

**Proposal:** Two new detached dwellings with associated garages, car parking, access driveways and landscaping

**Address:** Land rear of Rosebrook, Watery Lane, Monmouth

**Applicant:** Mr Darren Morgan

**Plans:** Elevations - Proposed P01 - C, Elevations - Proposed P02 - D, All Existing Plans P10 - A, All Proposed Plans P11 - G, Location Plan P20 - B, Other P35 Vision Splay Plan - , Street Elevation P30 - B, All Drawings/Plans P03 Proposed Garages - , Landscaping Plan 20/743/01 Proposed Planting Plan - D, Other Site Report Author Tim Fycun - , Drainage RH10 Drainage Layout - Revision B, All Proposed Plans P03 Proposed Garages - , Other MIH Schedule 2 - , Other Surface water Storage Requirements - , Other Email 12/03/22 from agent drainage details - , Drainage WEPS Ltd Site Report - dated 06.04.21, Tree Survey Jerry Ross Arboricultural Tree Survey and constraints report (dated 25/09/2018) - , Tree Protection Plan Arboricultural Impact & Protection Plan dated 08.11.2018 - ,

**RECOMMENDATION: Approve subject to a s106 agreement**

Case Officer: Jo Draper

Date Valid: 18.01.2021

**This application is presented to Planning Committee at the request of the (former) Local Member due to an objection received from Monmouth Town Council**

**1.0 APPLICATION DETAILS**

1.1 Site Description

1.1.1 This is a full planning application for two detached dwellings within the rear garden of a detached dwelling known as Rosebrook. The site has outline planning consent to erect two large detached two-storey dwellings, approved on 7th December 2017. There has been a recent full application DM/2018/01872 for three dwellings refused and dismissed at appeal. This current application has superseded a previous reserved matters submission (with the same reference), as the dimensions of the proposed dwellings as part of the reserved matters application were smaller than the minimum parameters set by the outline planning consent and therefore had to be addressed as a full planning application.

1.1.2 The dimensions of each of the proposed dwellings are as follows:

Plots 1 & 2

12.1m in width

16m in depth (including the gable projection to the rear).

Eaves height is 4.6m

Ridge height is 7.5m

There is a double garage proposed to serve each dwelling, measuring 6sq.m. in floor area, 2.25m to eaves and 4.75m to ridge. The external materials match the proposed dwellings.

1.1.3 External materials comprise blue-black natural slates and ridge tiles. Colour coated aluminium fenestration in dark grey. The front walls are finished with random coursed stonework and clay facing brickwork, with the side and rear elevations being a mixture of natural render and facing brickwork. Dark grey rainwater goods.

There is a change in the treatment of the frontage with Plot 1 having a double gable frontage whilst plot 2 has one gable projecting to the front. A street elevation submitted with the application demonstrates that due to the drop in levels to the rear of the severed property, both proposed dwellings have a lower ridge height than both the severed dwelling and neighbouring property Half Acre when viewed from the highway.

1.1.4 Access to the site is proposed via two new private driveways, one either side of the existing dwelling, Rosebrook.

1.1.5 The landscaping/planting plans show that the existing hedgerow to the north, south and east boundary is to be retained. The only hedgerow to be removed is the small section that is removed to create a new access to serve plot 2. New hedgerow planting is proposed around the boundary of the severed property, and this extends to the driveway of plot 2 to the ditch to the front of the site.

1.1.6 There are fourteen additional trees proposed as part of the landscaping scheme, with seven new trees proposed along the boundary between the access and the neighbouring property Half Acre. There are five new trees proposed along northern boundary with the neighbouring property Bryngwyn and two additional trees provided between plot 1 and the severed dwelling, Rosebrook within the hedge boundary. A hedgerow is the proposed boundary material separating plots 1 and 2.

A 1.8m high close-boarded fence will run alongside the hedgerow forming the boundary to the severed dwelling and the plots to the rear.

1.1.7 The agent has confirmed that the Jerry Ross Arboricultural Tree Survey and constraints report (dated 25/09/2018), together with the notes regarding arboricultural impact and tree / root protection, and the measures outlined on the Arboricultural Impact & Protection Plan dated 08.11.2018, have been fully incorporated into the most recent application (ref DM/2019/01867). The trees subject to TPO's are shown to be fully protected, the only trees to be removed are trees 6, 8 and 9 (shown on the landscaping plan), all identified in the tree report (submitted with the previously refused application) as being in poor condition or in the case of the sycamore (tree 8) as being of structural concern. The remaining trees on site are retained as part of the landscaping scheme.

1.1.8 There has been a full drainage submission to accompany this planning application, covering foul and surface water drainage. It is proposed that the foul water is treated by a single Private Treatment Plant that serves each property, while the surface water drainage is to connect to the watercourse that runs to the front of the site along this section of Watery Lane.

1.1.9 This application is presented to Planning Committee at the request of Monmouth Town Council who have objected to the proposal. The former Local Member also requested that it be presented to Planning Committee.

## 1.2 Value Added

1.2.1 In reaching this final scheme there have been a number of revisions to the scheme. The current scheme was previously revised to reduce the scale and mass of the proposal with the width of both dwellings being significantly reduced (this led to the applicant having to submit a full planning application to replace the Reserved Matters application originally submitted). Further changes negotiated involved provision of additional trees, hedgerows and clarification of planting details that secure a more appropriate mix to meet the requirement for ecological betterment and contribute to the visual and landscape amenity of the surrounding area.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/01872	Three new detached market dwellinghouses with associated garage(s), car parking, access driveways and landscaping.	Refused	17.05.2019
DC/2017/00188	Two detached two storey dwellings located in rear garden of Rosebrook.	Approved	07.12.2017

### **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 S4  
LDP Affordable Housing Provision

#### **Development Management Policies**

EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
GI1 LDP Green Infrastructure  
MV1 LDP Proposed Developments and Highway Considerations  
EP3 LDP Lighting  
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements

### **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: Refuse**

- Overdevelopment
- Drainage
- Access

Councillors felt that the amended application did nothing to alleviate the concerns that had been raised by the Town Council previously. It was noted that flood prevention had been considered but the concerns of Councillors remained.

Councillors are concerned about overdevelopment in an area which is prone to flooding. There was also concern that the water from the property will be pumped into the ditch at the front of the house and whether the ditch can take the increase in water that will be caused by the new properties. Councillors noted the concerns of the neighbour at Half Acre and took these concerns into consideration. Councillors feel that the size of the proposed houses are not in keeping with the area and note that the elevations provided for property 2 still contain conflicting proposals.

Councillors have particular concern that ditches have been infilled as part of the development and would recommend further investigation into this as such actions will have significant impact on water drainage and future flooding issues.

**Gwent Glamorgan Archaeological Trust (GGAT):** No objection: There is unlikely to be an archaeological restraint to this proposed development

**MCC Green Infrastructure (G)/Urban Design Officer:** The revised submission has sought to address concerns raised regarding scale and mass of the proposed dwellings and impact on the localised character of Watery Lane. The reduction in the properties' width as viewed from Watery Lane and additional tree planting is welcomed and is considered to be more proportionate for the plot and setting. However the ridgeline to plot 1 has increased slightly from 7.4m to 7.5m and plot 2's ridgeline has decreased slightly from 7.55 to 7.5m with a reduction in depth providing a more consistent overall dwelling height above ground level with variations in roof alignments in terms of dormer ridgelines. Visually this would be acceptable.

The additional soft landscaping information on plan ref 20/743/01 rev C and clarifications regarding fencing is acceptable.

There is sufficient landscape information and soft landscape information. The proposed development is acceptable.

**MCC Ecology:** no objection subject to conditions

Landscape details

The landscape plan shows that majority of hedgerows are to be retained and there will be 189m of hedgerow planting; amendments to provide a more diverse mix have been made and this is welcomed.

