

**Application Number:** DM/2018/01777

**Proposal:** Erection of detached dwelling house.

**Address:** Proposed New Dwelling Adjacent To 6 Caestory Avenue, Raglan

**Applicant:** Mrs Clare O'Keeffe

**Plans:** Floor Plans - Proposed P586A\_A\_100 - , Elevations - Proposed P586A\_A\_110 - , Elevations - Proposed P586A\_L\_210 - , Elevations - Proposed P586A\_L\_211 - , Site Plan P586A\_L\_002 - , Site Plan P586A\_L\_003 - , Other P586A\_L\_200 - , Other P586A\_L\_201 - , Other P586A\_L\_212 - , Location Plan P586A\_L\_001 - ,

## **RECOMMENDATION: APPROVED SUBJECT TO S106 AGREEMENT**

Case Officer: Ms Kate Bingham  
Date Valid: 25.10.2018

**This application is presented to Planning Committee due to the amount of objections, including the Community Council**

### **1.0 APPLICATION DETAILS**

1.1 This is a full application for a single dwelling in the rear garden of an existing semi-detached property in the village of Raglan which is designated within the Local Development Plan (LDP) as a Rural Secondary Settlement under Policy H1. Within such settlements the principle of new residential development is acceptable.

1.2 The application follows a refusal for a larger dwelling on the same site. However, that decision was successfully appealed and the development therefore now has consent.

1.3 This application proposes a smaller two-storey dwelling. The living accommodation proposed in the roof of the previously approved dwelling has been removed meaning that the ridge height of the main part of the building has been reduced to 7.6m from 8.3m. The only other major change is the proposed use of brick instead of painted render for the walls.

1.4 The site is not within a flood zone, conservation area or other designated area and is considered to be of sufficient size to accommodate a new dwelling and associated garden, parking and turning area.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2018/00096	Erection of new detached dwelling house	Refused	05.09.2018
			Allowed on appeal 07.02.19

### **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  
S16 LDP Transport  
S17 LDP Place Making and Design

## **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations

## **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.

## **5.0 REPRESENTATIONS**

### **5.1 Consultation Replies**

#### **Raglan Community Council - Objects.**

Again, following the last observation made relating to Planning Application No: DC/2018/00096, consideration should be given to Policy H3, development in minor village settlements including back land and infill development.

Again, this proposed Planning Application has been submitted without a Design & Access Statement.

It must be expressed that this development would have an unacceptable and adverse impact on the form and character of the surrounding location and landscape. It is noted that the proposed dwelling will have no living accommodation over the garage area apart from bedroom space. The bedroom space that was proposed in Planning Application DC/2018/00096 will no longer be in the roof space, but the proposed development would still have a detrimental effect on neighbouring properties due to its design, bulk, size, layout and scale that doesn't respect the character of the surroundings of any neighbouring properties. This proposed Planning Application is to construct the proposed dwelling from red brickwork, again from a street prospective the proposal is not in character with the existing dwellings on Caestory Avenue.

It is noted from this proposed application, the living accommodation over the garage area is now a bedroom and the Juliette balcony window has been replaced with a standard casement window. The proposed application has not and cannot address the loss of privacy and amenity of occupiers of neighbouring properties due to windows overlooking neighbouring properties (Drawing P586a A\_100).

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

The Planning Authority as a duty under the above Act to consider if Well-Being of Future Generations (Wales) Act 2015 can improve the economic, social, environmental and cultural well-being in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. It is felt that this proposed Planning Application is in

conflict with this Act, has it will have a detrimental effect on the neighbouring properties and people's lives.

#### Tree report:

The Arboricultural Impact Assessment has provided very little new information apart from the land owner has started to remove trees and other green foliage, before the planning application was submitted. The removal of the mature birch trees which are currently visible from neighbouring properties, will be a loss of a visual amenity as well as habitat. Therefore, this proposed development is in conflict with policy NE1, the development proposals that would have a significant adverse effect on neighbouring properties and a locality.

#### Surface Water:

Consideration should be given to the ground water and surface water from this proposed development. Welsh Water in their consultation has identified that surface water and ground water from this development should not be discharged into the existing drainage systems. It would appear the plans have not shown any secondary drainage indicating how the water will be discharged from the proposed soakaway catchment pit. This could have an adverse effect on neighbouring properties due to the existing ground conditions (Drawing P586). The same drawing doesn't show how the surface water is going to be managed from the other elevation of the proposed dwelling. Therefore, this proposed development does not follow policy and is in conflict with policy SD4 to reduce surface water run-off and minimise its contribution to flood risk elsewhere.

