

Application Number: DM/2018/01872

Proposal: Three new detached market dwelling-houses with associated garage(s), car parking, access driveways and landscaping

Address: Land Rear Of Rosebrook, Watery Lane, Monmouth

Applicant: Mr Darren Morgan

Plans: Street Elevation P30 - P, Site Sections P32 - P, All Proposed Plans P50 - P, Other Planning Statement - , Tree Survey Tree Survey & Arboricultural Constraints Report - , Location Plan P20 - Rev B, All Proposed Plans P01 - P, All Proposed Plans P02 - P, All Proposed Plans P03 - P, Site Plan P11 - P1, Tree Protection Plan NP255AT/MOR/AIPP - ,

RECOMMENDATION: REFUSE

Case Officer: Ms Jo Draper
Date Valid: 14.03.2019

This application is presented to Planning Committee at the request of the Local Member

1.0 APPLICATION DETAILS

1.1 This is a full application for three detached dwellings within the rear garden of a detached dwelling known as Rosebrook. The application site roughly consists of a rectangular shaped parcel of land 3630m² in area. The application site is within the development boundary of Monmouth. The main constraint regarding this site are the four Tree Protection Orders that are present in the rear garden. There is also a watercourse along the front boundary.

1.2 There are four trees situated within the site that are subject to Tree Preservation Orders. These trees are all to be retained alongside a further three mature trees. The proposed means of enclosure is to retain the existing hedges and trees around the rear and side common boundaries although it does propose that these are trimmed back. It is proposed to remove a group of plum trees along the common boundary as well as a pine and a rowan tree; all other trees are to be retained and details have been submitted showing how they are to be protected. Internally within the site between new plots and the severed dwelling it is proposed to erect a 1.8m high fence with a deciduous hedgerow to be planted alongside.

1.3 The application proposal has been subject to significant amendments in terms of design, mass and scale as the agent has sought to respond to concerns raised by the planning department regarding the proposed three dwellings. The dwellings have been dropped in height and mass to a more traditional two-storey design with gables projecting to the front and rear elevation. External materials comprise a combination of random stonework, clay facing brick, render and blue/black slates. Eaves height would be 4.7m, ridge height would be 7.5m.

1.4 Plot 1 has a detached double garage proposed; a single detached garage serves Plot 2 and an attached single garage is attached as part of Plot 3. External materials are to match that of the proposed dwellings.

1.5 Access to the site is proposed via two new private driveways, one either side of Rosebrook, linking the site with Watery Lane which is to the south-west of the site.

1.6 A large detached house (Bryngwyn) is located on the plot of land to the north-west, a large detached house is also located to the south-east (Half Acre), with more dense housing situated to the north and north-east (Lilac Drive).

1.7 The site currently benefits from an existing outline planning consent to erect two large detached two-storey dwellings, which was approved on 7th December 2017.

1.8 A detailed topographical survey has located the existing trees on site, and an Arboricultural Constraints Report has been prepared, detailing accurate canopy locations/sizes and specifying tree root protection areas.

1.9 The agent has submitted the following information in support of this application:

(i) The site is broadly arranged along the same lines as the outline planning consent, with two private driveways provided, one either side of Rosebrook. Driveways will have a hard standing of a minimum of 5m from the edge of the existing carriageway, with a permeable surface thereafter to assist with the design of the surface water drainage. Parking provision (3 spaces per property) is provided to each dwelling, with all plots benefitting from a garage.

(ii) The proposed design is traditional, with a palette of natural finishing materials detailing pitched slate roofs, and a combination of brickwork, render and natural stone walls.

(iii) It should be noted that additional land has been purchased from Rosebrook, meaning the current application site is larger than the previous site containing the outline consent. A summary of plot sizes vs building sizes is noted as follows:

Plot 1

Building ground floor external footprint. 130m²

Gross Internal Area of Living Accommodation. 215m²

Private amenity 'rear garden' space excluding driveways, parking, buildings etc. 690m²

This equates to 3.2m² of private rear garden amenity space per 1m² of floor area.

Plot 2

Building ground floor external footprint. 130m²

Gross Internal Area of Living Accommodation. 215m²

Private amenity 'rear garden' space excluding driveways, parking, buildings etc. 760m²

This equates to 3.5m² of private rear garden amenity space per 1m² of floor area.

Plot 3

Building ground floor external footprint. 120m²

Gross Internal Area of Living Accommodation. 175m²

Private amenity 'rear garden' space excluding driveways, parking, buildings etc. 425m²

This equates to 2.4m² of private rear garden amenity space per 1m² of floor area.

Comparing this proposal with the outline consented scheme.

It is the agent's view that the proposed site area of 3630m² (0.363ha), being 0.9 acres, is large enough to provide for three detached houses, whilst at the same time maintain the spacious feel typical to properties off Watery Lane.

