

**Application Number:** DM/2019/00898

**Proposal:** New detached two storey dwelling with integral garage and driveway access from highway with on-site parking and turning

**Address:** Land to rear Of Rosemary, Beaufort Road, Osbaston, Monmouth

**Applicant:** Mr. & Mrs. Morgan

**Plans:** Location Plan OS Location Plan - , Elevations - Proposed 1460[PL]02B - , Site Plan 1460[PL]01B - , Ecology Report An Ecological Survey Report at Rosemary, Beaufort Road, Osbaston, Monmouth. By Just Mammals dated S -

**RECOMMENDATION: Approve**

**Case Officer: Ms. Jo Draper**

**Date Valid: 06.06.2019**

**This application is presented to Planning Committee due to there being five or more objections to the application**

## **1.0 APPLICATION DETAILS**

1.1 This application proposes a detached two-storey dwelling with adjoining single garage to the rear of Rosemary, Beaufort Road. This application proposes to share the existing access that served the host property Rosemary and remove the existing single garage to create an access that serves the plot to the rear. The site is a long plot with a traditional dwelling located close to the front boundary with the highway but with a large rear garden. The garden shares a boundary on all sides with existing neighbouring properties.

1.2 The two-storey element of the proposed dwelling measures 10.9m depth (including gable projection) 8.4m in width (not including integral single garage), the height is 7.7m to ridge and 4.6m to eaves. The application has been subject to amendments to reduce the scale and mass of the proposed development. The proposed ridge height has been reduced from what was previously 8.4m in height with a lowering of the roof pitch. There was accommodation previously proposed in the roof space and over the garage but this has been removed, reducing the proposal from a six bedroom to a four bedroom dwelling. The proposal also had a larger footprint with an adjoining double garage; this has been reduced to a single garage.

1.3 The proposed external materials comprise of the following:

Facing Brickwork or painted render to walls

Natural slate or manmade slate with riven surface with blue black angular ridge tiles

Painted timber or uPVC fascia and bargeboards

Colour coated aluminium or uPVC fenestration.

1.4. The application proposes to retain the trees to the rear and to fence in this ecological buffer to the rear. All of the existing trees and foliage on the rear boundary will remain.

1.5 The existing laurel hedges will be replaced with native species hedges along the side boundaries (a mix of Hawthorn 45%, Hazel 25%, Blackthorn 20%, Holly 10%).

1.6 The agent has provided the following information in support of this application:

- The ridge height of the two-storey part is 270mm (10½") lower than the ridge of no.11 Charles Close.

- The eaves height of the two-storey part is 1530mm (5ft 1") lower than the eaves of no.11 Charles Close.

- The ridge height of the garage is the same as the ridge of Llys-Wen's.

- The eaves height of the garage is 1400mm (4ft 8") lower than the eaves of Llys-Wen.

-

1.7 The plan shows rear boundary fencing to maintain an ecological buffer zone. There is a sewer to the rear of the site. The block plan shows a 3 metre separating distance between this infrastructure and the proposed build.

1.8 The block plan shows an extension outlined to the rear of the host dwelling. This is illustrative only as there is no planning consent or current planning application relating to this.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/00898	New detached two storey dwelling with integral garage and driveway access from highway with on site parking and turning.	Pending Determination	

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

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

### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
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.

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

## **5.0 REPRESENTATIONS**

### **5.1 Consultation Replies**

**Monmouth Town Council:** Reject; overdevelopment, location, scale, impact on neighbours

**MCC Ecology:** No objection.

The application is informed by the following Ecological assessment: An Ecological Survey Report at Rosemary, Beaufort Road, Osbaston, Monmouth by Just Mammals dated September 2019.

The site is surrounded by species poor laurel hedges, it is proposed to enhance the boundaries to the east and west through mixed native species planting. The hedges and other garden shrubs on site have potential for use by nesting birds, the recommendations of the report and introduction of nest boxes is acceptable and should be secured by condition to ensure no net loss for biodiversity.

The house (Rosemary) was inspected and found to have low potential for bats associated with raised fascia boards on the south-west gable, no evidence of bats was identified during the Preliminary Roost assessment and the activity survey carried out in August 2019 found no evidence of bats using the property. The garage on site was confirmed as having negligible potential.