We welcome the submission of "Planting Proposals Plan Dwg ref. 20/743/01 rev D", this clearly shows the existing/retained, new planting and the vegetation to be lost. It is evident that existing vegetation is being retained where possible and that the new planting proposed will compensate for any loss, improve habitat connectivity and also contribute towards providing net benefit for biodiversity. Please include this plan as an approved document on the consent to ensure compliance.

Dormice

There is potential for Dormice to be present in the wider area, however, given the extent of retained vegetation and the additional 189m of hedgerow planting proposed as part of the scheme, it is not considered that the development would be detrimental to this species. Appropriate Construction methods will need to be secured via a condition for a Construction Environmental Management plan (CEMP).

Bats

With reference to the high-quality bat landscape to the south of the property and to safeguard any potential roosts within Rosebrook or surrounding trees, we would also request a lighting plan. This should ensure dark corridors to the wider landscape are maintained and only sensitive low level PIR lighting is used on the dwellings.

We had previously expressed concern that the trees scheduled for removal had not been subject to an ecological assessment and therefore asked for a method statement for removal. It is accepted from review of the arboricultural assessment that the trees to be removed would have limited potential for bats, however, as a precaution we request formal assessment to be undertaken as part of the CEMP.

Biodiversity Net Benefit

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

We welcome the provision of updated plans "P11 Rev F Proposed Site and Landscape Plan", "P01 Rev C Plot 1" and "P02 Rev D Plot 2". These plans identify the location, positioning and specification of features designed to provide net benefit for bat and bird species, this coupled with the additional planting indicated on "Planting Proposals Plan Dwg ref. 20/743/01 rev D" demonstrates that the scheme will provide net benefit for biodiversity. Compliance should be sought via these plans being listed as approved documents on the consent and through the condition provided below.

## River Wye SAC - Phosphorus

The proposals have the potential to increase phosphorus levels in the River Wye SAC and as such a Habitats Regulations Assessment has been undertaken.

The proposals were found to be likely to result in a significant effect, due to the in-combination effect of consenting two discharges to ground closer than 200m from one another and also closer than 200m from any other existing discharges (approx. 15 exempted discharges).

The development would also increase the density of discharges to greater than 1 for every 4 hectares (or 25 per km<sup>2</sup>). On review of the NRW Waste and Water Quality exemptions - Public Register (Natural Resources Wales Waste and Water Quality exemptions - Public Register) the existing density is 28 per km<sup>2</sup> the proposals would increase this to 30 per km<sup>2</sup>.

A full Appropriate Assessment in accordance with Regulation 63 was therefore undertaken.

In considering the Planning advice, in particular the in-combination effect, the development would result in an additional two discharges that are within 200m from one another and closer than 200m from any other existing discharges (approx. 15 exempted discharges). It would also result in an increase in the density of discharges to 30 per km<sup>2</sup>.

The capabilities of the PTSP and the resultant Phosphorous levels are such that 360mg per day would discharge to ground. The system proposed is compliant with British Standards and it considered that given the distance to waterbodies, the SAC and the discharge rate that the development is unlikely to have an adverse impact on the integrity of the SAC. The details of the foul drainage system must be secured via compliance with the approved drainage layout plan. The applicant will need to seek an environmental permit for the proposed discharges.

NRW's comments of the 28/09/21 agree with the LPA conclusion and state, "Based on the evidence in the AA we are satisfied you can conclude no adverse effect on site integrity (River Wye Special Area of Conservation (SAC))."

Conditions required relating to CEMP, lighting design and biodiversity enhancement.

**MCC Tree Officer:** No objection subject to conditions.

The outline 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.

Reference is made to the previous refusal for 3 dwellings, the proposed layout on the current application increases the number of dwellings to three. However, the new layout demonstrates that the RPAs may still be accommodated provided that adequate tree protection measures are adopted and adhered to.

Conditions are recommended accordingly.

**MCC Highways:** No objections subject to conditions.

The highway authority offered no objections to the outline application DC/2017/00188 for the development of an additional two dwellings in the garden of Rosebrook. The highway authority offers no objections to increasing the number of properties served off the existing means of access to two properties and the creation of a new means of access off Watery Lane to provide vehicular and pedestrian access to a further property to the rear of Rosebrook.

The details submitted in support of the application are deemed acceptable. The new means of access will be required to traverse the adjacent drainage ditch / watercourse, the applicant should as detailed at outline application ensure that they make the appropriate application to Natural Resource Wales (Internal Drainage Board) for the crossing of the adjacent watercourse and no development may commence until the applicant submits details of agreement and approval of the access bridge/culvert by Natural Resources Wales.

A Construction Traffic Management Plan condition is required here for such a development where the highway access is limited.

Surface water from the highway, will be picked up in the detailed design to be submitted to firstly

gain land drainage consent (NRW) and secondly the highway authorities requirement to traverse the highway pursuant to S184 of the Highway Act, the watercourse being highway. The highway engineer has suggested that if the neighbour wants further reassurance a further condition could be imposed requiring the applicant to take positive measures to prevent surface water from the adjacent highway draining into the application site, details to be submitted to the planning authority prior to development commencing.

**Natural Resources Wales:** No objection to proposed development as submitted.

We have reviewed the following additional information submitted in support of the application: - E-mail trail with most recent e-mail from Darren Worthing to Jo Draper, dated 12 March 2022.  
E-mail trail with most recent e-mail from David Penny to Jo Draper, dated 17 March 2022.  
E-mail trail with most recent e-mail from Jo Draper to Andrew Hurst, dated 28 February 2022 including e-mail from Dave Penny to Jo Draper dated 18 February 2022 regarding site visit and seeking clarification on 3 numbered points.

We provide the following updated comments:

**Surface Water Drainage** The proposed development site is within the Lower Wye Internal Drainage District (IDD). We note the proposed development is proposing surface water discharge to watercourse. Greenfield run-off rate has been calculated as being as 2.5l/s per property (5l/s in total) which will convey at this rate to the watercourse

We refer you to an e-mail from Darren Worthing to Jo Draper dated 12 March 2022. We can confirm we have no objection in principle to the proposed surface water drainage proposals subject to the applicant securing all relevant permits/consents/licences relevant to their application including Land Drainage Consent (LDC).

**Habitats Regulations Assessment.**

We most recently provided comments on the Habitats Regulations Assessment (HRA), our reference - CAS-165059-H4B7, your reference DM/2019/01867, dated 28 September 2021. In this response we concluded that based on the evidence in the Appropriate Assessment (AA) we were satisfied you can conclude no adverse effect on site integrity (River Wye Special Area of Conservation (SAC)). We also advised that the applicant was proposing to install a Package Treatment Plant for each of the proposed dwellings discharging to soakaway and that your authority must be satisfied that the proposed drainage field be built to British standards.

**Foul Drainage/PTP** We have previously stated that the proposed development was going to an existing septic tank connection. We now note that the proposed dwellings are each going to be served by a separate package treatment plant connection discharging to soakaway. We refer you to our response to the HRA AA consultation our reference - CAS-165059- H4B7, your reference DM/2019/01867, dated 28 September 2021. I also refer you to our latest response to the planning consultation, our reference - CAS-145692-R1J6, your reference DM/2019/01867, dated 29/4/2021, where we confirm the applicant has justified the use of private drainage systems for this proposed development. We raise no further concerns in this regard but remind the applicant that it is their responsibility to secure all the relevant permits for their proposed development.

**European Protected Species** We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required. The survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016. NRW therefore has no comments to make on the application, as submitted with regard to EPS - Bats. Please consult us again if any survey undertaken finds that bats are present at the site and you require further advice from us.

**Dwr Cymru-Welsh Water:**

From reviewing the applicant's submission package, we have examined the foul and surface water drainage strategy. We note that surface water is to be managed on site using permeable paving and then discharged to nearby watercourse. For foul water we note that due to difficulties to reach the nearest public sewer, the use of a private waste water treatment system is proposed.

Welsh Water have no objection to above development proposals.

As of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of

Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems -designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Monmouthshire Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

We can advise that Monmouth WwTW has/does not have a phosphate permit. This matter will need to be considered further by the local planning authority.