The purchase of the additional land, together with houses that are smaller in ground floor footprint than the outline consented proposals, results in excellent floorspace-to-private amenity space ratios that are favourably comparable to both the consented outline scheme and other properties along Watery Lane. Buildings are located to avoid tree canopies and tree root protection areas, to ensure that the scheme can be constructed with no adverse impact on the existing trees identified to be retained. Hedgerows are all retained, and an enhanced landscaping scheme will be provided to further complement the existing landscaping.

It is noted that House B of the consented outline scheme extends into the root protection area of tree 8, which is a maple and considered worthy of retention. The new proposal provides betterment here, with the root protection area of tree 8 left completely free.

The ground floor areas of Plots A and B combined (consented outline scheme) is 511m², on a plot size generally of approximately 2160m² (excluding the driveways). A ratio of 1m² ground floor footprint for every 4.2m² of site.

The ground floor areas of plots 1, 2 and 3 combined (including garages) is 440m², on an increased plot size of approx. 2520m² (excluding the driveways). A ratio of 1m² ground floor footprint for every 5.7m² of site.

The new proposed scheme creates significantly less roof plan area than the consented scheme, important with regard to previous neighbouring concerns regarding surface water run-off.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2017/00188	Two detached two storey dwellings located in rear garden of Rosebrook (outline).	Approved	07.12.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
GI1 LDP Green Infrastructure

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

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

5.0 REPRESENTATIONS

Monmouth Town Council: Recommendation: Refusal

1. New Homes not in keeping with present homes in the area (3 storey rather than 2)

2. Overdevelopment of site - concern that there is not sufficient space for 3 new homes and there will be an issue with neighbouring properties being overlooked or overlooking new homes.
3. It is not clear who owns the land and whether there is any connection to or impact on Monmouthshire County Council.
4. The development is clearly next to a stream/ brook and therefore concerns regarding flooding.
5. Sewage concerns - there is no mains drainage in the area and therefore would a soak away be sufficient for the three new homes.
6. Increased traffic down Watery Lane would cause congestion. No bat survey available.
7. No Ecology report available.

Issues raised at the meeting are:

- No bat survey provided.
- Glamorgan- Gwent Archaeological Trust should be invited to view the site and report on any findings.
- A porosity/ permeability report should be obtained to advise on issues of flooding.
- An ecology report should be obtained to consider whether the removal of local hedgerows would impact the local wildlife.
- Natural Resources Wales is the proper authority for soak away and so would be able to report on whether there is sufficient drainage for the proposed plans.

MCC Highways:

The site already has outline consent for two dwellings; the application proposes the development of an additional dwelling on the site. Watery Lane is an unclassified rural single lane road serving 21 residential properties, Bailey Pit farm and associated agricultural fields, Watery Lane is also the pedestrian route for Offa's Dyke. The proposed development of three residential properties represents a 12.5% increase in dwellings and associated activity. The highway authority accept that the proposal will have an impact on the adjacent network, however the highway authority consider that the proposed development and associated vehicular trips generated by the proposal are manageable and would not lead to a real deterioration in highway safety or capacity. However, the highway authority recognise that future infill development of this ilk, if not considered carefully going forward, is likely to generate activity that is unsustainable and would lead to a deterioration in highway safety and capacity. The highway authority therefore recommend that this application is not considered a precedent in determining future infill development on Watery Lane. However, the highway authority would offer the following comment:

- No objection to utilising the existing access to Rosebrook to provide access to Plot 1.
- No objection to the creation of an additional shared drive/access to the South of Rosebrook to serve plots 2 & 3 - The applicant is required to consult with Natural Resource Wales Lower Wye Internal Drainage District to bridge or culvert the watercourse.
- The levels of parking and turning provision are in accordance with the councils adopted SPG, Monmouth Parking Standards.
- It is noted that the location is susceptible to flooding from the adjacent watercourse and it the location and ground conditions experience exceptionally high water table levels that affect the discharge of surface water to ground, the applicant is therefore recommended to consult with the appropriate organisations to develop and implement an acceptable surface water management plan for the site.

The highway authority have requested the following conditions:

1. No development shall commence until detailed design drawings for the proposed means of access have been submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details
2. The proposed new access shall have a hard surface material for a minimum distance of 5m from the edge of carriageway so as to prevent any loose material being brought out onto the highway.
3. No development may commence until the applicant submits details of agreement and approval of the access bridge/culvert by Natural Resources Wales

4. No development may commence until a satisfactory surface water management plan has been submitted to and approved by the Local Planning Authority.

5. 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 Well Lane and the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP.

6. Prior to any building construction works including groundworks, site clearance, the means of access shall be constructed in accordance with the approved plans and turning provision shall be provided to enable all delivery, construction and contractors vehicles turn within the curtilage of the site as well as providing for suitable levels of on-site parking.