The Ecological Connectivity Assessment undertaken for the LDP (dated 2010) identifies the tree line to the south of the site as an important existing connection for ecology. This in combination with the proximity of the Wye Valley and Forest of Dean Bat Site SAC and the records of horseshoe bats in this area resulted in a holding objection until further assessment and details were provided by the applicant.

The bat survey was undertaken over three nights of passive monitoring (14<sup>th</sup> -17th August.) Whilst the survey period is limited, it did identify one record for a Greater Horseshoe bat and three records for Lesser Horseshoe Bats demonstrating that these species do commute along the wooded stream corridor; this is confirmed by local knowledge. Due to the potential for impacts on these species, a habitats regulations assessment was undertaken.

#### Habitats Regulations Assessment

Protected Sites - Wye Valley and Forest of Dean Bat Sites SAC

The development site is within 1.7km of Newton Court Stable Block SSSI. Newton Court Stable Block is the only breeding roost for greater horseshoe bats in Monmouthshire and one of only three known in Wales. The site is also used by a small number of lesser horseshoe bats. Both species of horseshoe bats were recorded using the site during the survey undertaken in August 2019; this is confirmed by local knowledge.

A Habitats Regulations Assessment for the Wye Valley and Forest of Dean Bat Sites SAC has been undertaken to support the application.

The interest features which could be affected are Lesser Horseshoe Bat and Greater Horseshoe Bat as both were recorded foraging at the site.

The following potential hazards were taken forward for the Test of Likely Significant Effect:

1. Habitat loss and Habitat fragmentation.
2. Disturbance (lighting)

The possible effects may occur both during construction and during operation of the site as a dwelling.

Physical damage; and Toxic contamination are screened out due to the scale of the proposed development and distance from the protected site: The TOLSE concludes that that there are no pathways to significant effect on Interest Features of the bat SAC.

Matters relating to Habitat loss; and Habitat fragmentation were screened out of the assessment because of the design of the scheme including an ecological buffer retained and protected by fencing as shown on plan which allows commuting to continue.

Disturbance of the known flight lines through light spill is secured by the design of the scheme.

The development has been revised to reduce the height of the building, The roof pitch and ridge heights have been reduced, the first floor windows have been reduced in size and it is confirmed on plan that there will be no lighting on the southern elevation. External lighting has been specified on plan as low level located away from the wooded corridor and shielded by porched areas.

A condition is recommended.

The development shall be carried out in strict accordance with the details illustrated on Site Plan As Proposed Drwg no.1460(PL)01B revised 21/1/2020 produced by Buckle Chamberlain Partnership Ltd & Proposed Floor Plans and Elevations\_ Drwg no.1460\_PL\_02B revised 21/1/2020 produced by Buckle Chamberlain Partnership Ltd and Section 10 Recommendations of the approved "An Ecological Survey Report at Rosemary, Beaufort Road, Osbaston, Monmouth. By Just Mammals dated September 2019".

Reason: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1 and the Environment (Wales) Act 2016.

**Dwr Cymru-Welsh Water:** a public 150mm foul water (only) sewer crosses the proposed development site. No operational development is to commence within 3 metres either side of the centreline of this sewer. A condition is recommended preventing surface water to connect into the main drains

**MCC Highways:** The Application is for the construction of a detached, six bedroom residential dwelling with integral double garage and driveway access from the public highway, with onsite parking and turning all within the existing curtilage of the property known as "Rosemary". Associated works also include the demolition of the existing detached single garage to facilitate the construction of the shared use vehicular access to both the existing and proposed residential dwellings.

The Application states that the proposed shared use driveway is to be constructed in permeable block paving and is acceptable.

The configuration of the proposed driveway/parking/turning arrangement will provide the required number of parking spaces in line with MCC Parking Guidelines SPG and allow vehicles to turn within the development to exit onto public highway in a forward gear and is acceptable.

The existing vehicular access from the public highway is to be utilised for access into the development proposal. It is noted that this access is to be slightly amended in shape but appears to be contained within the existing bell-mouth arrangement.

The Applicant should note that any additional drop kerbs, footway crossover strengthening works etc. required are to be to MCC Highways standards.

