

Application Number: DM/2019/00800

Proposal: Demolition of existing bungalow and outbuildings and replacement with 2no. detached two storey dwelling houses with altered driveway access from highway

Address: Homestead, Wainfield Lane, Gwehelog, Usk

Applicant: Mr. & Mrs. Newman

Plans: Site Plan 1416[BD]01 - REV E, All Proposed Plans 1416[BD]02 PLOT 1 - REV B, All Proposed Plans 1416[BD]03 PLOT 2 - REV B, Location Plan - , Homestead Site Survey as Existing – Rev A Jan 21. Homestead Foul Drainage Layout Plan Rev B Dec 2020.

RECOMMENDATION: APPROVE SUBJECT TO S106 AGREEMENT

Case Officer: Ms. Kate Bingham

Date Valid: 24.05.2019

- 1.1 This application was presented to Planning Committee on 3rd March 2020 with a recommendation for approval. At this meeting it was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that the application be approved subject to the six conditions as outlined in the report and subject to a Section 106 legal agreement. Also, that an additional condition be added to approve the details of foul drainage including the removal of the existing arrangement. It was subsequently considered that the drainage details should be made available prior to approval to allow scrutiny from the Sustainable Drainage Approving Body (SAB), NRW, local residents, the Community Council and Local Member.
- 1.2 The surface water drainage will consist of treatment plant discharge beneath the permeable paved area via a dispersal unit. The plans show a separate packaged treatment plant for each dwelling. The applicant's drainage consultant has confirmed that based on the number of bedrooms, 1.05m³ per plot a day is the discharge rate from the treatment plant. A copy of the infiltration test results for the site have also been provided. The treatment plant for each dwelling will be a Klargester Biotec. Biotec-1, six person population.
- 1.3 Further neighbour notification comments:
 - The bulk of the soakaways are under the drives in areas where no infiltration tests have been conducted, this is contrary to best practice as outlined in building regulations. From the infiltration tests conducted it is clear that the infiltration rate varies greatly (e.g. soakaway is not viable at test pit 3) and so tests should be conducted in areas where the soakaways are proposed to be. Most of the soakaways are adjacent to or over the area where the current dwelling is located.
 - The footings, if they remain, seem likely to have a significant negative influence on infiltration.
 - There is no indication as to what is to happen with the footings of the existing bungalow (are they to be removed?).
 - The infiltration only seems to be at a viable level adjacent the lane. I suspect this is because the water is draining into the substrate of the lane - could this affect the integrity of the lane over time?
 - Building regulations state that soakaways should not be located close to roads but the proposed soakaway is close to the lane.
 - Adjacent properties on the opposite side of the lane are set lower than the site and during periods of rainfall have springs which well-up. I am concerned that if soakaways are to be toward the front of the proposed properties (as opposed to the rear of the plot) that they will simply serve to feed these springs and cause problems (possibly flooding) at properties on the opposite side of the lane. There has recently been an incident of flooding in one of the more recently built properties suggesting that directing the storm water from the newly built properties towards the front (as opposed to the rear of the properties) is likely to have a

significant negative impact on other properties. BRE Digest 365 states that care must be taken so that the introduction of large volumes of surface run-off into the soil does not disrupt the existing sub-surface drainage.