MCC Tree Officer:

The previous application DM/2017/00188 was for two detached dwellings. I was satisfied that the root protection areas (RPA) of the retained trees could be accommodated into the scheme without unnecessary harm.

The proposed layout on the current application increases the number of dwellings to three.

However, I believe the new layout demonstrates that the RPAs may still be accommodated provided that adequate tree protection measures are adopted and adhered to.

The updated Tree Survey with notes on Arboricultural Impact and Tree Protection dated 25th September 2018 is satisfactory and may be used to append robust tree protection conditions and in the event of the application being approved, the following conditions should be used:

Conditions:

1. Retained trees will be protected in accordance with the recommendations of the Tree Survey with notes on Arboricultural Impact and Tree Protection dated 25th September 2018.
2. Tree protection barriers will be installed before the commencement of the scheme and may only be removed temporarily for access purposes and with the express written permission of the local planning authority.
3. In the event of the barriers being removed, adequate ground protection measure will be installed to prevent ground compaction.
4. No development shall commence until an arboriculturalist has been appointed as first agreed by the Local Planning Authority, to oversee the project (to perform a watching brief) for the duration of the development and who shall be responsible for:

- 1) Supervision and monitoring of the approved Tree Protection Plan;
- 2) Supervision and monitoring of the approved tree felling and pruning works;
- 3) Supervision of the alteration or temporary removal of any Barrier Fencing;
- 4) Oversee working within any Root Protection Area;
- 5) Reporting to the Local Planning Authority;

Reason: To ensure the protection from harm and to ensure the long-term retention of valuable landscape features in accordance with Policy S13 Landscape, Green Infrastructure and the Natural Environment.

MCC Environmental Health Officer: Whilst I am not in a position to substantiate an objection to the proposal I would recommend the following condition be attached to any permission granted

No construction activity shall be undertaken in relation to the development outside the hours of 08:00-18:00 Monday to Friday and 08:00 - 13:00 Saturday. No construction activity shall be undertaken on Sunday or Bank Holiday.

Gwent Glamorgan Archaeological Trust: We note from the current application's supporting documents that the rear of the property contains a number of trees and it is likely that the ground

has already been disturbed from the original construction of Rosebrook and its associated landscaping. Furthermore, we also note from the information in the HER that an archaeological watching brief was undertaken to the immediate south of the above property in 2000, during the construction of four properties at Watery Lane, in which nothing of any archaeological significance was found during the watching brief. Additionally, an archaeological watching brief was also carried out in 2015 approximately 200m to the northwest of the property. Residual medieval finds were found but no significant archaeological remains or structures were encountered. Therefore, it is considered, that it is unlikely that significant archaeological material would be encountered during the proposed ground works and the impact of the development upon the archaeological resource is considered to be low.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

Natural Resources Wales: We have no objection to the proposed development but provide your authority and the applicant with the following advice.

Lower Wye Internal Drainage District (IDD) The proposed development site is located within Natural Resources Wales Lower Wye Internal Drainage District (IDD).

Groundwater levels within this area can be very high, which may well adversely affect any surface water drainage arrangements put in place as part of proposed works. No additional surface water run-off will be permitted into the adjacent watercourse(s) without the prior written Land Drainage Consent, which will have to be obtained from the IDD under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.

The application form for planning permission (Section 11) indicates that the intention to dispose of surface water will be via soakaway drainage. We would like to inform you of the IDD's standard requirements in respect of soakaways and recommend that they be taken into consideration when the application is assessed.

Welsh Water: No objection.

From reviewing the applicant's submission, we note that soakaways are the option for removing surface water drainage. We are satisfied with the proposal for a SuDS system. The system surrounding the site is foul water only and we cannot accept surface water connecting with a foul sewer only. A condition is recommended preventing surface water from connecting into the main sewer.

MCC Housing Officer:

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 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. A contribution responding to the three houses has been calculated in this case.

5.2 Neighbour Notification

There have been representations from five parties received in response to this application; the points raised are as follows:

Removal of hedge - long common boundary with Bryn Gwyn and replacement with close-boarded fence is too hard, not in keeping with natural surroundings and removes a wildlife corridor.

Each of these three houses has four bedrooms with the potential of at least four cars per household. That is an additional 12 plus cars not to mention building, delivery and maintenance vehicles. On an already over-crowded, congested single-track lane with one designated passing place and no safe pedestrian path. The highway is part of the historic Offa's Dyke, used by

pedestrians, walkers, cyclists, joggers, children walking to school, dog walkers, horse riders and farm machinery. The council cannot allow this development to go ahead. It is only a matter of time before there is a serious accident on this already over-crowded lane.

My reading of the report is that the statement is that any future application for infill development on Watery Lane is unlikely to be acceptable to Highways.

As part of the case file for DC/2012/00616 the report from Highways stated in part the Highways Agency has for many years considered that the highway is at capacity and for safety reasons has not supported any proposal that would increase the flow in this single track highway.