No highways grounds for objection.

## 5.2 Neighbour Notification

24 Letters have been received with regard to the original scheme raising the following issues:

1. Overlooking into neighbours property
2. Incorrect description - there is a reference to a single storey element but there is no single storey part there is an upper storey above the garage
3. Subjective comments; 'big garden' is subjective and not relevant; it is not a big garden if one considered the surroundings when the house and parking is accommodated

There is insufficient turning area within the site, further exacerbated by a further double garage to serve the severed property.

Increase in cars visitors, etc.

Windows to front of building face direct towards neighbour's property as the north-west elevation overlooks the neighbour's property, exacerbated by the drop in boundary materials

The boundary materials will not screen views to neighbour's property

Landscape scheme referred to is not native; removes native planting and replaces with non-native planting

Proximity of extension to common boundary with neighbouring property

Proposal is inappropriate for this location

Proposal will result in a severe loss of privacy and an increase in overlooking, noise disturbance and pollution

Tandem development and infilling of a garden sets an extremely negative precedent within the area

Ecological impact on local flora and fauna

Once the pre-existing garage is demolished and access cleared the site will be visible

Contrary to Chapter 5.133. 5.135 (Strategic policies respecting distinctiveness) and Chapter 6.5 (General Design Considerations) damaging quality of life and sense of place

Inadequate access

Increased danger of flooding

Over-development of the site

Beaufort Road is a single track with passing places; pedestrians have to step into driveways to let vehicles pass, construction traffic would cause a further hazard compromising highway safety

Conflict with local plan

More open space needed on development - little recreational spaces for the new or severed property

Out of character with area

Too many infilling developments resulting in irreversible damage

Loss of light

Impact on residential amenity

Light intrusion

Building over an established garden will irrevocably alter the character of the immediate area

Charles Close enjoys uninterrupted views across landscape; the construction would alter the view and change the character of the area

Impact on highway will discourage children from walking to school

Impact on nesting birds

Development detracts from the semi-rural feel

High density housing out of character with the area

What is the intention of Rosemary Cottage - no details given in the application?

Increase in rainwater run off

Disproportionate scale and mass of proposed development with six bedrooms

question land ownership boundaries

Trees not shown correctly on boundary

Strain on community facilities, particularly local school that is overstretched

Increase in rainwater run off

Greater Horseshow bats on commuting route through site and high levels of foraging at the site along the mature deciduous tree lined brook and hazel and laurel hedgerows

Potential for dormouse, reptiles and amphibians on site through brush piles, pond and slow flowing brook

Existing house on site has potential for roosting bats

Existing mature and tall hazel and laurel hedgerows on site providing food source for dormouse

The site is too small to accommodate such a large and high building, it will be impossible to achieve net gain in biodiversity if the hedgerows or trees are removed to accommodate this large building; two trees have already been felled

Light spill onto existing tree lined brook and hedgerows will impact foraging and commuting bats and potentially dormouse

Sediment pollution run off into brook will impact aquatic species

Foul water potentially entering the brook and rise of pollution, the sewer system in Osbaston is already at its limit

No tree survey has been done

No breeding bird survey has been done

Significant concerns over impacts of the proposal on European protected species. The tree lined brook is connected to the Rivers Monnow and Wye and as such is used as a commuting route by bats and potentially other protected species. The brook is part of a mosaic of habitats in Osbaston which lead from Buckholt wood and further to Newton Court bat SSSI down into the river Monnow and the River Wye. Potentially impact the bat SSSI and SAC

Destruction of character of the existing cottage

Development is a result of profiteering and opportunism causing disruption to local area

- In response to revised plans a further six representations have been received to date with the following comments:

- Neighbouring property Llys-Wen has stated in the context of privacy the revision merely removes one window from one aspect - the south-west. Fails to address north-west aspect, whole front of proposed property would overlook garden area and internal habitable rooms

- Inappropriate development for reasons given in previous objection

- Infill does not respect or enhance its surroundings

- Reference is made to supporting text in the LDP Chapter 5 Strategic Policies 'Respecting Distinctiveness'

- Layout and design essential to achieving quality of life, sense of place and a healthy and safe environment'