- The July 2020 Drainage Layout Plan still numbered D001 is titled "DRAFT Indicative Surface Water Drainage Layout". As you'll be aware, documents entitled 'draft' and 'indicative' have no force in planning implementation terms, so when will you be re-consulting once you have received the actual substantive drainage proposals, for foul as well as surface water? On this subject, the Infiltration Test report refers to Trial Pits 1, 2 and 3, but not Trial Pit 6 which is now at the heart of the new 'draft' layout proposals; when will the infiltration Test Report be amended to deal with Trial test Pit 6?
- If the July 2020 drainage Layout Plan does become the substantive foul and surface water drainage proposal, then it demonstrably fails to comply with NRW GPP4 and Building Regulations H2 which is why we have copied this email to Alice Jewer of NRW and Matt Jeffes of MCC, Senior Engineer (Flood Risk). To evidence that such concerns are not a NIMBY reaction to the current Homestead proposal for two new dwellings, we've attached the minutes of the Gwehelog Community Council public meeting of 21st November 2012 with representatives of MCC Planning, Environmental Health, the Environment Agency and Welsh Water, and which also involved correspondence with David TC Davies MP who wrote to state that residents are concerned about "the land treated domestic sewage is travelling over".
- Previously objected to the emerging drainage proposals, and these objections still stand despite the July 2020 draft amendments.
- We note the claim that the new arrangements comply with Building Regulations, British Standards etc. Unfortunately they clearly don't: Part H of the Building Regulations state at H2 1.27: "A drainage field ...should be sited (c) at least 15m from any building" whereas the system to serve Plot 2 is within 8m of the dwellings on Plots 1 and 2, compounded by the fact that it is above the properties so that pumping will be necessary, and half of its area is in the next door garden.
- The two Treatment Works are both located too close to the dwellings, (c7m as opposed to the 10m minimum required by H2 1.54) and that serving Plot 2 is inaccessible to tankers for maintenance or de-sludging.
- The Percolation test pits are questionable, pit 1 for example falls outside of the proposed drainage area, and at 300mm depth was too shallow to comply with requirements; as Sarah Lund pointed out in NRW's letter of 5.8.20, the BS is that the pit should be at least 300m below the proposed level of the pipe, and the SUDS CIRIA guidance at B1 refers to at least 500mm depth. If Pit 1 is excluded from the calculation as it should be, the required drainage area becomes 77m², which won't fit into the small garden area. The inadequacy of the garden areas is compounded by the guidance that drainage areas should be away from boundaries, tree root systems, highways etc.
- The Foul Drainage Layout Plan says: "Refer to SuDS sustainable drainage scheme drawing for full details of surface water drainage." Without that drawing being available, the new Foul Drainage proposals are even more meaningless. We look forward to the Surface Water details being published and formal re-consultation, but trust that the overall scheme will be reduced to the single plot that would comply with the LDP Infill Policy. If it isn't reduced, we expect the proposal be advertised as a Departure from the Development Plan.
- The required 2m distance between the Site Boundary and outer edge of the Drainage Area this has been achieved by falsifying the Site Boundary which has been 'moved' at least 1m northwards and 1.5m eastwards.
- The new drawing (drainage overlay) is completely at variance with all of the previous submissions.
- We accept that Ty Gwyn Farm has erected an anti-dog wire fence with shuttering on their side of the hedge, but this should not in any way be seen as the ownership boundary which runs along the centre of the hedge. As local residents, we'll be only too pleased for MCC Planning Officers to visit the site (with adequate warning and social distancing please) to appreciate the physical realities in contrast to the latest Buckle/Chamberlain drawing which is at complete variance from their previous submissions.

1.4 The Council's SAB officer has reviewed the proposed drainage and has stated that it is acceptable in principle subject to allowing for a chamber above the foul soakaways for inspection/clearing should this ever be required. The application will require separate SAB

approval which has been applied for. Furthermore, MCC Building Control Inspectors have also indicated that the drainage proposals will meet the requirements of the Building Regulations and comments as follows:

- Package treatment plant to be at least 7m from the building.
- Drainage field to be at least 10m from the building.
- The drainage layout proposals appear satisfactory on the attached plans with regards to the layout.

1.5 NRW have also reviewed further details submitted and have commented as follows:

We understand the development is not served by the public foul sewer and that foul drainage is to be discharged to a private sewerage system (two individual package treatment plants serving each dwelling).