The Welsh Government Inspector responsible for adjudicating on the appeal for this latter application visited the site and Watery Lane on 07/01/2013 and in the report dated 07/02/2013 recorded that all he (essentially) found was tranquillity and politeness in regard to traffic flow (vehicle and other). How different his impression might have been if he had made the visit during the summer of 2018 or during certain parts of the construction phase that followed the approval.

The application DC/2014/01473 for Glenfield two new houses, that was the most recent one to receive full planning approval on Watery Lane included a report from Public Rights of Way Officer dated 29/01/2015 stating that:

The development will have a detrimental impact on the safety, availability and enjoyment of the Offa's Dyke path, particularly during the construction phase.

Loss of privacy to neighbouring properties

Damage to the local flora and fauna. There is a large and healthy population of birds and other animals in the area that would be greatly affected by any further development

Over-development of the plot; insufficient space for these dwellings to be squeezed in between two lines of existing dwellings.

New houses would be out of character with the area and would bring nothing of value to the area.

The local area is on a flood risk area and further development of this land would increase the risk of flooding to both my property and that of neighbouring houses. Watery Lane is part of the Offa's Dyke walk and is famous for its natural beauty and wildlife; the architecture along this stretch is part of this character of the whole area. It should not be overdeveloped in this way simply because there is profit involved for a landowner selling their garden.

It is refreshing to see the plans reverted to a more standard two storey dwelling

Adverse effect on the residential amenity of neighbours, by reason of (among other factors) noise, disturbance, overlooking, loss of privacy, overshadowing.

Also disturbance caused by construction on site.

Visual impact of the development

Design (including bulk and massing, detailing and materials, if these form part of the application). The proposed development is over-bearing, out-of-scale or out of character in terms of its appearance compared with existing development in the vicinity.

The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.

Design of the junction of the new drive to plots 2 and 3 with Watery Lane is unsafe as it does not conform to the required y distance of 40/43m visibility splay measured using an x distance of 2 or 2.4m for a 30mph zone looking in both directions along a single track lane. See Manual for Streets section 7.7, because of bends on Watery Lane and fencing/vegetation on adjacent properties, Half Acre and Rosebrook, (according to the amended site plan).

Object against the severity of the change between the outline plans and the latest full plans. Neighbour purchased property recently and undertook relevant searches. Previous approval was for two homes, where the existing green screen between our property and site would be maintained; this is different to the three houses proposed and the removal of the existing hedgerow and conifer screen. The new plans have a significantly greater impact upon neighbour's property

Numbers of windows and balconies facing Lilac Drive is extreme and now visible.

The removal of the hedgerow and conifer screen and replacement with 1.8m high fence / beech tree hedgerow would do little to screen the new houses

The removal of established border hedgerows between existing boundaries which will destroy the habitats of many birds and insects and will leave neighbouring houses exposed for some years until the proposed beech trees have grown sufficiently.

The proposed entrance for three properties, which will not be fully visible from the road at all angles and once again, is at risk of causing an accident.

Potentially contaminated land

As all three adjacent owners on Lilac Drive have objected to the application, so connection to a mains sewer across these properties is thus impossible and so sewage treatment plants on site must be used. Detailed plans available to the public are now needed to show location of Sewage Treatment Plants and soakaway beds away from root protection areas and hedgerows plus an environmental risk assessment for potential failure of three Sewage Treatment Plants at times of high surface water level; see NRW report 19/12/2018. Standard porosity test criteria may not be adequate given the significant contribution the existing mature hedgerow root system makes to natural surface water drainage and which the applicant wishes to remove.

There is a case for the LPA to require retention of mature boundary landscaping for this reason in addition to other reasons e.g. ecology, landscape and require proper maintenance of established boundary vegetation in perpetuity. A test done before removal of hedging cannot predict ground porosity after removal and would be futile. The impact of ground compaction during construction may reduce natural drainage rates and alter surface water distribution leading to changed surface water flooding patterns/frequency for adjacent properties. Tanker access into plots 2 and 3 for periodic Sewage Treatment Plant desludging is not possible because of the limited turning circle into the new drive from Watery Lane. A tanker may be able to access a communal Sewage Treatment Plant in plot 1 but location may be problematic given that plots 2 - 3 are at lower ground level. Pumping discharge into a part of the stream that dries up may not be allowed and would be noisy at the pump end. The separation distance and uphill gradient may be a pumping challenge. Photo evidence suggests an underground leakage route from the stream may contribute to high surface levels at the bottom of Rosebrook garden and explain why stream totally dries up along its frontage on occasion.

Land ownership and use of Certificate A has been questioned (this has since been addressed).

Parking provision has been questioned for the severed dwelling and new dwellings.

