

Application Number: DM/2024/01281

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

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

Applicant: Dr R Handley

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

RECOMMENDATION: Approve subject to a s106 agreement

Case Officer: David Wong
Date Valid: 14.10.2024

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

1.0 APPLICATION DETAILS

1.1 Site Description

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

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

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

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

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

2.0 RELEVANT PLANNING HISTORY

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

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

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

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Guidance July 2019

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

Monmouthshire Parking Standards (January 2013)

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

4.0 NATIONAL PLANNING POLICY Future

Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 12

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.2 Neighbour Notification

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

Principle

The proposed infill development is inappropriate.

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

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

Design

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

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

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

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

The proposal will destroy the character of the village.

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

Biodiversity/Ecology

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

A scheme of biodiversity net gain enhancement is required.

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

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

Drainage

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

A proper surface water scheme is required.

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

Highways

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

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

Neighbour Amenity

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

Loss of light and privacy to Llyswen and Charles Close properties

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

5.4 Local Member Representations

None received.

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

6.1 EVALUATION

6.2 Principle of Development

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

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

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

6.2 Good Design

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

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

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

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

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

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

6.3 Biodiversity/Phosphate

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

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

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

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

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

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

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

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

6.4 Impact on Amenity

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

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

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

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

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

6.5 Highways

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

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

6.6 Surface Water Drainage/SuDS

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

6.7 Affordable Housing

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

6.8 Response to the Representations of Third Parties and Town Council

6.8.1 In respect of the neighbour objections:

Principle

The proposed infill development is inappropriate in this location.

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

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

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

Design

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

Biodiversity/Ecology

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

Drainage/ Highways

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

Neighbour Amenity

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

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

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

6.10 Conclusion

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

7.0 RECOMMENDATION: APPROVE subject to a s106 agreement

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

Conditions:

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

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

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

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

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

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

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

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

5 Construction Ecological Management Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVES

1 Dwr Cymru – Welsh Water

Advice

SURFACE WATER

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

SEWERAGE

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

ASSET PROTECTION

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

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

Condition

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

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

Advisory Notes

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

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

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

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

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

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

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

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

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

Please quote our reference number in all communications and correspondence.

2 MCC Highways - NOTES TO APPLICANT

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

3 NRW Advice:

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

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4 MCC Landscape/GI Informative:

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

1981 (as amended).

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

Planning Policy Wales - Net Benefit for Biodiversity

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