Our previous response to this consultation on 25/11/20 (our reference CAS-131021-T0M8) advised we have concerns with the suitability of the ground for the proposed sewage soakaways. We requested 1) revised percolation tests compliant with the British Standards and 2) a revised foul drainage layout which provides sufficient soakaway areas.

Percolation Test Results

We have reviewed the revised Percolation Test Results prepared by Ridgeway Contractors Ltd., dated 01.12.20, which show the ground is suitable for soakaways at these locations. Therefore, our concerns regarding point 1 have been satisfactorily addressed.

Soakaway Areas

Regarding point 2, we previously advised that there may not be sufficient space for adequate soakaways because British Standards states that the siting of a soakaway must not be within 2 metres of the site boundary.

The revised Foul Drainage Layout Plan, revision B, prepared by Ridgeway Contractors Ltd., dated 3.12.2020, shows the drainage fields are two metres from the redline site boundary. You may wish to check that the scale plan has accurate dimensions.

1.6 The only point of concern raised by NRW is the foul drainage field of Plot 2 uses part of Plot 1's rear garden. The gardens for these plots are large with open space at the rear and front of both Plots 1 & 2. As a result, the applicant has altered the rear boundary between the Plots so that the outfall drainage field is completely within Plot 2.

1.7 Rather than applying a condition requiring a drainage scheme to be submitted to and agreed in writing prior to the commencement of development, the following condition requiring the development to be implemented in accordance with the drainage scheme presented is suggested:

The proposed development shall be implemented in accordance with the agreed scheme of foul drainage and surface water drainage. The scheme shall be completed before the building(s) is/are first occupied.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy EP5.

1.8 In relation to comments received from local residents regarding the site boundary, the applicant has confirmed that the site boundaries shown on the plans submitted are accurate. There are existing mature hedgerows at the edges of the site which are over 2.5m wide. For the avoidance of doubt and clarification a drainage plan with an overlay showing the updated version of Usk Land Survey showing the full hedge width has also been submitted. The Usk Land Survey topographic site survey is an accurate survey of actual physical site boundaries whereas the topographic site survey originally submitted only showed the face of the hedge around the site. As such it is considered that the site areas are adequate to accommodate the

drainage proposals.

1.9 With regard to comments regarding the position of the foul treatment plant, this complies with current Building Regulations Part H. Building Regulations require the treatment plant to be 7m from the house not 10m, the package treatment plant to be at least 7m from the building and the treatment plant drainage field to be at least 10m from the building. This has been achieved and is shown on the latest plans and has been confirmed by the Council's Building Control Officer as being acceptable.

1.10 The previous report is represented below.

Report to Planning Committee of 3rd March 2020:

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Plans: Site Plan 1416[BD]01 - REV D, All Proposed Plans 1416[BD]02 PLOT 1 - REV B, All Proposed Plans 1416[BD]03 PLOT 2 - REV B, Location Plan - , Topographical Survey

RECOMMENDATION: APPROVED SUBJECT TO S106 AGREEMENT

Case Officer: Ms. Kate Bingham Date Valid: 24.05.2019

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

1.0 APPLICATION DETAILS

1.1 The site comprises a garden area around the existing bungalow that is predominantly lawn, a limited amount of overgrown shrub borders and some individual shrubs within the garden to the rear of the bungalow. The majority of the existing vegetation is restricted to the boundaries of the site. Extending from the south to east a concrete block wall forms the boundary between the site and the neighbouring property of Ty Cwtch. The concrete block wall is some 1.8m high.