It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application

**MCC Environmental Health:**

I note that a private foul / waste water treatment system is proposed for this development. Providing the foul / waste water treatment system meets current Building Regulations / Standards, I do not anticipate an unacceptable risk / harm from noise, odour etc., to nearby residents. I therefore have no objection.

**MCC Drainage Officer:**

I have reviewed the information provided and have no further comments at this time. The discharge rate has been agreed by NRW to not have an effect on flood risk. As NRW have confirmed that the discharge rate is acceptable we are happy for the proposal to go ahead. Information given regarding the requirements for soakaways and percolation tests, this is considered under the land drainage consent and building regulations.

**MCC Building Regulations:** I can see through the recent correspondence sent to me that the agent and his drainage specialist have provided above and beyond the usual Planning requirements for justification of applying an off mains waste water solution to this application. The level of detail that they have gone into would be the level of detail required as a Building Regulations application.

As this is meant as a desktop study, I believe they have evidenced that their scheme is suitable for progressing beyond Planning and to a Building Regulation application.

5.2 Neighbour Notification

Two neighbours have objected to the proposal. The objections sited are listed below with further text given where a bullet point is not adequate.

- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- General dislike of proposal
- Inadequate access
- Increase danger of flooding
- Increase of pollution
- Information missing from plans
- Loss of privacy
- Noise nuisance
- Not enough info given on application
- Potentially contaminated land
- Residential Amenity
- Development too high
- General dislike of proposal
- Increase in traffic
- Out of keeping with character of area
- Over development
- Administrative Inaccuracies
- Replacement of septic tank for Rosebrook
- Privacy Distances
- landscaping and compensatory planting
- Damage to conifer trees due to proximity of proposed development affecting tree roots
- Conditions covering potential damage and flooding to neighbouring property
- Contamination Risk of Proposed PTP and potential impact upon neighbour

- Questions information on Habitat Regulation Assessment
- Infilled ditch not shown

### 5.3 Other Representations

No further comments have been received to date.

### 5.4 Local Member Representations

The former Local Member has requested this application is presented to Planning Committee.

## 6.0 EVALUATION

### 6.1 Strategic & Spatial Choices

#### 6.1 Principle of Development

The application site is within the Monmouth development boundary as identified in the adopted LDP 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. Whilst this is not a 'reserved matters' application, it is noteworthy that there has been a previous outline planning approval for two detached dwellings on this site.

#### 6.2.1 Good Design

6.1.2.1 This application has been subject to a number of amendments to alter the design, and decrease the scale, footprint and overall mass of each individual dwelling to bring the height down to two-storey dwellings that are more in character with the area.

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 previous 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. However, the outline consent established the principle of development on the site and the illustrative plans served only to demonstrate what could be accommodated on the site.

The proposed dwellings as part of this scheme are set back in the plot and would have a significantly smaller footprint than that allowed as part of the outline consent. As a result they help to create a less 'built up' appearance than otherwise would be the case if a larger footprint was developed as allowed under the outline consent. Both proposed dwellings have traditional proportions and form, the frontages are broken up with gables, the materials are a combination of traditional and natural with a natural slate roof, clay facing brick, the introduction of colour coated aluminium fenestration, bargeboards and rainwater goods provide a modern uplift to a traditional built form. Individually the design of the dwellings are acceptable and work well within this setting.

The land drops down to the rear of the site, and the proposed dwellings would sit lower than that of the severed (or host) dwelling, Rosebrook. A street elevation submitted with the application demonstrates that the ridgeline from this viewpoint is below that of the host property, Rosebrook, and the neighbouring property, Half Acre.

The proposed garages are both detached and are either set to the side of the dwelling or set back, forming an ancillary building to the main dwelling. They measure 6m in length and width and they read as a single storey garage with a pitch that matches that of the existing dwelling. The garage doors are two smaller double doors with external materials comprising facing brick and slate to match the main dwelling with rainwater goods to match existing. The proposed garages are of an acceptable scale and design that work with the overall scheme.

The application is supported by a comprehensive landscaping scheme that looks to retain a significant part of the existing landscaping, although what is lost in terms of a small stretch of hedgerow and some trees are more than compensated for by the 189m of additional hedgerow and 15 additional trees to be planted. All make a significant contribution to the visual amenity of the surrounding area and serve to soften the built form from the street scene and neighbouring properties.

LDP Policy DES1 criterion l) 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". The form, design and scale of the proposed new dwellings, coupled with the extensive landscaping proposed, have met this requirement.

### 6.2.2 Place Making

Watery Lane is a distinctive place in that it is characterised by individual dwellings situated on spacious, generous plots facing onto the 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).

The revised submission has sought to address concerns raised regarding scale and mass of the proposed dwellings and impact on the localised character of the lane. The reduction in the properties' width as viewed from Watery Lane and additional tree planting is welcome and is considered to be more proportionate for the plot and setting. While the ridgeline to plot 1 has increased slightly from 7.4m to 7.5m, the ridgeline of plot 2 has decreased slightly from 7.55m to 7.5m, providing a more consistent overall dwelling height above ground level with variations in roof alignments in terms of dormer ridgelines. Visually this is considered to be acceptable. The proposed development by reason of the comparative plot sizes and separating distances between dwellings and plot boundaries is not out of keeping with the character of the surrounding area. The houses set back in their plots and replicate neighbouring developments (and that of the outline development).

The proposed design has sought to deliver traditional two storey dwellings with traditional and contemporary materials. The landscaping scheme has sought to retain the majority of what is existing and proposed significant additional planting with further hedgerows and trees framing and softening the site from surrounding vantage points. Subject to the appropriate use of conditions to secure the implementation and retention of landscaping and boundary materials, the proposed development will settle comfortably within the context of Watery Lane.

### Green Infrastructure and Landscaping

The proposed landscaping seeks to retain a significant amount of the existing hedgerows and trees, with substantial additional landscaping in the form of hedgerows, tree planting and low-level bed planting. A further 189m of indigenous hedgerows are proposed, plus another 15 trees strategically placed to provide relief along boundaries to the hard landscaping and built form and softening the sub-divisions of this site. This would help to integrate the development into the surrounding area. The GI/Landscape Officer has confirmed that additional soft landscaping information and clarification regarding fencing provided is acceptable. There is now sufficient landscape information and soft landscape information to ensure that subject to appropriate conditions the proposed development is acceptable.

The neighbour has objected to the choice of tree species and planting position; the concern is that all root growth and most of the canopy will be within Half Acre's boundary and will damage Half Acre's fence while creating unnecessary shade because of the proposed landscaping's proximity and height.

The Council's GI and Landscape Officer has responded directly to this. Half Acre is to the southern boundary of the proposed site.

The proposed boundary trees are:

4 *Betula pendula*: silver birch

3 *sorbus aucuparia aspenifolia*: a variety of rowan / mountain ash

The trees are proposed to be planted within the edge of the proposed new hedging indicated as H4. The plan indicates native species hedgerows with no conifers indicated.

It is considered that the trees are acceptable choices. The trees are away from the common boundary on the edge of the proposed hedge. The birch is likely to be the larger of the trees but will take a good 20 years to get to 6-8m. Given that they are light leaved i.e. they do not have a dense canopy and do allow light through it is considered that these are acceptable in respect of the type of species and the planting location and they would not adversely affect the neighbouring property in terms of root damage or overshadowing.

### 6.3 Biodiversity

MCC Ecology have welcomed the retention of the majority of hedgerows, with existing vegetation being retained where possible, and a further 189m of hedgerow planting proposed with a more diverse mix compensates for any loss, improves habitat connectivity and contributes towards providing net benefit for biodiversity.

It is accepted that there are records of Dormice in this area to the north and south so there is an increased likelihood of presence at the site. However, it is concluded that given the extent of retained vegetation and the additional length of hedgerow planting proposed as part of the scheme the development would not be detrimental to this species. Appropriate Construction methods can be secured via a condition for a Construction Environmental Management plan (CEMP).

