

**Application Number:** DM/2018/01496

**Proposal:** Demolition of existing bungalow and erection of 2no. two-storey dwelling houses with associated works.

**Address:** The Slades, Tump Lane, Undy

**Applicant:** The Executors of Ms. D Payne

**RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Young  
Date Valid: 20.09.2018

**1.0 APPLICATION DETAILS**

1.1 This is an outline application with all matters reserved for the demolition of the existing bungalow and the erection of 2 no. two-storey detached dwellings in the grounds of The Slades. There is an existing vehicular access into the plot off Tump Lane. As an outline application there is an indicative site plan showing the footprint of the dwellings and car parking provision for each dwelling. The site area measures 0.08 hectare.

1.2 The site is located within the Magor and Undy Development Boundary and adjacent to an Area of Amenity Importance.

**2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/01496	Demolition of existing bungalow and erection of 2no. two storey dwelling houses with associated works.	Pending Determination	

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

**Strategic Policies**

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

**Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
SD4 LDP Sustainable Drainage  
NE1 LDP Nature Conservation and Development

EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
DES2 LDP Areas of Amenity Importance

## 4.0 REPRESENTATIONS

### 4.1 Consultation Replies

**Magor with Undy Community Council** - response not yet received.

**MCC Housing** - 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 £13,230

**MCC Ecology** - Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision.

#### Ecological Considerations

The following ecological assessments have been undertaken to inform the proposals

Building Inspection in Respect of Bats: - The Slades, Tump Lane, Undy dated August 2018

#### Bats

A building inspection, (internal and external), was carried out by a suitably qualified bat ecologist to inform the application.

The assessment found the building to be of negligible - low potential with a limited number of potential access points. Further to discussion with the ecologist on the nature of these access points and their inspection of them it is accepted that the works can proceed under supervision by a suitably licenced and experienced ecologist.

Mitigation for the loss of potential access points for bats will need to be provided by the new development and appropriately worded conditions are provided below.

Given the site location and the likely importance for commuting/foraging bats, lighting will be a consideration in the new development and should be controlled by the below condition.

#### Site Clearance

It was noted from the submitted documents and first revision ecology report that there was potential for breeding birds and reptiles to be utilising the overgrown garden and boundary hedges. The hedge will be breached to provide access and the garden cleared as part of the demolition works, as such it was requested through consultation with the ecologist that a suitable method statement be put forward to ensure clearance works are undertaken in a sensitive manner. Outlines conditions.

**MCC Environmental Health** - I have no objections to the proposed development but given the proximity of nearby residential properties and the potential for noise disturbance from demolition and construction activities I would recommend that any granting of permission was subject to the follow condition:

1. Demolition and construction shall be limited to the following hours:  
0800hrs to 1800hrs Monday to Friday  
0800rs to 1300hrs Saturdays  
No work on Sundays or bank holidays

**Welsh Water** - No objection

The application proposes that surface water drain to soak away we are satisfied by this proposal but recommend conditions relating to foul and surface water drainage

#### 4.2 Neighbour Notification

Letters of objection received from 7 addresses.

No Passing places on Tump Lane

Construction traffic would block the lane

Danger to pedestrians walking to school

Poor access at the junction of Tump Lane with Vinegar Hill

Overlooking of neighbours' garden

Council refuse to manage or maintain Tump Lane

Noise and disturbance during construction

Out of keeping with the character of the area

Cramped form of development

Turning on the lane is difficult for construction traffic

Water pressure is low in the area

More traffic turning in neighbours driveways

Loss of existing bungalow that is needed for people to downsize

Six car parking spaces would cause chaos

The bungalow is not derelict, cosmetic work could bring it back to life.

Tump Lane is not a private road, public highway un-adopted and is poor condition, heavy haulage will only make this worse.

Will there be any weight limits accessing the site and where will they turn their vehicles?

This road is used by many pedestrians to access Undy Primary, more vehicles using this road could potentially cause greater risk.

Tump Lane adjoining Vinegar Hill - visibility is poor due to the wall built alongside last house on Tump Lane

What provisions are proposed for foul water drainage?

Will any hedgerow/ boundary fence line be place between proposed dwelling and 2 New Cottages?

The first proposed property will encroach on neighbours

### **5.0 EVALUATION**

#### 5.1 Principle of the proposed development

5.1.1 The site is located within the Magor with Undy Village Development Boundary within which both LDP policy S1 and H1 presume in favour of new residential development to detailed planning considerations. Magor with Undy is considered as one of the Severnside settlements for the purposes of policy S1. The plot is of adequate size to accommodate two residential dwellings with associated parking provision and amenity space. The existing bungalow at The Slades has no particular architectural merit and there is no justification for requiring its retention. The principle of new residential development in this location is therefore acceptable.

#### 5.2 Highway Safety

5.2.1 The site would have vehicular access from Tump Lane which is an unadopted highway that serves 13 other dwellings and also serves as a footpath leading to and from Undy Primary school. The present bungalow has no on site parking provision. The proposal will result in one additional dwelling being provided with the associated increase in traffic movements. Tump Lane is unmade adjacent to the site and is very narrow in places but the increase in traffic movements resulting from a net increase in one dwelling is not significant over and above the traffic already using the lane.

5.2.2 The adopted Monmouthshire Parking guidelines recommend one off-street parking space per bedroom up to a maximum of three. The indicative site plan submitted as part of the application indicates that three parking spaces per dwelling could be accommodated within the

site. This would be in accordance with the guidelines. The proposal would actually improve the parking provision in the area because at present there is no off street parking for the existing dwelling at The Slades.