1.2 At the request of planning officers, the proposed development has been amended since it was first submitted. The revision was from two dwellings arranged as one to the front of the plot and one to the rear, to two smaller dwellings sited to the rear of the plot in a line next to each other. This was to ensure that the proposed development accorded with LDP Policy H3 relating to infill dwellings in minor villages.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2007/01071	New house & detached garage (revised scheme following permission DC/2006/00303).	Approved	07.12.2007

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

H3 LDP Residential Development in Minor Villages
LC5 LDP Protection and Enhancement of Landscape Character DES1
LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection NE1
LDP Nature Conservation and Development SD4
LDP Sustainable Drainage

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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 as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Gwehelog Community Council - Objects:

1. The proposed development is an additional development on the lane and not infill. It will make this the third division of a single plot. The plot is only big enough for one house in a rural, countryside setting.
2. Allowing the application will set a precedent for extended development outside the current LDP.
3. Foul drainage remains a significant issue. The potential amount of waste on a small plot will not be managed by a soakaway. The soil in this area will not tolerate the amount of waste that will be produced.
4. The positioning of the plot will not be acceptable - any development should remain on the existing plot or move back, keeping the roof line the same as the other houses on the lane.
5. The proposed development will have a significant impact on traffic along the lane and driveways appear to be directly opposite other properties.

Natural Resources Wales (NRW) - We have no objection to the application as submitted but request that an informative is attached to any planning permission granted advising that a bat licence is required for the works.

MCC Urban Design/ Landscape Officer- The increase in garden to the frontage is welcomed and could provide an opportunity for a suitable landscape scheme based on the concept planting schedule 1416[BD]06 August 2019 and species selection to reduce the impact of the proposed development (dwellings and garage to plot 2) on the village form and character as seen from Wainfield Lane.

Plan 1416[BD]01D indicates the retention of trees to the northern boundary which is welcomed. The retention of boundary hedges are also welcomed. Further tree and planting to eastern, southern and western boundaries to reduce the impact of the northerly property plot 1 ridgeline would be welcomed as viewed from the approach to the village via Wainfield Lane and as viewed from Bank Road and Llancayo Road (this has now been added to the proposal).

MCC Highways - No objection to access and parking arrangement. Concern of adverse impact on highway safety should this application set a precedent for further plot divisions. Recommend condition requiring the provision of the new access prior to development commencing and a Construction Traffic Management Plan.

MCC SAB - the proposed scheme 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.

NATS Safeguarding - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

SEWBRc Search Results - No significant ecological record identified. 5.2

Neighbour Notification

Nine representations received. Object on the following grounds:

The proposal extends the furthestmost line of building beyond the bungalow to be demolished and as such does not constitute true infill.

The two dwellings together are too big for the plot, too close together and out of character with other properties in the lane.

The development would add additional traffic on the lane which has no passing places at the bottom end and an access on to the main road which is potentially dangerous.

Any foul drainage system for the proposed housing development would need to cope with the impact of the full potential occupancy of the 2 x 4 bed roomed houses - which given the number and size of the bedrooms would be at least 16 persons (i.e. 8 persons per property) - and not just the average sized families that would in reality probably reside there. Therefore, it would be interesting to know the applicant's plans for foul drainage given the very limited space that is available on the plot to install the necessary plant and soakaways etc., and, given the well documented history of drainage issues in the area.

It is disappointing to note that despite meeting with MCC Planning on two occasions the Agent/Applicant has once again submitted an application that is contrary to Supplementary Planning Policies H3 and H5 regarding infill and replacement dwellings respectively.

The scale and massing of the application is in line with a housing estate not a country village. It is not 'in-fill'. The two proposed dwellings are not in the 'building line' and do not 'in-fill' between any properties, therefore in conflict with Policy H3 of the Supplementary Planning Guidance.

It is not a replacement dwelling. The proposed two properties are not on the original bungalow footprint so therefore in breach of Policy H5 of the Supplementary Planning Guidance. The proposal is clearly overdevelopment.

There are no other three storey properties on the lane. This would set a new precedent for further development.

The drawings are misleading. No adjacent properties are shown on the drawings. There is no demonstration of how the proposal relates to existing properties, especially in terms of building line and the proposed heights. Please note, in other recent planning applications along Wainfield Lane, 'Ty Cwtch' has been stated as NOT setting a planning precedent for ridge height in planning

applications by MCC. These recent applications also have permitted development with restrictions on ridge heights and increased distances from adjacent boundaries to minimise the visual impact. (Street elevations now submitted with the application).