This location is subject and prone to water logging and the current land becomes water logged.

This water logging will only increase due to the amount of hard landscaping around this proposed development. There will be an increase in surface water and ground water from this development which will affect neighbouring properties which is in conflict with Policy EP5.

#### Foul Sewage Disposal:

Consideration should be given to this proposed development and policy EP5 - Foul Sewage Disposal. Welsh Water in their consultation have identified that a main sewerage line runs through the proposed site. The current Policy EP5 6.3.74 has identified some rural parts of the County and a number of rural villages in the county where the existing connections and sewage treatment plants are inadequate. There is a history of foul sewage with blockages and flooding in local gardens in both Caestory and Ethley Drive. Adding additional drains to the system will put more strain on the system. The Welsh Water (drawing 341109,207411) is indicating the existing line of the drainage system. It can only be assumed that any drainage connection will be into one of the inspection chambers on the south or south east side of the proposed development. Therefore, any connection required is outside the red line development, therefore substantial disruption may be required to connect to the existing systems. The site layout drawing indicates that the foul sewage connection will be outside the development. Therefore, there doesn't appear to have been any application to Welsh Water or Monmouthshire County Council to make this connection. Local knowledge has identified that there is a current issue with foul sewage disposal in this location. The proposed development does not follow policy EP5 and consideration must be given to the connection into the existing drainage system.

#### Access:

Concern must be expressed that access has been constructed following the refusal of Planning Application No: DC/2018/00096 without any agreement that is published on the Planning Authorities Planning portal. Again, consideration should be given to this proposed development policy MV1 the adopted highway design guide, where a vehicle should be able to drive into a parking space and leave the property in a forward motion. It has been identified that the increase in traffic movement has become an issue with pedestrians and vehicle safety crossing the footway and vehicles leaving this property and from the proposed back land development. The existing site location plan indicates that the existing garage was to be demolished to provide access. This has been done following the refusal notice on the land that was subject to Planning Application DC/2018/00096.

Whilst infill and back land developments may plug into existing infrastructure, they should be accessible in their own right. This should include consideration of all approach routes, parking

areas and entrances to buildings both from an occupant's and visitor perspective. It would appear from drawing P586 L\_003 there is insufficient room to park 6 vehicles and be able to drive in a forward direction, turn within the boundaries of the proposed dwelling and drive out in a forward gear. Therefore, this proposed development does not follow the Highway Authorities guidance for off street parking. Concern must also be expressed regarding parking outside 6 Caestory Avenue, and vehicles able to drive in a forward direction and turn within the boundaries of the existing dwelling and drive out in a forward gear. If the Planning Authority is minded to permit development the traffic movement in this location will increase and the potential of accidents occurring will increase.

#### Building Line:

This proposed development can be classed as back land development. Any Planning Application of this nature should integrate into the existing landscape features, where trees or landscape features form part of a back-land plot, the design should seek to retain these and integrate them into the new development. Any development proposals should be expected to follow the established building line where this is a strong characteristic of an area. In this case the proposed development is set back from the building line and will disrupt the quality of the street scene. This proposed development is in conflict with MCC LDP policy DES1 (criteria b, c, d, h, k, and l along with other policies.

The development should be of a form and scale which respects the local area. It is important to ensure that new development respects the scale and density of existing properties. In general the scale and massing of new housing in back land areas should not exceed that of the existing dwellings fronting the surrounding streets.

It would be expected in general the height, form and massing of the proposed development should be similar to that of those in the existing street frontage and surrounding dwellings. This proposal is more of a new type of a town house which can be found on new development sites. This proposed development does not help or ensure the proposed development meets the expectations of MCC LDP, and does not integrate into the existing environment nor does it take account of the character of the area.

Robust concern must be expressed with the increase in traffic movement since the dwelling known as 6 Caestory Avenue has been occupied, and since Planning Application DC/2018/00096 has been refused it is visible there is more on street parking. The community council has concerns over the increase in traffic movement in this location and the proposed access to the development. The access to this development is situated on an existing bend, increasing the danger to existing road users. The applicant should contact the Highway Authority relating to Section 184 of the Highways Act 1980 which must be acknowledged and satisfied, and permission pursuant to Section 184 of the Highways Act 1980 granted by MCC Highways, prior to the Planning Authority granting any consent or before commencement of access works.

Raglan Community Council's primary objection relates to the overbearing impact on neighbouring properties, and that it would be out of character with the area. The development will create a loss of privacy for the adjoining properties.