The revised site plan does not show the position of the sewage treatment plants (3 individual or 1/2 shared), or the associated soakaway beds, that have to be sited at a distance from the houses; this being the only method available as connection to the mains sewer on Lilac Drive is not possible. Owners of adjacent properties and the appropriate authority authorising such installations, need to know where these will be located because of the environmental risks including flooding, as each will be located in an area of the garden where high surface water levels occur, according to NRW and Highways (see documents in Case File). This renders evidence from porosity tests meaningless, and because of the proximity of hedgerow and root protection areas that limit excavation possibilities.

Though pumping of sewage output into Watery Lane stream is theoretically an option regulations regarding such discharge disallow use of water courses that dry up as is the case with the length of stream running along Rosebrook's frontage (see photo and anecdotal evidence in the Case File). If a communal sewage treatment plant is to be used, ground levels suggest it is likely to be located in Plot 3 being the lowest, hence with the highest probability of surface water accumulation and, of the three plots, is the one with the least available garden space outside of hedgerow and root protection areas for its location. If pumping of output into the stream is used there will be constant noise for residents located close by and there will be the challenge of pumping uphill over more than 60m. (To note similar challenges and constraints would apply to an application for one or two houses.) The pipe carrying such output to the stream would have to be carefully located as Welsh Water have strict access rules regarding positioning in regard to buildings and surface vegetation.

It is very uncertain that a desludging tanker (that is not too dissimilar in proportions to a fire engine, see below) could negotiate the new access to Plots 2 and 3 and given our experience of such a vehicle, a tanker, entering Half Acre that has a more 'generous' junction design than is possible for the new access. Pumping into a parked tanker on Watery Lane is not an option because of the distance and ground level difference and the practical issues of connecting/disconnecting a segmented pipe and temporary closure of Watery Lane.

The Grenfell Tower fire disaster has identified apparent communication and procedural failures between for example, fire, planning and building regulation authorities in the general assessments made during the planning phases, including those of access by emergency and other vehicles. In the light of Grenfell, an LPA would be failing in its duty if today it excluded an assessment of access by emergency vehicles from its determination of a planning application and this, for the present application, in regard to both the development site itself and more generally the single track part of Watery Lane where the development site is located. Leaving the assessment and decision to Building Regulation/Control or another body post-authorisation is no longer morally right as an option.

(a) New drive to Plots 2 and 3

Building Reg's Doc B5 Section 12 states that, in regard to access by a pump appliance, the minimum turning circle between walls (the kerbs value is not relevant here because of the bank with hedge facing the entry and the unprotected edge to the concrete slab forming the bridge) is 29.0m for an access route; the junction design in the revised plan does not seem to allow for this requirement to be met. It is also unlikely that a pump appliance parked on WL would be within 60m or 45m (no fire suppression system) of all points within Plots 2 and 3 houses. A fire engine could not park directly across the entrance to the drive as it would be blocking access by other vehicles or prevent the exit of vehicles already at the scene. Parking away from the entrance means, in length of hosepipe terms, a greater distance from the houses. (Similar issues would also apply if the drive served one property and may also apply to use of the existing access to Plot 1.)

There is a therefore a definite potential physical impediment to access by emergency services.

Watery Lane does not have the infrastructure to accommodate the proposed development. Excluding the two lane part leading to Chartist Rise, Watery Lane is a single track road with a stream running along all of its length other than the northern part leading to Bailey Pitt Farm. There are only two street lights along the single track length and there are only 2/3 passing places maintained by MCC (one opposite the pedestrian crossing to St Thomas Road, the other below the entrance to Orchard End and possibly the wider length of road alongside Pear Tree Cottage. Elsewhere private drives or approaches to a couple of field entrances (when not filled by a parked car left by a dog walker) are used as passing places by vehicles. Watery Lane is a cul-de-sac. Along the whole of its length including its end, MCC does not provide any maintained area where a car or more importantly large vehicles with restricted turning circles can turn. There are three 'unofficial' ones - the unmade track leading to Wheatfield Paddocks, the field entrance opposite Gêr y Nant and possibly the sharp bend below Bailey Pitt Farm when the two field gates are open.

The local Planning Authority (or Highways) are failing to consider and perhaps ignore the wider picture with regard to relevant similar matters concerning Watery Lane as whole.

The Local Planning Authority must assess the adequacy of Watery Lane in regard to access and possible associated congestion by emergency or other vehicles accessing, turning, reversing or parking along Watery Lane, as part of its determination of this application and publish its conclusions irrespective of whether it is mindful to grant planning permission for these three new houses. There is already too much vehicular traffic (see earlier objections on file) and given that Watery Lane is a national walking trail and a recreational area, the LPA must recognise Watery Lane's road design limitations in the light of the experience gained from Grenfell.

The revised plan confirms that in Sections 2 and 5 of the revised Planning Statement 25/02/2019 that the area of the development plot is 3630m², as this figure includes the part of Rosebrook that is NOT the subject of the development.