Pipistrelle bats are roosting at the property. The removal of hedgerow, as proposed in the creation of the new driveway would damage the bats 'route to roost', limiting food source and causing them disorientation for their established routes to feed and roost. This has not been looked at or taken into consideration.

The positioning of the proposed new driveway, the third one for the 'Homestead' plot in less than three years. Usually in a village, driveways are staggered. The relationship to other drives is not shown on the drawings, but it looks as though the new proposal would be directly opposite Meadowside's drive.

The planning precedent this application would set. Allowing this proposal would allow neighbouring garden/land owners to build similar schemes which would cause significant harm to the identity of our small country village. The plans submitted are still not to scale and are therefore misleading.

The revised plans still do not address my major concerns and objections. I had hoped that any new application submitted would have been for one home and not a two house development. Sadly this second attempt to once again gain planning permission for two houses being constructed on this small plot is still overcrowding of the site and is clearly for profit without consideration for the local plan or aesthetics of the area.

The development is 270% bigger than the existing bungalow, and would dominate the horizon being at the highest point of Wainfield Lane, which again is not in keeping with the local plan.

Believe the development will impact Meadowside both on loss of privacy and local amenity.

Both dwelling houses are considerably higher and each has three storeys, whereas the existing property is a bungalow.

The proposed dwellings are located close to the highest point on Wainfield Lane (and at what is in fact the highest developed part of the east side of the lane, which is higher than the west side) and as such would have a significant negative visual impact from the lane and the surrounding countryside.

Contrary to LDP Policy H6 relating to replacement dwellings in the open countryside.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

Gwehelog is classed as a minor village suitable for infill residential development under Policy H3 of the Local Development Plan (LDP). This policy states that:

In Minor Villages planning permission will be granted for minor infill of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings, or residential redevelopment, or conversion to residential or sub-division of large dwellings, subject to detailed planning considerations, including no unacceptable adverse impact on village form and character and surrounding landscape, and other policies of the LDP that seek to protect existing retail, employment and community uses.

In this case replacement of the existing bungalow with plot 1 is acceptable under LDP policy without the requirement to meet the criteria of Policy H6 as this relates to replacement dwellings in the open countryside which this site is not. Once Plot 1 is constructed the area between Ty Cwtch and the replacement dwelling then becomes suitable for infill development under Policy H3 as it would constitute the filling of a small gap between two existing dwellings. On this basis it is considered to be counter-intuitive to require the construction of plot 1 prior to plot 2 as this would lead to unnecessary additional noise and disturbance for neighbouring occupiers during construction. On this basis it is considered that the proposed application would be acceptable in principle.

It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is £8,491 which will be secured by a Section 106 legal agreement.

6.1.2 Good Design/ Place making

The existing bungalow is relatively modern and is not a traditional dwelling that is intrinsic to the

landscape character of the area. As such its demolition will not harm the appearance of the area.

The proposed replacement dwellings will be traditional two storey houses with natural or man-made riven edged slate roofs, fine texture render and natural cedar/larch clad walls and aluminium or uPVC windows with traditional glazing bar arrangements.

There is a mix of house types on Wainfield Lane with post war detached houses and bungalows and more modern infills. The proposed new houses are considered to be in keeping with the vernacular of the area and the other dwellings within the vicinity of the site.

The proposed layout will see a single central access point leading to a detached garage to the front of Plot 2 and then onto Plot 1. The shape of the plot differs from others along the lane as the boundary is straight along the southern edge but is more like a dog-leg to the north which allows more area to accommodate the two buildings. The two dwellings will follow the building line established by the neighbouring dwelling Ty Cwtch. Street elevations submitted with the application show that the ridge height of the proposed new dwellings will be similar to Ty Cwtch with Plot 2 which is immediately adjacent having the same ridge height and Plot 1 slightly higher. The properties have accommodation in the roof space in the form of a bedroom but are not overtly three storey.