It can be considered the proposed application is in conflict with the following policies in Monmouthshire County Councils LDP that was adopted in February 2014:

Policy H3,  
Policy SD4  
Policy NE1,  
Policy EP5  
Policy MV1  
Policy DES1

The following issues of environmental concern have been identified with the above. If the Planning Authority are minded to grant consent for the proposed development, the community council would ask for the following conditions to be included in the decision notice:

1. Before the development commences, a scheme shall be submitted and agreed in writing by the Local Planning Authority in respect of the control of noise/dust emanating from the construction phases of the development. Such a mitigation scheme shall be implemented and maintained and shall not be altered without the written approval of the Local Planning Authority.
2. The applicant should contact the Highway Authority relating to Section 184 of the Highways Act 1980 which must be acknowledged and satisfied, and permission pursuant to Section 184 of the Highways Act 1980 granted by MCC Highways, prior to the Planning Authority granting any consent or before commencement of access works.
3. Dwr-Cymru / Welsh Water, consent should be sought in relation to any new connection to existing sewer, and confirmation the current system can cope with any increase in discharge.
4. It is recommended that the applicant obtains consent from Dwr-Cymru / Welsh Water for any connection to the public sewer under s106 of the Water industry Act 1991 before consent is granted by the Planning Authority.
5. All works and ancillary operations during the construction phases of the development shall be carried out only between the following hours:  
0800 - 1800 hrs  
Monday to Friday  
0800 - 1300 hrs  
Saturday  
At no time on Sundays and Bank Holidays.  
Deliveries to site and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.  
Reason: to protect the amenity of the locality especially people living nearby.

**Local Member** - No comments received.

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

The proposed development site is crossed by a 100mm public combined sewer, a 225mmn public surface water sewer as well as a public 150mm foul water only sewer close to South Eastern boundary of the site, please see the attached indicative public sewer record. No operational development is to take place within 3 metres either side of the centreline of the public combined sewer, foul water only sewer and surface water sewer. We request that prior to commencing any operational development the locations of these assets is determined, if it is likely that operational development will fall within the 3 metre protection zone either side of the centreline of the sewer please contact us before progressing any further operational works. The applicant may be able to progress with a public sewer diversion under Section 185 of the Water industry Act 1991 to ensure that development can progress without causing detriment to surrounding sewer assets.

From completing recent sewer surveys surrounding this development site we are aware that some of the sewers close to this development site are at a shallow depth and may require protection prior to commencing any operational development, we request the applicant contacts us prior to commencing operational development to discuss this.

From reviewing the applicant's submission package they have indicated that surface water will be disposed of to an on-site soakaway, we are satisfied with the proposed use of a sustainable drainage system (SuDS). Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

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

**MCC Highways** - Concerns identified.

As stated previously, it is noted that pre-application advice was given by MCC on 22/08/2017 (MCC/2017/ENQ/00728) in respect of this proposal to provide vehicle tracking/swept path details to demonstrate how vehicles would manoeuvre within the development and exit onto the public highway in a forward gear. The applicant is yet to provide such detail to allow consideration. No objection in principle on highways grounds, but recommend a deferral until the applicant has submitted vehicle tracking details as requested in the pre-application advice and subsequent MCC Highways comments.

**MCC Biodiversity Officer** - No objections subject to informatives.

**MCC Housing Officer** - Financial contribution of £27, 685 required towards the provision of affordable housing in the local area.

**MCC Public Rights of Way** - Further to previous comments, Monmouthshire County Council is in receipt of a path order application that would accommodate the proposed development. Countryside Access therefore withdraws its objection. Please be advised however that path orders are subject to consultation, legal tests and can fail.

**SEWBREC Search Results** - No significant ecological record identified.

## 5.2 Neighbour Notification

Fifteen representations received. Object on the following grounds:

- \* The height, scale and massing is still out of character and overbearing.
- \* The house is two and a half times the size of the largest and over four times the size of the smallest.
- \* The design is not in keeping with surrounding houses and is constructed using different materials.
- \* Although smaller than the first proposal, this house stands out even more due to moving it from a light coloured render to brash red/orange bricks.
- \* The windows are unbalanced in their placement and are lacking aesthetically with surrounding houses.
- \* None of the local houses have anthracite grey uPVC windows and doors. They are all white. The majority have white drain pipes or guttering. Again the proposed design does not flow with the other houses that are local to it. They put a grey front door on number 6 when they renovated it.
- \* The proposed property will overlook other homes and gardens and the privacy of those properties will be lost. They will now be overlooked from all angles.
- \* No. 5 Ethley Drive will be faced by approximately 90 square metres of red brick with minimal windows (windows also in odd places so it look out of place to the uniform windows of the neighbouring houses)
- \* This proposed dwelling is infill in the garden behind No 6 Caestory Avenue, it is not in line with any other property and has shared access with the house at the front. This may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front.
- \* No 6 Caestory Avenue is situated on a bend and we feel the existing property at no 6 has not been left adequate parking, if vehicles are forced to park on the road/pavement this will cause a serious hazard.
- \* Since no. 6 has been occupied, I have noticed more vehicles parking on the pavement on this bend, and children/mothers with pushchairs walking to and from school, have to walk into the middle of the road to get past, which is very dangerous indeed. In the snow and ice, this bend (which is on a slight decline) has running water which freezes over, and I have known cars have lost control on the ice, with one 4x4 actually destroying the wall of No 6 Caestory Ave.
- \* The new design still doesn't have public frontage, the front door is hidden. The character and safety of a community is traditional design with secure frontages onto public spaces.
- \* The major impact on the street is a high fence and a vast hard surface area of parking.
- \* Drainage problems in that area (historic).
- \* Loss of green space within the village and associated wildlife.
- \* The garden area is prone to flooding.

- \* There are more new houses being built in the village in a far better position. This site is not needed.
- \* Need to know that doing a loft conversion would not be allowed or possible as this would impact privacy if they were to put in windows if allowed.
- \* The parking space for two houses off one entrance is going to be limited leading to more vehicles being parked on the road.
- \* Vehicle movements on the site during construction would be detrimental to the mature trees on the site. Their roots would be severely compromised.
- \* Loss of mature trees in the garden goes against the MCC Tree officer judgement and will be a loss of habitat and amenity. Concerned whether the remaining trees will be adequately protected during the build and after the sale of the property.
- \* The Biodiversity and Ecology Officer has advised to remove any rubble, stone etc., currently on site by hand and clear vegetation by hand. Please be aware, sections of hedge have been removed, the garage has been demolished and a large area of the garden has been cleared using a machine.
- \* Nothing fundamentally has changed from the original proposals that were rightly rejected by the planning committee.

### 5.3 Other Representations

None received.

### 5.4 Local Member Representations

None received.

## 6.0 **EVALUATION**

### 6.1 **Strategic & Spatial Choices**

#### Principle of Development

6.1.1 The site lies within the development boundary of Raglan as defined by Policy H1 of the Local Development Plan, within which new residential development is acceptable in principle. The size of the plot is considered to be large enough to comfortably accommodate a single detached dwelling with associated parking/turning area and private garden area. In allowing the appeal for the larger dwelling (application no. DC/2018/00096), the Planning Inspector noted that 'the proposed four-bedroomed dwelling would be sited in grounds that would be more spacious than is characteristic of the surroundings'.

6.1.2 Although located to the rear of an existing dwelling, being a corner plot access is achievable without significant disturbance to the host or neighbouring dwelling. Only the application site and the neighbouring two plots that are also on the corner, are large enough to accommodate a detached dwelling within the garden with access within the vicinity of the site and therefore an unwelcome precedent is unlikely to be set should the application be approved.

#### Good Design/Place making

6.1.2 The proposed dwelling is traditional in design having a pitched roof and an attached one and a half storey element containing a double garage. The other existing dwellings in the area are mainly former Local Authority houses which are generally in pairs of semi-detached blocks, although there are some more modern detached two-storey dwellings to the side/rear at The Willows and Ethley Drive. The proposed new dwelling would be finished with a slate grey roof, red/orange brick walls, timber doors and grey uPVC windows. The houses closest to the site on Caestory Avenue have painted render walls. However, other dwellings along the street vary in terms of size, layout and materials. The variety of styles is also a feature of the dwellings to the rear of the site where there is a mix of single and two storey brick-faced dwellings. Given the mix of house types, styles and materials, it would not be reasonable to refuse this application for a brick building.