In the original site plan there was a space between the houses on Plots 2 and 3 that allowed a second access to the rear garden of each plot. The revised plan P11/P1, shows only one access to Plot 3's back garden because the two redesigned houses are now so close to each other. The single access to Plot 3's back garden is via the space possibly 3m wide between the house and Half Acre's existing fence. There is therefore no room to have any boundary cover leaving Half Acre seeing a blank wall with eaves at 7.5m (it was single storey in the outline authorisation) 3m from the boundary fence.

It is misleading for the applicant to state in one part of the revised documents that all existing hedgerow will be retained and then on the site plan to say that the plum group tree 9 will be removed. The revised planning statement does not recognise that part of the gap between the Plot 3 house and Half Acre's fence is filled by existing conifers that on the plan are touching Plot 3's house walls. These conifers adjacent to the building are very unlikely to survive the construction phase and they face an uncertain future once the new owners move in, so in other words the proposal will not work for either the future occupiers of Plot 3 or Half Acre.

Please see the Google Earth photo on the front page of the revised Planning Statement 25/02/2019 that though taken some years ago shows these conifers alongside where Plot 3's house will be located AND also shows the c.30m of conifers in bottom left corner of photo that the applicant removed on 30/03/2018. These were protected by condition 3 in the outline approval. The revised Site Plan restates the untruth regarding the extent of existing trees in the hedgerow alongside Half Acre; "existing" has to be read in the context of what was there after outline authorisation had been granted, rather than what is there now, being many tree stumps from the felled conifers and saplings in various stages of growth that were growing in the conifers.

If the Local Planning Authority is mindful to grant planning authorisation it is essential that any conditions relating to retention of mature boundary vegetation around the whole perimeter of the site are included individually in the Title Deeds of Plots 1, 2 and 3. For Half Acre, this is essential for privacy and amenity reasons especially because of the new drive running the length of the boundary, for the length along the eastern boundary, for similar reasons and to protect the integrity of the nature corridor running between the three plots and Lilac Drive.

Repositioning of the new drive closer to Rosebrook is only a slight concession and does not eliminate the noise, light and emissions pollution and loss of amenity, especially in the area alongside the passing point that we will experience because of its location and the removal of the boundary vegetation on 30/03/2018.

5.3 Local Member Representations

Local Member has requested that this application be reported to planning committee in the case it is recommended for refusal.

6.0 EVALUATION

6.1.1 Principle of Development

6.1.1.1 The application site is within the development boundary and therefore the principle of residential new build is acceptable subject to detailed considerations. The issues that arise in the consideration of this application are addressed in the sub-headings below.

6.1.2 Good Design/ Place making

6.1.2.1 This application has been subject to a number of amendments to alter the design and mass of each individual dwelling to bring the height down to two-storey dwellings that are more in character with the area. Individually the design of the dwellings are acceptable and work within this setting. However, it is noteworthy that it is not correct to compare the current proposal with the illustrative plans provided as part of the outline planning consent as that scheme was only made in outline with all details to be considered as part of the Reserved Matters application.

6.1.2.2 This area is characterised by large houses of individual design situated on generous plots, all facing onto Watery Lane. There have been two dwellings recently constructed in close proximity to the site that have been set back in the original plot. There is no clear building line in this immediate area with a more random, sporadic pattern of housing along this section of Watery Lane. The outline proposal sought to take advantage of the depth of the site and the illustrative plans showed the proposed dwellings set well back from the highway. This did help to create a less 'built up' appearance and maintain the appearance of an open frontage which, due to the non-uniform building line and subject to an appropriately designed hard and soft landscaping scheme, works within the context, reflecting the prevailing characteristics of this area - namely spacious plots facing onto the highway.

6.1.2.3 In this latest application, however, by introducing a third dwelling to the rear of the 'severed' dwelling (Rosebrook), this changes significantly how this development as a whole is viewed within the context of the surrounding area. Individually, Plot 2 reads as a backland development as it is situated partly behind the severed dwelling and does not have the front-facing, spacious plot that is characteristic of the area. Secondly, Plots 2 and Plot 3 are in close proximity to each other, which is uncharacteristic of this area, appearing cramped in relation to the large separating distances that characterise the dwellings on Watery Lane. Finally, it introduces a uniformity of plot size (which is also significantly smaller than the surrounding plots), spacing between plots, and a regular building line that looks incongruous within the context of the randomly developed houses in the surrounding area.

6.1.2.4 The contrast in the development pattern is evident from the OS Map. The proposed plot sizes and dwellings reflect more closely the uniform scale and pattern of those to the rear of the site at Lilac Drive than the more random, spacious, and larger-scale pattern of development at Watery Lane. There is a distinctly different settlement pattern between Watery Lane and that of Lilac Drive, separated by a heavy landscape belt. Cumulatively, the introduction of three new dwellings as sited in this proposal is at odds with the urban grain of its immediate and relevant settlement pattern (being that of the dwellings fronting onto Watery Lane) and detracts significantly from the visual amenity of the surrounding area. LDP Policy DES1 criterion I) states that development must "ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling". This proposal fails to comply with planning policy in this case.