On balance, it is considered that the proposed layout will not appear at odds with the general ribbon pattern of development in the area and will not therefore adversely affect the street scene or character and appearance of the wider area. The proposed development is therefore considered accord with LDP Policy DES1.

6.1.3 Impact on Amenity/ Promoting Healthier Places

There are likely to be views southeast from Plot 2 towards the rear garden area of the property of Ty Cwtch however these views will be limited to a 45 degree angle. There will be no windows on the side elevation of Plot 2 facing this neighbour. A substantial laurel hedge within the Ty Cwtch garden together with the concrete block boundary wall would screen all views from the ground floor of this neighbouring property and vice versa.

Distances between the existing dwelling on the other side of Wainfield Lane and the proposed new dwellings are well over 21 metres and views between will be distant only. The proposed dwellings are set back from the front boundary at distance of over 22m (72ft).

On the basis of the above, it is considered that the proposed new dwellings will not adversely affect local residential amenity and meet the requirements of LDP Policy EP1.

6.2 Active and Social Places

6.2.1 Access / Highway Safety

With regard to highway safety it should be noted that there is only a net increase of one dwelling and it is considered by the Highway Authority that traffic flow on Wainfield Lane will not be adversely affected and would in isolation, not be sufficient reason to sustain a highway objection. However, Highways are concerned that should further plot divisions be allowed as a result of this application then there could be the potential to cause strain on the public highway in terms of traffic flow etc., along the single lane Wainfield Lane. Any additional proposals for sub-division will be the subject of a planning application which can be assessed on its own merits having regard to the cumulative impact of additional traffic.

Parking spaces are provided on the site and this arrangement would avoid cars parking in Wainfield Lane. A turning area is also provided within the site meaning that cars can enter and leave in a forward direction. As such the proposed development meets the requirements of the MCC Parking Standards.

The proposed relocated position of the proposed access provides greater separation between the proposed dwelling on Plot 1 and the boundary with Ty Cwtch and also provides improved visibility. Thus it is considered that the proposed development will not harm highway safety in accordance with LDP Policy MV1.

6.3 Productive and Enterprising Places

6.3.1 Landscape/ Visual Impact

The village form along Wainfield Lane from the junction of the Monmouth Road to the crossroads junction with Bank Road is in general a ribbon settlement consisting of predominantly individual houses of mixed size, architectural form and age set within their own grounds and driveways leading onto a tree and hedge-lined Wainfield lane.

The settlement of Gwehelog is quite dispersed overall, set within the context of the historic landscape of Gwehelog and Trostrey commons as defined by LANDMAP and in the visual and sensory landscape setting of Gwehelog characterised by wooded hillside and scarp slopes. Both evaluated through LANDMAP as being of High value.

The existing mature boundary hedge screens the view of the new dwellings from the road and all existing boundary hedges and trees are to be retained including the translocation of the hedge to infill the existing site access. Additional planting using native species is also proposed and its implementation and maintenance can be ensured by planning condition.

The frontage of the site along the lane is 34.5m wide and the plot measures over 52m deep front to back. The site area is just under a third of an acre (1,270 sq. m) which is considered to be adequate to accommodate two dwellings and still provide on-site parking, turning areas and large gardens and soft landscaped space. The landscape proposals also seek to contain the two buildings within hedgerow perimeters to emulate the landscape character along Wainfield Lane.

The size and shape of the site allows for an enhanced lane frontage, appropriate to the village form. The site is considered to be of sufficient width to accommodate two dwellings without causing a significant visual impact and no physical impact to the existing vegetation or site context. The density of the residential ribbon development, alongside Wainfield Lane, varies considerably and the density of the proposal is no more than found at Woodgate House, Hafan Dawel, Tan-y-Deri and Ty Derwen.