Regarding bats (reference to the high-quality bat landscape to the south of the property and to safeguard any potential roosts within Rosebrook or surrounding trees), MCC Ecology have required a condition to secure a lighting plan. This should ensure dark corridors to the wider landscape are maintained and only sensitive low-level PIR lighting is used on the dwellings. There was concern that the trees scheduled for removal had not been subject to an ecological assessment and therefore a method statement for tree removal was requested. It is accepted from review of the arboricultural assessment that the trees to be removed would have limited potential for bats, although as a precaution formal assessment would be undertaken as part of the CEMP.

Concern has been expressed by the neighbour regarding the absence of ecological assessment with reference to other species. MCC Ecology are satisfied that given the landscape being retained and the additional landscaping secured that this, coupled with the imposition of appropriate conditions securing a Construction Environment Management Plan, lighting design and biodiversity enhancement, would satisfy the requirements of national and planning policy. It is noteworthy that a specific requirement of the CEMP condition is to secure (Part c) of the proposed condition), "Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This is to include dormice, reptiles, amphibians, hedgehogs, nesting birds and bats (as necessary see a) above".

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The application has provided updated plans in response to this that identify the location, positioning and specification of features designed to provide net benefit for bat and bird species. This, together with the additional planting indicated on "Planting Proposals Plan Dwg ref. 20/743/01rev D", demonstrates that the scheme will provide net benefit for biodiversity. Compliance should be sought via these plans being listed as approved documents on the consent and through a compliance condition.

The proposals have the potential to increase phosphorus levels in the River Wye SAC and as such a Habitats Regulations Assessment has been undertaken.

The proposals were found to be likely to result in a significant effect, due to the in-combination effect of consenting 2 discharges to ground closer than 200m from one another and also closer than 200m from any other existing discharges (approx. 15 exempted discharges).

A full Appropriate Assessment in accordance with Regulation 63 was therefore undertaken, the findings of which are that the development would result in an additional two discharges that are within 200m of one another and closer than 200m from any other existing discharges (approx. 15 exempted discharges). It would also result in an increase in the density of discharges to 30 per km<sup>2</sup>.

However, it is concluded that the capabilities of the proposed package treatment plants and the resultant Phosphorous levels are such that 360mg per day would discharge to ground. The system proposed is compliant with British Standards and it considered that given the distance to waterbodies, the SAC and the discharge rate that the development is unlikely to have an adverse impact on the integrity of the SAC. The details of the foul drainage system must be secured via

compliance with the approved drainage layout plan. The applicant will need to seek an environmental permit for the proposed discharges from NRW.

NRW's comments of the 28/09/21 agree with the LPA conclusion and state, "Based on the evidence in the AA we are satisfied you can conclude no adverse effect on site integrity (River Wye Special Area of Conservation (SAC))."

The proposal overall complies with Policy NE1 of the LDP subject to conditions securing a CEMP, lighting scheme and compliance with plans for ecological enhancement.

#### **6.4 Impact on Amenity**

There has been concern raised by the occupier of the neighbouring property to the east regarding overlooking and an over-bearing impact upon their property.

The usual guideline for a minimum separating distance between first floor habitable windows and the neighbouring boundary to a private amenity area is 10m, between directly facing first floor habitable windows the guideline is 21m.

There is one first floor bedroom window on the east elevation of Plot 2 facing towards the neighbouring property Half Acre. There is a separating distance of 10.8m from this window to the common boundary. There is an established conifer hedge along this common boundary, and it is proposed that this is to be controlled and the height reduced to 4m in height. The eaves height of the proposed dwelling is 4.6m, the hedgerow will therefore cover a significant part of the viewpoint from this window which, coupled with separating distance, will prevent there from being any significant adverse impact on neighbour amenity arising due to overlooking.

Plot 2 is set far back from the neighbouring dwellings with no overlooking from this side window into any habitable rooms in the neighbouring property. With regard to the front first floor windows, the privacy distance guideline of 21m between this and the neighbour's rear windows is more than exceeded. In addition, the mature 4m high conifers proposed to be retained along the boundary provide enough screening to prevent there from being any potential adverse overlooking into the neighbour's dwelling. A condition is proposed ensuring the retention of these conifers. As regards potential overlooking into the severed dwelling Rosebrook there are first floor bedrooms for both Plots 1 and 2 that are situated approximately 10m away from the common boundary and more than 21m from a habitable window in Rosebrook. In both cases any potential overlooking is minimised by the proposed boundary material which is a combination of a 1.8m high timber-stained privacy fence and hedgerow. This will help minimise the potential overlooking into the rear garden of Rosebrook. With Plot 1 it is just the one bedroom that is sited directly in front of the severed garden, the other front window serving bedroom 2 looks towards the drive. The privacy fencing and hedgerow will mitigate any adverse impact in this case. In the case of Plot 2 as well as the proposed boundary material, there is the benefit of existing trees to be retained (Weeping Willow and Walnut) that obscures viewpoint from the bedroom windows of this dwelling.

There are no privacy distances compromised in terms of the rear facing windows towards the neighbouring properties to the rear, the large conifer hedge that runs along the north-east boundary prevents any overlooking into the neighbouring properties to the rear.

Regarding potential disturbance created by the new access serving Plot 2 that runs parallel with the common boundary with Half Acre, the access has been stepped away from boundary and a new hedgerow and seven new trees are proposed adjacent to the boundary to minimise both noise and light disturbance from this new access drive. With regard to car emissions that have been raised as a concern by the neighbour, given the low flow of traffic serving just one property, coupled with the inevitable low speeds of traffic driving along this section of access and the separating landscape vegetation proposed, emissions are not likely to be of a level to unacceptably impact upon the neighbour's health or amenity in this case.

Plot 1 has just one first floor side window facing Plot 2 (serving Bedroom 4) and this looks directly at first floor at a blank wall (there are no first-floor windows on the west elevation of Plot 2). There is also no overlooking to the west of the site for Plot 1.

There have been amendments to the scheme during the consideration of the proposal to reduce the mass and scale of both dwellings. The proposed plots are set far back in the site taking advantage of the drop in floor levels, this helps to reduce the potential mass and over-bearing impact of the proposal. Whilst the same distances that minimise overlooking also provide a

considerable degree of separation to minimise any potential over-bearing impact. Additionally, the landscaping provided (existing and proposed) delivers further relief to the built form to ensure that the proposed development does not have an adverse over-dominating impact on neighbouring properties.

With regard to the proposed garages, for Plot 1 the side elevation is situated adjacent to the rear boundary with the severed dwelling. As the ridge runs east-west, the eaves are at approximately 2m height and rise up as they move away from the common boundary. A viewpoint will be achieved of the upper part of the garage from the severed dwelling, although the proposed privacy fence and hedgerow will screen part of this development. The location of the garage, coupled with materials and boundary materials result in this proposal not having an adverse impact upon the amenity of the severed dwelling. Also, the separating distance prevents there from being an impact upon the amenity of the future occupiers of Plot 2.

The garage for Plot 2 runs adjacent to the common boundary with the neighbouring dwelling Half Acre. The garage gable faces south with the lowest part of the garage facing the boundary. However, the garage is set in from the boundary and is screened from the neighbouring property by the existing conifer hedge that is being retained.

The neighbour has raised amenity as an issue in relation to the proposed surface and foul drainage. This is addressed in further detail under 'Drainage' below.

## 6.5 Highways

The highway authority has no objections to the proposed development, there is no objection to the accesses as proposed namely serving a new dwelling off the existing means of access that serves the severed dwelling and the creation of a new means of access off Watery Lane to provide vehicular and pedestrian access to a further property to the rear of Rosebrook.

Highways are satisfied with the details submitted in support of the application. The proposed new means of access will be required to traverse the adjacent drainage ditch / watercourse, so the applicant should ensure that they make the appropriate application to Natural Resource Wales (Internal Drainage Board) for the crossing of the adjacent watercourse and no development should commence until the applicant submits details of agreement and approval of the access bridge/culvert by Natural Resources Wales.