6.1.3 Impact on Amenity/ Promoting Healthier Places

6.1.3.1 There have been concerns raised by neighbouring properties regarding overlooking and an over-bearing impact upon their property. In the case of Plots 1 and 2 there is a secondary window serving bedrooms at first floor situated to the side that could potentially overlook neighbouring properties. This can be easily controlled, however, through the imposition of a condition ensuring that the windows are obscure glazed or are entirely removed. The remaining potential overlooking windows are bathroom windows with the aspect for all three proposed dwellings facing to the front

and rear. The usual guideline for a minimum separating distance between first floor habitable windows and the neighbouring boundary to a private amenity area is 10m. In this case, the closest point is between Plot 2 and the rear boundary of the severed dwelling, where there is a separating distance of approximately 12m. This coupled with the retention of the Weeping Willow partly obscures the viewpoint of the first floor windows into the rear garden of the severed property. There is a satisfactory distance between the proposed dwellings and the neighbouring dwellings to the side of the site; the proposal does not have an adverse over-bearing impact upon the neighbouring properties.

6.2 Active and Social Places

This site is in very close proximity to a National Walking Trail, there is immediate access to a highway that links to the local footpath network and this national trail. The proposed site does fulfill the need to be part of an active and social place.

6.2.1 Transport / Housing sustainable transport issues (Sustainable Transport Hierarchy)

6.2.1.1 The application site is within walking distance of the town centre and public transport access points.

6.2.2 Access / Highway Safety

6.2.2.1 The Councils' Highway Engineer has assessed the site and surrounding road network. It is recognised that the proposal represents an increase in one dwelling over that of the approved two dwellings. There is a wider consideration of the road network, with a recognition that the proposed three dwellings represent a 12.5% increase in dwellings and associated activity along Watery Lane. In respect of Watery Lane, which is an unclassified rural single lane that currently serves 21 residential properties, there will be an impact, but Highways consider that the proposed development and associated vehicular trips generated by the proposal are manageable and would not lead to a real deterioration in highway safety or capacity.

6.2.2.2 The Highway Authority recognises that future infill development of this ilk, if not considered carefully going forward, is likely to generate activity that is unsustainable and would lead to a deterioration in highway safety and capacity. If a planning application is acceptable on its own merits, it should not be refused based on precedent. Each subsequent planning application should be considered on its own merits taking into account development already approved and capable of implementation.

6.2.2.3 The Highway Authority has confirmed the following:

- No objection to utilising the existing access to Rosebrook to provide access to Plot 1.
- No objection to the creation of an additional shared drive/access to the South of Rosebrook to serve plots 2 & 3 - The applicant is required to consult with Natural Resource Wales Lower Wye Internal Drainage District to bridge or culvert the watercourse.
- The levels of parking and turning provision are in accordance with the councils adopted SPG, Monmouth Parking Standards.
- It is noted that the location is susceptible to flooding from the adjacent watercourse and as the location and ground conditions experience exceptionally high water table levels that affect the discharge of surface water to ground, the applicant is recommended to consult with the appropriate organisations to develop and implement an acceptable surface water management plan for the site. There are conditions that are then recommended that secure detailed design of the access, surface water drainage, finishing surfacing materials, construction management and the requirement for approval from the regulating authority for the bridging of the watercourse.

6.2.2.4 There has been concern raised from neighbouring properties regarding the suitability of the proposed access, and more specifically the poor visibility, access for emergency vehicles and parking for the severed dwelling. This has been addressed in turn by Highways.

The visibility splay in accordance with Manual for Streets is measured from the edge of the metalled carriageway and set back 2.4m. From this distance a stopping site distance of 43m is achievable in both directions within the limits of the public highway on Watery Lane.

Regarding emergency access the driveway is shown at 3m wide therefore can accommodate a fire appliance that is 2.4m wide. Finally, there is existing parking accommodated within the garden of the severed dwelling served from the existing access (which is a shared access with the proposed Plot 1).

6.3 Distinctive & Natural Places

6.3.1 This is addressed in Para 6.1.2 above. Watery Lane is a distinctive place in that it is characterised by individual dwellings situated on spacious, generous plots facing onto Watery Lane. There is no uniform building line with some dwellings set back and others sited closer to the road. These features distinguish Watery Lane from the higher density, more uniform pattern that characterises the housing development to the rear of the site (Lilac Drive). By including three dwellings to the rear of the site this proposal introduces a smaller, denser pattern of development that is characteristic of the modern development to the rear, and is out of character with the significantly different form of development on Watery Lane. Whilst the development can be partly mitigated by the retention of existing trees and boundary treatment, this does not alter how the development will be perceived from Watery Lane; namely a backland development that is incongruous to the character of the area. This development detracts from what is currently a distinctive place and an important location for the local residents and the many walkers that pass this site, forming an important link to the Offa's Dyke path.