Taking this into consideration and the fact that National Planning Policy encourages the best and most efficient use of residential land then it is concluded that the proposed development is acceptable in terms of landscape impact.

6.3.2 Biodiversity

Daytime inspection survey (internal and external), with two dusk emergence/activity observations were conducted on the bungalow in August and September 2018. Internal inspection found no live bats, or evidence of bats, but external survey found evidence with fresh bat droppings noted on the exterior wall at the south-eastern end of the bungalow. During the summer observations, a consistently low number of common pipistrelle bats were seen to emerge from the bungalow with the same pattern of behaviour during the two surveys: a single bat emerged at the north-west gable apex area and four bats at south-east gable, low, towards the front (west) slope. Only common pipistrelle bats emerged and no other species was recorded in the observation zone during survey.

When the nature conservation significance of the site is considered against recognised criteria, the nature conservation status of the site is assessed to be medium, due to the presence of what is likely to be a small maternity roost for a low number of common pipistrelle bats. The scale of the impact of the development will affect current roost locations, with a low risk of detrimental impacts to the conservation status at a local level, on the basis that the colony at this site is a small number of animals of a common and widespread species.

As bats are fully protected in British legislation, as well as their places of rest, for the development to proceed, the owner will, in addition to planning consent, need to obtain a European Protected Species licence from Natural Resources Wales prior to commencing any works for demolition of the bungalow, because such works will affect the current bat roost. A scheme of mitigation is proposed and can be conditioned so that the site continues to provide roost opportunities for the protected species currently present.

In consideration of this application, Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) 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 have been considered in consultation with NRW and the Council Biodiversity and Ecology Officers as follows:

(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.*

The replacement of the existing bungalow will provide additional housing for the local area as well as a financial contribution toward affordable housing. The development would add considerably to the economic value of the land. This would give rise, albeit indirectly, to some local social and economic benefit by further enhancing the fabric of the surrounding area.

(ii) *There is no satisfactory alternative*

The 'do nothing' scenario has been considered and rejected as it leaves the applicant with an unsuitable property, the condition of which could steadily worsen. This approach would eventually give rise to dereliction, with loss of bat roosting habitats. The application is necessarily site specific.

(iii) *The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*

Based on the bat report submitted with the application, NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. This is provided the report is included in the 'approved list of plans / documents' condition within the decision notice, should consent for the project be granted.

6.3.3 Water (including foul drainage / SuDS), Air, Soundscape & Light

The proposed development must comply with Welsh Government Legislation regarding sustainable drainage which strictly controls surface water run-off. To achieve compliance with Sustainable Drainage legislation the new dwellings will have rainwater harvesting systems to collect and store rainwater and make use of it to flush toilets and supply washing machines, as well as water gardens. There will be little if any water discharging to the ground and to soakaway. The driveway will be of a permeable surface to avoid run-off. The development will not be allowed to commence unless it can be demonstrated that the proposed drainage meets the requirements of the SuDS legislation.

6.4 Response to the Representations of Third Parties and the Community Council

6.4.1 The issues raised by third parties in relation to compliance with LDP Policies, residential amenity, drainage, bats and highway safety is covered earlier in this report.

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

6.5.1 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.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following: S106

Heads of Terms

Financial contribution towards the provision of affordable housing in the local area of £8,491 ((£120 x 122m²) x 58%).

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

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

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

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

3 No development hereby approved other than that associated with the proposed accesses shall commence until the access has been constructed in accordance with the approved plans.

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

4 Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include traffic management measures, hours of work, measures to control dust, noise and construction related nuisances and measures required to protect adjoining users from the construction works. The development shall be carried out in accordance with the approved CTMP.

REASON: To ensure the development is carried out in a safe and considerate manner in accordance with LDP Policies MV1 and EP1.

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

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

6 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.

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

INFORMATIVES

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

0 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to

locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

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