A pre-commencement condition securing a Construction Traffic Management Plan to be submitted is to be imposed. With regard to surface water from the highway, this will be a detail to be considered as part of the land drainage consent (NRW) and secondly the highway authority's requirement to traverse the highway pursuant to S184 of the Highway Act. Highways have suggested that if the neighbour wants further reassurance a further condition could be imposed requiring the applicant to take positive measures to prevent surface water from the adjacent highway draining into the application site, details to be submitted to the planning authority prior to development commencing; a condition requiring this detail is to be imposed.

Highways have directly addressed the neighbour's concern about the access serving Plot 2 not able to meet the required visibility splays in the following comments:

The existing means of access and proposed means of access as detailed are considered appropriate for access and egress onto Watery Lane, the highway authority in determining the suitability of the proposals has considered the following;

- o Watery lane is a narrow unclassified lane that in the opinion of the highway authority experiences very low traffic flows and traffic speeds.
- o The highway authority has no records of any recorded accidents on Watery Lane.
- o Visibility splays that reflect the likely traffic speeds are achievable, namely Y dimensions of 25 metres for 20mph and 41 metres for 30mph.
- o Due to the narrowness of the lane, vehicles travelling in a north-westerly direction on Watery Lane will be travelling in the middle or to left of the lane, therefore visibility for a vehicle egressing can be measured to the middle of the road.
- o Watery Lane has very good forward visibility in the vicinity of the existing and proposed means of access, therefore intervisibility between vehicle and particularly those egressing the residential drive is good.
- o I trust this clarifies the highway authority's determination as to the suitability of the existing means of access to accommodate the additional dwelling and the proposed means of access.

## 6.6 Parking

Each new dwelling provides the required car parking spaces for each unit and the necessary turning area. The neighbour has raised concern that this proposal does not show car parking for the severed dwelling, although it is clear on site that this proposal does not compromise the existing access that directly serves the severed property with more than sufficient space within the established curtilage for car parking to meet requirement and a turning area. This development does not compromise the safety of the access when it serves two dwellings.

## 6.7 Affordable Housing

The applicant will be required to enter into a legal agreement to secure an affordable housing contribution as part of this planning approval

## 6.8 Flooding

The application site is not within a flood zone, although the surface water drainage proposal has been assessed to ensure it does not result in a flooding problem elsewhere; this is addressed under surface water drainage below.

## 6.9 Drainage

The proposed drainage for this site has been subject to considerable investigations.

There are two drainage schemes proposed, one is surface water drainage which is to connect into the watercourse to the front of the site. The foul drainage is to be served by private treatment plants (PTPs) that discharge to ground. Full porosity tests have been undertaken and documented and the drainage fields have been identified on site. Both foul drainage and surface water drainage have been addressed in their respective paragraphs below.

### 6.9.1 Foul Drainage and Phosphates

Welsh Water have accepted that given the large separating distance from the application site and mains drains that it is not reasonable to expect the applicant to connect into the mains drains. Therefore, in terms of the drainage hierarchy connection to the mains drainage system is not practicable in this case. The applicant has therefore sought the next option which is a PTP serving each dwelling having regards to the drainage hierarchy set out in WG Circular 008/2018 'Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants, July 2018'.

NRW issued a planning position statement in relation to SAC designated Rivers & Phosphates in December 2020 that set out their position in relation to new developments which may lead to further deterioration of the condition of the Wye River SAC. Any development within the Wye catchment that might increase the amount of phosphate within the catchment and lead to damaging effects on SAC features must be screened through a Habitats Regulations Assessment (HRA) to determine if the proposals are likely to have a significant effect on the SAC.

The proposal represents an increase in the number of discharges to ground in the area, which is at a higher density than 25 per km<sup>2</sup> and the discharges to ground are not at least 200m from one another or any other already permitted discharge. It was therefore necessary undertake a Habitat Regulation Assessment.

A Package Sewage Treatment Plant has been proposed, the applicant has provided that this will be a 7 Person One2Clean system from Graf UK Ltd with the Graf Professional +P package which is an optional module that includes a dosing pump. The certification for this system provides that the treatment efficiency is 95.1% and the level of phosphates in the effluent is 0.4mg/l. Correspondence from the drainage engineer provides as follows: "The Graf unit with Phosphate reduction reduces the phosphate to 0.4mg/l that would mean that under maximum occupancy the plant would discharge to ground 360mg per day. The ground has good permeability as recorded in the percolation test and there are no hydrological pathways to any watercourse which could expedite the path of any phosphate material to the watercourse. The site is discharging to a ground soakaway using phosphate reduction to mitigate and reduce any risk of phosphates and due to the ground and lack of hydrological pathways it will have no adverse effect and no increase in the phosphate levels in the SAC." The details of the system which is proposed to be built to the relevant British Standard can be secured as an approved plans as part of the consent.

The conclusion of the appropriate assessment is as follows:

In considering the Planning advice, in particular the in-combination effect, the development would result in an additional two discharges that are within 200m from one another and closer than 200m from any other existing discharges (approx. 15 exempted discharges). It would also result in an increase in the density of discharges to 30 per km<sup>2</sup>. The capabilities of the PTSP and the resultant Phosphorous levels are such that 360mg per day would discharge to ground. The system proposed is compliant with British Standards and it is considered that given the distance to waterbodies, the SAC and the discharge rate that the development is unlikely to have an adverse impact on the integrity of the SAC. The details of the foul drainage system must be secured via compliance with the approved drainage layout plan. The applicant will need to seek an environmental permit for the proposed discharges.

NRW have agreed with the HRA conclusion. Based on the evidence in the AA NRW are satisfied that the local planning authority can conclude no adverse effect on site integrity (River Wye Special Area of Conservation (SAC)).

NRW have confirmed that the applicant has justified the use of private drainage systems for this proposed development and there are no further concerns in this regard. However, all relevant permits must be secured for the proposed development and NRW remind the applicant that it is their responsibility to secure all the relevant permits for their proposed development.

The specification of the treatment plants and porosity tests have been assessed by the statutory body, NRW and the Building Regulations Officer. In assessing whether the proposal is acceptable and that the scheme is likely to obtain Building Regulations a further report has been submitted at the request of the Building Control officer relating to a potential infilled ditch to the rear of the site (a concern raised by the neighbour in potentially compromising the suitability of this system). A hydrologist report was undertaken, the findings of which are quoted below:

Site Report by Wye Environmental Products and Services Ltd.

"Site Investigation to alleged ditch at rear of property The two plots are located in Watery Lane Monmouth on a garden site behind an existing house. The properties do not have access to mains sewers so must use an off mains sewage system. It has been alleged that there is a running ditch at the rear of the property that has been filled in. At the rear of the property there is a large conifer hedge planted. Behind that there is the original existing hedge and boundary line between the property and the new housing estate. It is assumed that the conifer hedge was planted at a similar time that the new houses were built to screen the existing site from the new build housing site. A test hole was dug next to the original hedge/boundary line in the area the alleged filled in ditch runs. A hole was dug by hand to around 1m deep. There was no sign of a filled in ditch or stone to fill a ditch in so that the water can flow in it. There was no sign of any groundwater and considering the day before had been very wet if there was any water flowing it would have been evident. The properties either side of the site were also visually inspected and there are no signs of a ditch".

MCC's Building Control Officer has confirmed that the drainage specialist has provided above and beyond the usual Planning requirements for justification of applying an off mains waste water solution to this application. The level of detail that they have gone into would be the level of detail required as a Building Regulation application.

As this is meant as a desktop study, it is concluded that the applicant has evidenced that their scheme is suitable for progressing beyond Planning and to a Building Regulation application.

It is noteworthy also that MCC Land Drainage Engineers have confirmed that they have no record of a drainage ditch at this location.

It is also relevant that this drainage system is subject to further scrutiny under other legislation, namely a separate SAB approval, and Building Control compliance.