6.3.2 Landscape/ Visual Impact

6.3.2.1 The site access is broadly arranged along the same lines as the outline planning consent, with two private driveways provided, one either side of Rosebrook. Driveways will have a hard standing of a minimum of 5m from the edge of the existing carriageway, with a permeable surface thereafter to assist with surface water drainage. Parking provision (three spaces per property) is provided to each dwelling, with all plots benefitting from a garage. The style of architecture proposed is traditional, with a palette of natural finishing materials detailing pitched slate roofs, and a combination of brickwork, render and natural stone walls. Individually the design of the dwellings and the relative access points are acceptable. However, cumulatively the visual impact of the three dwellings represents a significant change in the development pattern that is distinctive to Watery Lane and when viewed in this context appears clearly as an over-development of the site. In the supporting information, the agent has sought to deliver a comparison between the illustrative scheme as part of the outline approval and the latest proposal. The outline scheme however, was illustrative and whilst delivering a larger footprint per dwelling, parts of the footprints were shown to be either single storey or one and a half storey. Thus, whilst larger on the ground, the built form was reduced through the building heights; this was a detail that would have been considered as part of the Reserved Matters submission. Although individually the proposed dwellings are smaller, how they relate as a group to the surroundings results in a form of development that detracts significantly from the visual amenity of the surrounding area.

6.3.3 Green Infrastructure

6.3.3.1 The proposal seeks to retain hedgerows and trees, and in the event that the application was being recommended for approval (as with the outline planning approval) conditions would be imposed securing their protection and retention, with a further condition imposed to attempt to soften the visual impact of the development. However, such conditions will not mitigate the visual harm that results from the proposed development and even if these conditions were imposed, the development would still be visually unacceptable.

6.3.4 Biodiversity

6.3.4.1 The proposal shows that the foliage that surrounds the perimeter of the site is to be cut back. This is not indigenous woodland or hedgerow and therefore this has not been explored for biodiversity value. Ideally, this should be replaced with a mature woodland belt as this provides enhanced ecological value, although the existing boundary does provide privacy. Again (as with the approved outline consent) in the event that this application was to be approved, a condition would be applied requiring a full landscape scheme to be submitted that seeks to retain the

existing growth or replace it with enhanced mature species. This would ensure that at the very least, the green boundary is retained to mitigate the impact on neighbouring properties.

6.3.5 Flooding

6.3.5.1 The application site is not within a flood zone.

6.3.6 Water (including foul drainage / SuDS)

6.3.6.1 The application proposes to connect foul water to mains drainage. Welsh Water have confirmed that this is acceptable, although neighbours have raised concern that this involves accessing drains over private land. This remains a private issue and one for the applicant to resolve via Welsh Water. What is relevant is that there are drains available for foul sewage connection.

6.3.6.2 It is proposed to use soakaways as the means of surface water drainage. The supporting information in the outline approval in the form of percolation tests undertaken for both Plots A and B, demonstrate that the site would be effective in providing drainage from the site. The applicant has demonstrated in the supporting information that the surface water run-off from the proposed scheme is less than that from the illustrated outline scheme. Therefore, the porosity test used previously is appropriate to establish that there is potential for the site to drain its water run-off acceptably. However, in addition to this Highways have requested a scheme of surface water drainage to be provided via a planning condition to ensure the final scheme is acceptable.

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

6.4.1 The concerns raised by neighbours and Town Council have been addressed fully in the comments above.

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

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

7.0 RECOMMENDATION: REFUSE

Reasons for Refusal:

1 This area is characterised by large houses of individual design situated on generous plots, all facing onto Watery Lane with no distinct building line in this immediate area where there is a more random, sporadic pattern of housing. This proposal introduces three dwellings to the rear of the 'severed' dwelling, Rosebrook, and detracts significantly from the visual amenity of the surrounding area. Individually, Plot 2 reads as a backland development in that it is situated partly behind the severed dwelling and does not have the front facing spacious plot that is characteristic of the area. Plots 2 and Plot 3 are in very close proximity to each other, which is uncharacteristic to this area, appearing cramped in relation to the large separating distances that characterise the existing dwellings on Watery Lane. Finally, the proposal introduces a uniformity of plot size, (that is also significantly smaller than the surrounding plots), spacing between plots, and a building line that would appear incongruous within the context of surrounding area. This proposal fails to accord with criterion I) of Policy DES1 of the Monmouthshire Local Development Plan that requires that all new development must ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from over-development and insensitive or inappropriate infilling.