## Impact on Amenity

6.1.3 The proposed dwelling has been designed to avoid overlooking of neighbouring gardens and dwellings from habitable rooms as much as possible. There is a distance of at least 11m between all elevations of the new dwelling and the boundaries with neighbouring properties. There will be approximately 30m between the first floor bedroom windows on the northeast elevation of the proposed new dwelling and the existing dwellings on Caestory Avenue. The distances between the proposed new dwelling, habitable windows and neighbouring gardens and dwellings is considered to be sufficient so as not to lead to a significant loss of privacy for any occupiers. This was confirmed by the Appeal Inspector in his decision to allow the larger dwelling on the same site. The Inspector stated that 'the openings on the upper storeys of the dwelling would give rise to a degree of overlooking of neighbouring rear gardens, notably the adjoining properties at Caestory Avenue and Ethley Drive. However, the siting of the dwelling and the orientation of the main windows...ensure that the windows are sufficiently distant from these properties such that the overlooking would not unacceptably affect neighbours' privacy, nor would the building create an overbearing or overshadowing effect.'

## **6.2 Active and Social Places**

### Access/Highway Safety

6.2.1 The existing plot will be separated into two individual residential properties, with a shared vehicle/pedestrian access serving both dwellings off Caestory Avenue as in the current arrangement for No. 6 - i.e. no change is proposed to the access off the public highway to the properties. The shared use driveway is proposed to be 3.6m wide and will be approximately 30m in length. At this point, it will become the private drive for the new dwelling and accessed via an automated gate. The existing property will be served by three dedicated parking spaces. The proposed dwelling will include a double garage and additional parking to cater for three vehicles. No vehicle tracking information has been submitted by the applicant as requested by Highways. However, the proposal includes a turning head, approximately 5m x 5.5m, adjacent to the shared use driveway, for use by the existing house. A turning area of similar dimensions is also included adjacent to the double garage at the proposed dwelling. For a dwelling of the size proposed in this application the parking and turning arrangements are considered to be acceptable and it is also considered that increased use of the access for one additional dwelling will not significantly affect highway safety. This was also the opinion of the Appeal Inspector when allowing the appeal.

### Affordable Housing

6.2.2 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. In this case, the amount required has been calculated as £27,385. The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken. It should be noted that the Council does not wish to hinder the supply of dwellings from self-builders who could be building to meet their own needs. Therefore, such self-builders will not be required to make a financial contribution.

## **6.3 Productive and Enterprising Places**

6.3.1 Not relevant to this application.

## **6.4 Distinctive & Natural Places**

### Landscape Impact

6.4.1 The proposed dwelling would be significantly set back from Caestory Avenue and would not be viewed as part of the street scene. Rather it would be seen in gaps between the street's



houses, in a similar way to dwellings on other streets are viewed. As a result, the proposed new dwelling will have a limited impact on the wider landscape.

### Green Infrastructure

6.4.3 The site is not large enough to provide any new green infrastructure opportunities. However, the site does contain some assets as existing, notably trees and an historic public right of way. Six of a group of eight existing Birch trees which have been identified as of moderate value are to be retained. The root areas of the retained trees will be in the line of the proposed access and therefore it is advised that the construction of the driveway and parking area affecting these trees use a no dig technique as detailed in Arboricultural Method Statement 1 to minimise the impact on these trees. This can be conditioned. Two new trees are also proposed to be planted to compensate for the loss of two existing trees, although it is acknowledged that their compensatory affect will take time to be realised. In the meantime however, it is considered that whilst the visual contribution of this group trees will be somewhat diminished by the loss of two trees, it is considered that they will continue to make a positive contribution to the character of the wider area.

### Biodiversity

6.4.5 A neighbour reported observing bats in the area and suggests that they could be living in the birch trees referred to above. As such, the trees that are to be removed should be checked for bats prior to any clearance works on site. Should bats be found then the developer will have a duty under European Legislation not to disturb or harm the bats or their resting or roosting places. A section of hedgerow across the site that has been removed and replaced with a timber fence was beech and has previously been assessed as offering little in the way of habitat for wildlife. All of the other existing boundary hedges are to be retained.

6.4.6 Provided that conditions to ensure the protection of the retained trees are included in any consent and an informative is added reminding the developer of their responsibility in relation to bats, then it is considered that the proposed development will not have an adverse impact on nature conservation and therefore complies with Policy NE1 of the LDP.

### Water (including foul drainage/ SuDS)

6.4.7 Foul water drainage is proposed to go to the local mains sewer. Surface water will be disposed of to an on-site soakaway and Dwr Cymru Welsh Water have advised that they are satisfied with the proposed use of a sustainable drainage system (SuDS).