The neighbour has raised concern about the proposed drainage fields being in close proximity to the septic tank that serves the severed property Rosebrook. The agent has confirmed that the septic tank is within the residential curtilage of the existing severed dwelling, thus providing the reassurance that there is a satisfactory separating distance between the proposed drainage fields and the existing drainage.

Finally, MCC Environmental Health have also looked at the scheme with a view to the potential impact upon the neighbour's (and future occupiers') amenity in terms of odours and noise. It is concluded that providing the foul / wastewater treatment system meets current Building Regulations / Standards, they do not anticipate an unacceptable risk / harm from noise, odour etc., to nearby residents. There is no objection to the proposed development from MCC Environmental Health.

### **6.9.2 Surface Water Drainage**

Surface Water Drainage The proposed development site is within the Lower Wye Internal Drainage District (IDD). It is noted that the proposed development is proposing surface water discharge to watercourse. Greenfield run-off rate has been calculated as being as 2.5l/s per property (5l/s in total) which will convey at this rate to the watercourse. NRW refer to the following information provided in the e-mail from the agent to the case officer dated 12 March 2022.

With regard the points raised in your email, please refer to the following commentary -

1. Does this site qualify for SAB approval from your Authority? It will do yes, MCC flood department have been in discussions with developer throughout on drainage works.
2. The drainage layout will need to state the maximum discharge rates from each pumping station. Referring to the calculations it appears to show a maximum rate of 5litres/ sec which is assumed to be from each pumping station. The combination of these discharges i.e. 10 litres/ sec, seems high for the size of development in question. Greenfield run off rate has been calculated at 2.5l/s / property and as such will convey at this rate to watercourse.
3. It will be useful to have a brief drainage statement on how the surface water system has been designed to ensure that the final discharge from the development into the adjacent Watery Lane watercourse does not increase flooding at this location and, further downstream until it joins up with the Main River. The storm drainage has been designed to attenuate water on the site and to discharge at the original greenfield run off rate, this will not increase the speed of water entering the watercourse above existing.

NRW have confirmed from this information and the drainage scheme submitted to date that there is no objection in principle to the proposed surface water drainage proposals subject to the applicant securing all relevant permits/ consents/ licences relevant to their application including Land Drainage Consent (LDC).

Again, this proposal will require full SAB approval and the surface water drainage will be subject to further scrutiny under this legislation.

The neighbour has raised concern about noise disturbance resulting from the outfall of surface water drainage onto the watercourse to the front.

There is a significant distance separating the outlet for both plots and the neighbouring property, and so it is very unlikely to represent a noise disturbance that will impact in any significant way upon the neighbouring property.

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

6.10.1 The following points have been raised by neighbours; they have been addressed in turn:

Administrative Inaccuracies

Neighbour:

The LPA currently treating DM/2019/01867 as a Reserved Matters Application [RMA] (published 13/11/2019) or a Full Planning Application (published 19/01/2021) but if so, what happened to the RMA? Was it determined and if so what was the outcome? Was it withdrawn by the Applicant and if so, when?

This submission was being treated as a Reserved Matters application, until it became apparent that the revision required to make this development acceptable by reducing the scale, bulk and footprint of the development took it below the scale parameters set in the outline application. It therefore had to be considered as a full planning application. The application kept the same reference, new application forms were submitted, and the development was changed to a full planning application. New consultations, neighbour letters and a new site notice was posted for

this proposal as a Full Planning Application.

Replacement of septic tank for Rosebrook

Neighbour:

NRW have noted in their comments dated 01/03/2021 that there is an existing septic tank registered within Rosebrook's curtilage and that it must have a substantial drainage field linked to it. It is therefore possible that a waste treatment plant of similar design to those for Plots 1 and 2 will replace Rosebrook's current system, adding to the discharge volume into the stream. The chances of nuisance caused by odours referred to in NRW's letter, will therefore increase by 50%.

Council Response:

This application does not include a change to the drainage arrangement for Rosebrook, the drainage proposal relates to the two new dwellings. Furthermore, the existing drainage would have been considered as part of the Appropriate Assessment undertaken in conjunction with MCC Ecology and NRW and will be assessed in more detail as part of the Building Regulations' Consent.

Privacy Distances

Neighbour:

I object to bedroom 4 window overlooking rear of our house and garden [P02D] why cannot beds 4 & 5 be combined to use proposed bedroom 5's window? DES1 b),c) and d) are to protect existing rights to privacy and amenity rather than facilitate future potential financial gain by developing a 5 rather than 4 bedroom dwelling?

Plot 2 is too close to Half Acre given Infill SPG para. 7.4, min distance 21m and para. 7.6. Greater distance may be necessary in suburban and rural locations, especially given the orientation of Half Acre and the Plot 2 dwelling. Plot 2 will overlook the part of the garden we use the most.

Council Response:

This is addressed in paragraph 6.6 'Impact on Amenity'.

Landscaping

Neighbour comment:

Object to the choice of tree species and planting position as it means all of root growth and most of canopy will be within Half Acre boundary and will damage Half Acre's fence and create unnecessary shade because of proximity and height. Why not use native species to match proposed 4m height of conifers?

Council Response:

The merits of the proposed landscaping scheme and the neighbour's objections are covered under paragraph 6.2.3 'Green Infrastructure and landscaping'.

Noise Nuisance, Light and Emission Pollution

Neighbour Comment:

New access results in car lights entering property, light and emissions from vehicles idling in the passing place c.3m from our main recreational area. There will be noise from vehicles passing c.3m away from our main recreation area along new drive that cannot be prevented by the intervening fence or vegetation. This is detrimental to our amenity given its present use as a garden.

Although management of sewage is declared as unknown it is reasonable to presume that pumping (noise) would have to be used to move untreated sewage into the Lilac Drive main sewer or output from WTP into the lane's stream

Council Response:

The proximity of the vehicular access and passing bay is addressed directly under Para 6.6 Impact on amenity'. This also addresses the issue of light and emissions.

With regard to the noise of pumping waste this comment related to the original proposal whereby it was proposed for the PTP to discharge to the watercourse to the front of the site. This scheme has been replaced, however the neighbour has raised concerns regarding the noise of the outfall into the drainage and this is addressed under 6.10.2 under Surface Water Drainage.

Increase in Traffic

Plots 1 & 2 have 5 bedrooms each. For this part of the lane this will represent a 25% increase in traffic volume with equivalent of 12.5% of present volume now passing Half Acres, passing within



c.3m of our main recreational area. This is detrimental to our amenity given the location.

Damage to conifer trees due to proximity of proposed development affecting tree roots.

The serious conflicts between the Proposed Drainage Plan RH01B and Planting Proposals Plan 20/743/01D will result in damage to Half Acre. For the conifers to be retained alongside garages (have positions of trunks been mapped?), severing by at least c.40% of the root systems (that do not have a tap root) in order to lay Plot 2's WTP red output pipe c.2.5m from our fence will severely weaken their ability to survive through nutrient loss; the plan to reduce their height from current +c.12m to maintained 4m will add to that stress especially if not done in correct season and create an unsustainable safety risk as trees will be unstable especially in bad weather.

Council Response:

There is a pre-commencement condition proposed that secures a CEMP to be submitted; this relates to trees on site and enables the Council to ensure method statements are in place to protect root areas of any vulnerable existing species. A further informative is proposed (BS 5837:2012 Trees in relation to design, demolition and construction) to provide further guidance on tree protection that supports the CEMP and highlights to the applicant what BS to consider to help to inform the development of the CEMP. Any construction / excavation works in the vicinity of roots and RPA's will be covered by a method statement to ensure appropriate excavation techniques are used to the recognised BS standards.

Out of keeping with the character of the area and over-development

Council Response: This is covered under 6.2.1 'Good Design' and 6.2.2 'Placemaking'.

Request for conditions covering potential damage and flooding to neighbouring property  
Should the LPA authorise the application I request a condition that any damage to Half Acre's fence/ garden is made good and that a prior flood risk assessment is undertaken to evaluate the ground percolation properties after removal of the stumps/laying of pipework and any subsequent compaction.

