development Certificate dated: XXXX

**By:** Mr A Thickett BA (Hons) BTP Dip RSA MRTPI

**Land at:** Grove View, Bully Hole Road, Shirenewton, Monmouthshire, NP16 6SA

**Reference:** CAS-01782-V5X9G7

*Not to Scale:*

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Site Plan shows area bounded by: 345920.42, 195822.24 346061.84, 195963.66 (at a scale of 1:1250), OSGridRef: ST45999589. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Local Ref	Appeal Site Address	Development	Reason for Appeal	Appeal Type	Date Lodged
DM/2022/00124	17 Grove Gardens Caldicot Monmouthshire NP26 4GY	Erect fence.	Appeal against Refusal	Fast Track Appeal (WR)	03.10.2022
DM/2021/01628	New House Farm Llangybi Usk	Installation of two rooflights to rear elevation at second floor level (loft space), two rooflights to a mid-century extension, and the replacement of an existing rooflight.	Appeal against Refusal	Written Representations	24.10.2022
DM/2019/00800	Homestead Wainfield Lane Gwehelog Usk Monmouthshire NP15 1RG	Demolition of Existing Bungalow and Outbuildings and replacement with 2no. detached two storey dwelling houses with altered driveway access from highway.	Appeal against Refusal	Written Representations	01.11.2022
DM/2021/01735	60 Old Barn Way Abergavenny Monmouthshire NP7 6EA	Retention of existing garage	Appeal against Refusal	Fast Track Appeal (WR)	14.11.2022
DM/2022/00696	Arosfa Road From Dovecote Barn To A48 Llanfair Discoed Monmouthshire NP16 6LY	Proposed single storey front extension.	Appeal against Refusal	Fast Track Appeal (WR)	15.11.2022
DM/2021/01801	Brookside Shed Llancayo Road	Replacement of existing storage	Appeal against Refusal	Appeal against Refusal	22.11.2022

New Appeals 01.06.2021 to 22.09.201

	Gwehelog Monmouthshire	buildings with an exemplar Eco single dwelling			
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