- No material difference to the resubmitted plans
- Narrow single dwelling is inappropriate and breached the Council's planning objectives
- Require access from the narrow, single track Beaufort Road
- Unresolved legal boundary disputes
- Development in the area is relentless
- Access is unsuitable for heavy construction traffic
- There are no pedestrian footways serving highway
- Do not object to the application in principle - objection is concerning the clause that the trees on the fringe of the brook separating our two properties, are to remain. The trees in question are not part of the original tree-line, They were planted some 25 years ago by the current applicant's father and despite many requests to have them reduced in height they were ignored. These trees cause a serious case of "loss of light" into my lounge and front bedrooms, especially during spring and summer months when in full foliage. Many people who do not live near this location have remarked about the effect on local wild life. I have resided here for 41 years, have never seen a bat or otter, except for a slow worm some years ago. I am an avid bird watcher and a member of the Gwent Wild Life Trust and would have noticed these creatures. In addition I would point out that my property is the only one which faces this brook. All other properties fringing the brook from Charles Close to St Mary's Road, back onto it.
- The reduced scaling is immaterial, the paramount factor should be the principle of inappropriate garden infilling with a tandem development
- Town Council voted unanimously against the development; concerns over creating a precedent and against the local plan - are their and indeed local residents' views irrelevant?
- The plan is also in direct conflict of central government's policy to avoid continual erosion of valuable ecological amenity by 'garden grabbing'
- No information given on how Rosemary will be redeveloped; this has an impact on this development.

## **6.0 EVALUATION**

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

#### 6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

The application site is within the development boundary for Monmouth, therefore the principle of this development is acceptable. The site is a long plot with a traditional dwelling located close to the front boundary with the highway with a large rear garden. Whilst the garden is bounded on all sides by existing neighbouring properties there is scope to site a dwelling on this plot with access delivered by demolishing the existing garage to facilitate a shared access to serve the severed (host) dwelling and the new dwelling to the rear. The development is to be considered in view of the recently adopted SPG on infill residential development. This states the following:

"The overarching objectives for infill development as set out in this SPG are to:

- a. Make efficient use of brownfield land.
- b. Protect residential amenity, both of new and existing occupiers.
- c. Make a positive contribution to the creation of distinctive communities, places and spaces.
- d. Respond to the context and character of the area.
- e. Be of a good design, which is sustainable.

#### 6.1.2 Good Design/ Place making

Whilst traditionally this proposal may appear as backland development, the existing layout with the host dwelling located the side and at the front enables an aspect for the new dwelling towards the highway; also, the urban grain is not altered significantly, as the layout is such that the dwelling sits adjacent to the properties running along Charles Close. The proposed dwelling with its reduced scale now sits comfortably on this plot in association with the footprint of the surrounding dwellings and their respective plots. There are a mix of house designs in the area; this traditional simple design works within this setting where there is no over-arching form or design. The proposed external materials are acceptable. When framed with the improved indigenous landscaping of new native hedgerows along boundaries and the retention of the existing landscaping belt to the rear will help the development to settle into the surrounding area.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

The potential impact upon the neighbouring properties has been minimised with the siting of the dwelling combined with existing mature foliage that runs along the boundaries of the site. There are no first floor side windows serving habitable windows that may overlook neighbouring properties. The proposed dwelling has been sited almost adjacent to no 11 Charles Close with 4.3m separating the proposed development from the common boundary with this property. This minimises the impact of the proposal upon this property in terms of massing and over-dominating impact.

The frontage of the main dwelling would be almost level with the rear building line of Llys-Wen (which is single storey). This prevents overlooking into the rear garden space or into windows. The proposed scheme also locates the smaller ancillary element of the garage adjacent to the south-west common boundary. The revised plans pull the development further away from the common boundary, minimising the massing impact of the proposal upon the neighbouring property.

The separating distance to the rear (west) is acceptable and coupled with the strong landscape tree belt which is to be retained results in this development not having an adverse overlooking or over-bearing impact upon this neighbouring property.

There is more than a sufficient separating distance between the application site and the host property and to Downlea that fronts Beaufort Road, both in terms of distance to rear windows and into private garden space. The proposal meets the privacy guidelines and has been designed to be of a scale whereby the rooflines that run adjacent to the neighbouring properties sit below that of the neighbouring properties namely 11 Charles Street and Llys Wen. Thus, the development does not have an over-bearing impact in this case.