The proposed development has been carefully considered with full regard to how the development could potentially affect the neighbouring property. All drainage proposed has been considered acceptable by the statutory bodies and internal consultees including NRW, Building Control and SAB Drainage. The development will be subject to further requirement in terms of obtaining SAB approval, obtaining the relevant permits from NRW and under the Building Regulations. In addition, conditions have been imposed including a CEMP and a CMP to control practices and ensure there is no wider impact from this development. The proposal did not require a Flood Risk Assessment; it is therefore not reasonable or relevant to request this.

Contamination Risk of Proposed PTP and potential impact upon neighbour.

Request that a declaration of the acceptability from a public health point of view, of the combined output from the WTPs serving Rosebrook, Plots 1 and 2 into the stream is made by a qualified person and included in the case file if the LPA is minded to approve the application. I believe that it is common knowledge that WTPs malfunction from time to time. Having a closed, sealed system does not avoid problems, resulting malodours or contamination that occur within the system.

Because of contamination risk, is this allowed even for sealed WTP unit knowing that surface water collects on a regular basis after heavy/prolonged rain so is not exceptional? What will be the ground heave effect for Half Acre's fence and local flooding (Plot 2 and Half Acre) following removal of tall tree 8 and plum trees?

Council Response: The proposed development has been carefully considered with full regard to how the development could potentially affect the neighbouring property. All drainage proposed has met with the satisfaction of statutory bodies and internal consultees including NRW, Building Control and SAB Drainage. The development will be subject to further requirement in terms of obtaining SAB approval, obtaining the relevant permits from NRW and Building Control.

Environmental Health have specifically addressed the issue of amenity, confirming that subject to the proposal meeting Building Regulations it will not adversely impact upon the amenity of neighbouring properties in terms of noise, smells etc.

Inaccurate Plans

If the Site and Drainage plans had been drawn properly the 4 drainage fields would be located in the hedge which is clearly not acceptable. As PDP does not show correct location and extent of hedgerow on NE boundary Plot 2 garden will be half size shown on PDP, inevitable compaction of the area through site working will lead to greater risk for Half Acre with surface water flow from Plot 2. As PDP shows red and blue pipes will discharge through 'hedge to be retained' shown on PPP, will damage to hedge be made good?

Council Response:

This has been rectified and the position of the drainage and planting is now shown on the most up to date plans listed as approved plans in this report.

Reposting of flawed plans and incorrect Certificates of Ownership

Without apparent regard to comments made by interested parties gives credence to these plans, adds to concerns regarding Certificates A & B expressed earlier that the application is invalid and should not have been assessed.

Council Response:

The agent has confirmed that the site is owned by Oecella, the shared access is owned by Rosebrook, a revised certificate adding the owners of Rosebrook to the Certificate C and notice has been served. The certification process is considered acceptable.

Surface Water Drainage

As no drainage channel is shown for length of Plot 2 macadam drive and passing area = +140sqm hard surface there will inevitably be flooding along the Half Acre perimeter (proximity and ground level difference and no ground porosity). Even without installed drainage channel surface water could also flow naturally along edge of macadam to proposed storage tank area and further adding to flooding in NE part of our garden and location of filled-in ditch not shown on P11F.

New crossing to plot 2 will allow surface water from the road to flow into neighbour's property at Half Acre. No flood risk assessment management plan.

No flood consequence report. Where will water discharge go? Bridge width of 3.6m is unrealistically narrow given facing earth bank and hedge preventing access e.g. desludging or construction vehicles. Increased width of bridge increases volume of runoff from road crossing or entering stream. No surface water management plan provided how will runoff from plot 2 drive and other hard surfaces be managed?

Object to the discharge of the WTP outflow into the stream adjacent to the new crossing. During heavy/prolonged rainfall so not exceptional flooding conditions. The risk of overspill especially if the culvert leading to Half Acre becomes blocked is much increased. Any discharge whatever the height of the pipe outlet above the stream is into a walled section of the stream and will result in noise disturbance from splashing; this is not aesthetic, and poses environmental risks especially as the discharge will be contained by the walled structure of the stream in this area.

Council Response:

Surface Water Drainage is to connect to the watercourse to the front of the site. Such details will be under particular scrutiny as this application will require SAB approval; this legislation will cover this matter in more detail. NRW have looked at the proposed discharge rates as the proposed development is proposing surface water discharge to watercourse. Greenfield run-off rate has been calculated as being as 2.5l/ s per property (5l/ s in total) which will convey at this rate to the watercourse. NRW have confirmed that they have no objection in principle to the proposed surface water drainage proposals subject to the applicant securing all relevant permits/consents/licences relevant to their application including Land Drainage Consent (LDC).

The principle of discharging such surface water to this watercourse to the front of the site has therefore been accepted in principle by NRW subject again to further legislation and a permit being obtained.

Surface water from the highway will be picked up in the detailed design to be submitted to firstly gain land drainage consent (NRW) and secondly the highway authority's requirement to traverse the highway pursuant to S184 of the Highway Act.

Surface water drainage is also subject to a SAB application which would thoroughly address the

concerns raised by the neighbour. There is a condition proposed that seeks approval of detailed design of the proposed new access point to ensure that there is no highway drainage that can drain back towards the application site or the neighbouring property.

#### Infill Ditch

The presence of the filled-in ditch along the north-eastern boundary must be acknowledged on the site plan. Planning officers have seen during visit the open ditch less than 9m from Plot 2's drainage field. Given the topography and clay soil type some of output must flow into it. Has the Council received assurance that this meets amenity/public health requirements? Unless the Council can provide assurance otherwise, I believe that they may have already misled official consultees by not alerting them to the presence of filled-in ditch along NE border of site.

#### Council response

The issue of the infill ditch in terms of its existence is addressed under 6.9.1 Foul Drainage. MCC Land drainage have looked into this and confirmed that from reviewing their mapping system, OS maps and our database of flood incidents they can find no references to a drainage ditch to the rear of the property in question.

The Applicant has submitted investigations into the potential of this being an infilled ditch and this report has demonstrated that there is no evidence that suggests this to be the case.

#### Retention of landscaping both existing and proposed

If the LPA is minded to approve this application please include a condition that a hedgerow of a reasonable height is maintained in perpetuity around the site. I make this request because there is no commitment in the Planting Proposals Plan 20/743/01C to ensure the long term existence of any newly-planted trees or to replace existing trees or other new or existing hedging that may die e.g. through height cut-back stress of conifers. The cover provided by the trees and bushes to the rear of our property is particularly important to that wildlife and we are anxious that this remains untouched during the proposed building of the two new houses.

#### Council response:

A condition ensure the retention, protection and replacement where required of existing landscaping with the following condition:

None of the existing vegetation shown as being retained on Planting Plan 20/743/01 Rev D shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or willfully damaged. If any of these trees, shrubs or hedges 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.

There is further protection of existing landscaping through the protection provided by the condition securing the CEMP and the further arboricultural conditions that are proposed.

Whilst in relation to the proposed landscaping the following condition is applied:

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.

#### Visibility splays and Rights of owners to cut down growth in the visibility splay

The land owners of Rosebrook, Half Acre and the proposed new access to Plot 2 have riparian responsibilities to maintain the area adjacent to the stream up to a distance of halfway across the stream. The local authority has responsibility for maintaining the other half. Part of these responsibilities is the maintenance of vegetation, to prevent encroachment onto the adjacent highway or blockage of water flow, for example. Account has also to be taken of matters such as the bird nesting season that may restrict the frequency of cutting back. Without a specific legal agreement between two adjacent land owners (approved by the LPA), one land owner does not have a responsibility in law to maintain vegetation that encroaches on a visibility splay relating to a junction to the other land owner's property.