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

6.5.1 Access - Local residents express concerns over the proposed access, which is located on the outside of a sharp bend on a relatively narrow, residential estate road. In reaching his decision to allow the recent appeal, the Inspector stated that whilst he appreciated the difficulties that on street parking causes at particular times, he was satisfied that one additional dwelling would not materially alter conditions. Motorists can be expected to travel along this road with particular caution when forward visibility is restricted by parked cars. The Council's Highways Officer also advises that the scheme is acceptable in this respect and that there is adequate space within the site to accommodate the parking and turning of cars associated with the proposed and existing dwellings.

6.5.2 Design - Local residents have also questioned the materials proposed. In terms of windows, the choice of colour is subjective and whilst most of the houses within the vicinity of the site currently have white uPVC windows, there is no way to control this going forward and residents may choose to replace their current windows with grey (or any other colour) uPVC or aluminium units in the future without the need for planning consent. Furthermore, given the mix of house types, styles and materials in the local area and the fact that the proposed new dwelling will not be viewed as part of the existing street scene, it would not be reasonable to refuse the use of brick rather than render.

6.5.3 Drainage - Foul water drainage is proposed to go to the local mains sewer. Surface water will be disposed of to an on-site soakaway and Dwr Cymru Welsh Water have advised that they are satisfied with the proposed use of a sustainable drainage system (SuDS). Taking into account this specialist consultation response it is considered that there are no grounds on which to withhold planning permission based on drainage.

6.5.4 Trees - There are several birch trees within the site that have been assessed as of moderate quality. In recognition of their positive contribution to their surroundings, the proposed driveway has been aligned to reduce the trees lost to just one. The scheme also shows that one of the birch trees located on the boundary with the open play area would be lost to the proposed dwelling. The birch trees that are identified as remaining would suffer some root severance but the harm could be mitigated through careful construction work. It is also proposed to replace the lost trees with two new trees. Both the protection of the existing trees and the planting of the new trees has been conditioned. There is no change in relation to tree loss since the previous application that was allowed at appeal.

6.5.5 Other Issues - A local resident has sought reassurance that the loft area of the proposed dwelling could not be converted to living accommodation at a later date that could impact upon neighbour amenity. In this regard, it is considered that it would be necessary and reasonable to remove Permitted Development Rights for alterations and extensions. This will ensure that parking and turning areas are not eroded by extensions, the trees will not be affected by development that would otherwise not require planning consent and also that windows that could harm the privacy of neighbouring occupiers cannot be added at a later date; this would include those serving any potential future loft conversion.

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

6.6.1 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. It is also worth noting that the Planning Inspector also referred to this Act in his decision and found the previous larger scheme to also meet the requirements of the Act.

## **6.7 Conclusion**

6.7.1 On balance, it is considered that the proposed development would not harm the area's character or appearance. The scheme aligns with Policy S17 of the Monmouthshire Local Development Plan (LDP) in that it respects the character of the site and surroundings, and with the general design considerations set out in Policy DES1, including that the development is compatible with existing uses, respects its setting and does not lead to insensitive or inappropriate infilling. It does not conflict with Policy S13 that includes the aim of maintaining the character and quality of the landscape. Furthermore, there are no reasons to refuse the application on highway grounds under Policy MV1 given the advice from the Highway Authority and the conclusions reached by the Planning Inspector in the recent appeal, which considered identical access and parking details.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following: Financial contribution towards the provision of affordable housing in the local area.

### S106 Heads of Terms

£27,385 towards the provision of affordable housing in the local area to be paid upon occupation of the dwelling.

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 Prior to commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the approved (CTMP).

REASON: In the interests of residential amenity and highway safety to comply with LDP Policies EP1 and MV1.

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

REASON: To ensure a satisfactory means of surface water disposal in accordance with LDP Policy SD4.

5 No development shall take place until details of the supply size and position of 2 birch trees to replace those to be removed have been submitted to and approved in writing by the local planning authority. The approved planting shall be carried out during the first planting season immediately following occupation of the development. Any tree 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 G11.

6 The retained Birch trees shall be protected during construction in accordance with the recommendations in BS5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' by Cardiff Treescapes dated 19th March 2018 (Revised 8th May 2018).

REASON: To protect valuable tree or other landscape features on the site in the interest of preserving the character and appearance of the visual amenities of the area in accordance with LDP Policy G11.

7 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

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

## INFORMATIVES

- 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.
- 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.
- 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).
- 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. You are advised to remove any rubble stone etc. currently on site by hand and clear vegetation by hand (further advice available in MCC Reptile Information Note). If reptiles are found at any time during clearance or construction, all works should cease until the reptiles have safely dispersed from the working area.
- 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.