Access and parking provision for construction traffic during the construction phase is a temporary consideration. A condition could be imposed requiring that the access is provided before work on the dwelling commences and also a construction traffic management plan will be required that would be able to control the time and positioning of deliveries.

### 5.3 Affordable Housing

5.3.1 Policy S4 of the LDP requires that all new housing development makes a contribution to affordable housing within the County. Single dwellings are required to make a financial contribution for this and the amount will depend on the size and location of the proposed dwelling. In this case there is a net increase of one dwelling, as the bungalow is to be replaced. The financial contribution required for a four bedroom dwelling of the size indicated would be £13,230 which will be secured through a section 106 Legal Agreement.

### 5.4 Design

5.4.1 This is an outline application with all matters reserved, so there are no details of design at this stage. It can be assumed that the proposal will result in 2no. two-storey dwellings on the footprint indicated on the indicative site plan. The maximum height of the dwellings would be 9.5 metres. The maximum footprint would be 14 metres by 8 metres. These only give an indication of the maximum size of the dwellings but are comparable with the size of other dwellings in the area. The land slopes down steeply from west to east so that the new houses of Dimpsie Dingle and Harvham House are set at a higher level. The detailed design of the proposed new dwellings would be considered as part of the reserved matters

### 5.5 Water Pressure

5.5.1 Welsh Water have commented on the application with regards to foul and surface water. They have not indicated that there is an issue with the water supply in the area.

### 5.6 Impact on the adjacent Area of Amenity Importance

5.6.1 There is an Area of Amenity Importance immediately to the north and east of the site. It is an area of open green space used for recreational purposes. Policy DES2 of the LDP restricts development on such areas in order to maintain their use as a venue for formal and informal sport, recreation and community space. The proposed plots are currently residential curtilage and there will be no encroachment onto the designated Area of Amenity Importance. The size of the curtilage does not alter because of this proposal and the objectives of Policy DES2 are not compromised.

### 5.7 Residential Amenity

5.7.1 To the north of the plot is Dimpsie Dingle, a recently constructed dwelling that is set at a higher level than the plot that is the subject of this application. There is a single storey shed on the common boundary and a lean to roof. There are no principal windows facing into the site. There is a low hedge along the common boundary. To the south of the site, on the opposite side of Tump Lane is Carreg Goch, a two-storey dwelling that faces into the lower part of the site. The principal front windows of Carreg Goch face towards the side garden to the proposed dwelling on the eastern part of the application site known as the 'Lower Slades' property. Given the proposed siting of this dwelling there would be no direct overlooking between the dwellings. There is a current outline application for a new dwelling to be erected in the rear garden of no 12 Elm Avenue. This, if approved, would have its side elevation facing towards the proposed dwelling on the western part of the current application site known as 'Upper Slades'. The two new dwellings would not have an adverse impact on the residential amenity of the occupier of the neighbouring properties, and there would be no overbearing impact and no unacceptable loss of privacy as a

result of this proposal. Therefore, the application accords with the objectives of policies DES1 and EP1 of the LDP.

## 5.8 Ecology

5.8.1 A report was submitted as part of the application in respect of bats, but this was not considered acceptable by MCC ecologists so an updated report was submitted. A building inspection was undertaken in July 2018 by Celtic Ecology and Conservation Ltd. The inspection did not identify any evidence of bats. A limited number of potential access points were observed which could allow bats to access the roof spaces. The report concluded that mitigation and a development licence would not be required but that mitigation for the loss of potential for bat roosting habitat could be included within the design of the development.

## 5.9 Response to the Representations of the Community Council

5.9.1 No response has been received at this stage.

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

5.10.1 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.

## **6.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### S106 Heads of Terms

A financial contribution of £13,230 towards Affordable Housing in the Area.

1 Approval of the details of the layout, scale and appearance of the building(s), the means of access and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.

REASON: The application is in outline only.

2 (a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

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

4 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 the existing residents and ensure no pollution of or to detriment to the environment

5 Prior to construction work starting on either of the new dwellings hereby approved, the vehicular access into the site shall be constructed in accordance with an approved scheme.

REASON: To ensure the access is constructed and to acceptable standards and is available for construction traffic

6 Prior to work commencing on site a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. All of the works shall be carried out in accordance with the approved construction management plan

REASON: In the interests of residential amenity.

7 The removal of the roof including fascias and bargeboards be undertaken by hand and under the supervision of a licenced bat ecologist as detailed in the bat report "Building Inspection in Respect of Bats: - The Slades, Tump Lane, Undy dated August 2018 (revised 13th November 2018) by Celtic Ecology"

Reason: To comply with the provisions of the Conservation of Habitats and Species Regulations 2010

8 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 unless the lighting is low level, (<2.4m), downward facing, PIR lighting. Used to illuminate the domestic areas only and avoiding semi-natural habitats present such as boundary hedgerows

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

9 Mitigation shall be provided in strict accordance with the measures described in Section 8 Mitigation of the submitted report "Building Inspection in Respect of Bats: - The Slades, Tump Lane, Undy dated August 2018 (revised 13th November 2018) by Celtic Ecology" and illustrated in Proposed Site Layout - ecological amendments drawing (Appendix B).

Reason: To safeguard species protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

10 Works shall be undertaken in strict accordance with the Site Clearance Method Statement provided in Appendix B of the submitted report "Building Inspection in Respect of Bats: - The Slades, Tump Lane, Undy dated August 2018 (revised 13th November 2018) by Celtic Ecology".

Reason: Safeguarding of protected and priority species during construction works LDP policy NE1 and the Natural Environment and Rural Communities Act 2006.

## **INFORMATIVES**

1 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 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).

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

3 Reptiles - Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.