### 6.2 Access / Highway Safety

There have been concern raised by neighbours regarding the highway implications of the proposal. The Council's Highways Team has been consulted as part of the planning application and have no objection. It is accepted that traffic flows on Beaufort Road will not be adversely affected by one additional dwelling; the site delivers the required level of parking provision. There will be a turning area on site so that cars can enter and leave in a forward direction.

### **6.3 Distinctive & Natural Places**

There is no distinctive form or design of the dwellings within this area. The design and appearance of the proposed dwelling is appropriate to the location and the mixed architectural styles of existing neighbouring properties. The proposal sits comfortably within the urban grain and does not appear out of context within the existing urban form or pattern of development.

The landscaping scheme, which proposes to retain the existing trees and replace non-native species with native species, will serve to frame the development and help to ensure the development sits within the context of this area,

#### 6.3.1 Landscape/ Visual Impact

There will be glimpsed viewpoints into the site from Beaufort Road when the garage is demolished, however the form scale and design of the frontage of this development, framed by the proposed landscaping scheme will ensure that this development will be visually acceptable from this viewpoint. There will be views of the rear of the site from the end of Charles Street, this but will be softened by the landscaping to the boundary. The height and mass of the proposal is such that it will be viewed as a continuation of the built form of the existing pattern of development in Charles Close.

#### 6.3.2 Biodiversity

There has been significant work undertaken to ensure that the development meets the requirements in terms of biodiversity. The relevant studies have been undertaken that has informed the final design of the site. The measures proposed, which include the retention and protection of the landscape belt to the rear of the site, the inclusion of new native hedgerows to replace non-native species and control of lighting, result in a proposal that not only meets ecological requirements but also provides ecological enhancement.

### 6.3.3 Water (including foul drainage / SuDS)

This will be subject to the approval of the Sustainable Drainage Approval Body. The agent has addressed this issue in that the proposed dwelling will not affect surface water drainage. The proposed development must comply with Welsh Government Legislation regarding Sustainable drainage which strictly controls surface water run-off. To achieve compliance with Sustainable Drainage legislation the new dwelling will have rainwater harvesting system to collect and store rainwater and make use of it to flush toilets, supply washing machines, water gardens etc. there will be little if any water discharging to the ground to soakaway. In fact, the rainwater harvesting installation will still require mains water supply as stored water is not sufficient on its own. The driveway will be of permeable surfacing to avoid run-off.

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

The relevant planning issues that have been raised have been addressed in the report.

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

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

### **6.6 Conclusion**

The application site is more than adequate to accommodate the proposed dwelling and is able to provide the required on-site parking and turning and associated landscaping. The proposed dwelling is of traditional two-storey design and has been designed and sited to ensure that it does not impact adversely on neighbour amenity. It also works with the context of the surrounding area. The proposal provides ecological net gain and delivers a scheme that meets planning policy and relevant Supplementary Planning Guidance.

### **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

Financial Contribution towards affordable housing (which has been agreed by the agent)

#### S106 Heads of Terms

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 The development shall be carried out in strict accordance with the details illustrated on Site Plan As Proposed Drwg no.1460(PL)01B revised 21/1/2020 produced by Buckle Chamberlain Partnership Ltd & Proposed Floor Plans and Elevations\_ Drwg no.1460\_PL\_02B revised



REASON: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1 and the Environment (Wales) Act 2016.

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

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

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

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

6 None of the existing trees enclosed by the protective fence along the western boundary on the site shall be felled, lopped or topped ( uprooted or willfully damaged). If any of these trees are removed, or if any die or are severely damaged, they shall be replaced with others of such species, number and size and in a position to be agreed in writing with the Local Planning Authority. Any lopping or topping which may prove necessary shall be carried out in accordance with a scheme previously approved in writing by the Local Planning Authority.

REASON: To secure ecological enhancement and 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 Policy LDP NE1 and GI1.

7 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C 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 without the prior approval of the Local Planning Authority.

REASON: To protect the residential amenity of the neighbouring properties in accordance with LDP DES 1.