Photographs provided where the new crossing to Plot 2 will be located, the growth of the holly and other vegetation (during the 3 years or so since that area was last maintained) has grown beyond halfway across the stream. Even after recent maintenance, the vegetation still crosses the blue line which is shown to follow the NE stream wall. Any growth beyond the NE stream wall will obscure the 'vision' line drawn towards the north-west on P35 meaning that the requirements for visibility splays in Manual for Streets 7.7 cannot be met. The width of the broken blue line equates to c.20 cm (IDOX measurement). The NE edge of the blue line touches the 'x' point and thus leads the eye away from the actual 'vision' line.

Conclusion: The junction leading to Plot 2 is unsafe because it does not meet Manual For Streets visibility splay requirements.

Council response:

MCC Highways have directly addressed this point under paragraph 6.7 Highways

Increase in traffic flows on Watery Lane

Since MCC Highways last commented on the capacity constraints of Watery Lane there has been a marked increase (especially) in pedestrian and non-vehicular traffic (all types of ability) during the Covid pandemic. Residents of the Wonastow Road Estate are using it as a short-cut into town, during daylight and with a torch, presumably because it is a safer alternative than walking along the Wonastow Road. The road serves as the means of access to several business properties meaning the increase in delivery traffic (including servicing the needs of people working from home) is beyond that assumed for an average dwelling; the vehicles used by the businesses are additional. MCC Highways have issued an alert about the capacity limitations of Watery Lane. I believe that there is a need for a new road capacity assessment as part of this new application. The likeliest cause of an accident is excessive speed or from a passing large vehicle (especially agricultural ones) with an overhang that hits a pedestrian or infant in a pram waiting at one of the narrowest pinch-points where there is no convenient refuge such as an access to a property. Watery Lane is a route into town for its residents but is also being used by residents of the Wonastow Road estate including schoolchildren who possibly feel it is more convenient and safer to cross fields than use the main road. Recreational use of the lane by people of all ages and physical ability from the local area has increased greatly possibly through habits developed during the pandemic. As part of Offa's Dyke national walking route its popularity has also increased.

Incomplete consideration of the highway. MCC Officers describe Watery Lane as being an unclassified rural single lane road. This is incomplete without mention of it being a cul-de-sac without turning area or that Watery Lane falls within the definition of a street in Manual for Streets para 2.2 that further explains a lane in a rural area may also serve other recreational functions.

Council response

MCC Highways have fully assessed the proposed access as covered in paragraph 6.7 'Highways'.

In summary, Watery Lane is a narrow unclassified lane that in the opinion of the highway authority experiences very low traffic flows and traffic speeds. The highway authority has no records of any recorded accidents on Watery Lane. The existing means of access and proposed means of access as detailed are considered appropriate for access and egress onto Watery Lane.

Car Parking Spaces shown in Rosebrook:

Highways has not reviewed any site plan (or PPP 20/743/01C) that shows vegetation at the new junction or a *complete* visibility splay to the south Their last review was of Site Plan P11A 24/01/2020 so before 18Jan2021 DM/2019/01867 validation date. Cross-reference was made to the Outline Application. The review was flawed because it failed to mention that plan P11A did not show parking places in the severed property Rosebrook being a requirement according to the outline application (OA) case report for compliance with MCC parking policy. I provided my reasoning on why a car parking area for the severed dwelling Rosebrook should appear on the site plan; this is because it was a material matter covered in DC/2017/00188 case report so why not for this application?

It creates a new junction with an existing drive that has been authorised to serve just one dwelling (Rosebrook) with a new point of traffic conflict, behind a holly hedge, at a now shared access for the severed Rosebrook and needs to be assessed accordingly for road safety in regard to Watery Lane users and residents served by the access.

If the parking arrangements for the severed Rosebrook are not clarified it appears possible for Rosebrook's occupants to continue parking vehicles in the drive thus restricting the effective width of the access area making it unsuitable for multiple use (compare the LPA's reasoning for not allowing, in the Outline Application, an access from Plot 2 into a separate parking area)

Council Response:

The Highway Authority are satisfied that the parking provision of the host property Rosebrook and the single dwelling to be served off the existing access is satisfactory and in accordance with the MCC Car Parking Standards. Unfortunately the Highway Authority has no control as to how this is managed by the respective householders. At the planning stage, provided that it can be demonstrated that the requisite car parking can be provided on site, we cannot offer an objection.

Obstruction of Visibility splay

Panelled fencing up to edge of stream means forward visibility distance cannot be met. The junction is therefore unsafe.

Council Response:

The proposed fence stops short of the visibility splay.

Inadequate room for Turning Area

Width of drive and no room on Watery Lane for creating greater turning circle mean that medium/ long wheelbase vans and larger vehicles cannot enter drive.

Council Response:

The width of both accesses and the turning area within the curtilage of both plots and that of the severed dwelling facilitates the access and manoeuvring of a long wheelbase van.

Compensatory

planting

Improved soft landscaping needed to replace conifers already removed alongside plot's 2 drive and compensatory planting for removed plum trees.

Council Response: There are 14 additional trees proposed as part of the landscaping scheme, with seven new trees proposed along the boundary between the access and the neighbouring property Half Acre. There are five new trees proposed along the northern boundary with the neighbouring property Bryngwyn and two additional trees provided between plot 1 and the severed dwelling Rosebrook within the hedge boundary. A hedgerow is the proposed boundary material separating plots 1 and 2. This represents a significant net gain in terms of trees and hedgerow.

Impact on Local Ecology

Local Ecology will be adversely affected and not enhanced. If P11D is approved without change several metres of hedgerow will be removed with significant negative consequences (it is a nature corridor and habitat/roosting area for multiple species) as will loss of large and other sycamores (possible dormice habitats) and plum trees (pollinators); no compensatory planting has been proposed.

Site Plan P11D does not show: the correct position/extent of the hedgerow along the NE site boundary; the filled-in drainage ditch along the NE site boundary; the holly hedge running along Rosebrook frontage; the vegetation in Half Acre alongside entrance to new drive; the direction north.

No ecology report. As this is a new application why has the Applicant not provided an Ecology Report for the Rosebrook site. There is precedent and relevance as the same Applicant has provided an Ecology report for another site Rockfield Road, 500m away currently under assessment DM/2020/01391 that includes RBK see Plans1 and 2 within the

two zones outside the actual site that it examined.

#### Council Response:

This is addressed under paragraph 6.5 'Biodiversity'.

The revised plans now work alongside each other showing the correct position of the boundary. The landscape plan shows that majority of hedgerows are to be retained and there will be significant new hedgerow planting, amendments to provide a more diverse mix have been made and this has been welcomed by our ecologists (the landscaping/planting plans show that the existing hedgerow to the north, south and east boundary is to be retained. The only hedgerow to be removed is the small section that is removed to create a new access to serve plot 2. New hedgerow planting is proposed around the boundary of the severed property, this extends to the driveway of plot 2 to the ditch to the front of the site).

Robust conditions would be imposed relating to a CEMP, lighting design and biodiversity enhancement along with compliance sought via the plans being listed as approved documents on any planning consent.

#### Neighbour Request for additional Information

Could I please ask that the report assesses the impact that all the excavations on site will have on the existing water flows both above and below ground. Will soil be removed from site? Will ground compaction change contours? What effect will the excavations necessary to create the building/drive foundations, landscaping and WTP drainage fields have on these existing water flows especially that for Plot 2 because the whole surface root system (that must contribute significantly to natural drainage presently) of a tall mature sycamore Tree 8 will have to be removed.

#### Council Response:

A hydrology report has been submitted in response to neighbour's concerns regarding drainage. It has been concluded that this is more than a sufficient level of detail to enable the proposal to proceed to Building Regulations.

It is not reasonable to require further studies to be undertaken when all the relevant statutory and advisory bodies are satisfied with the information provided to date, and both foul and surface water drainage will be subject to further scrutiny under separate legislation.

#### Increase in flood risk

As presented, RH10B demonstrates that surface water and WTP output will increase the risk of local flooding contrary to TAN 15. The drainage fields will not function properly and will therefore pose a risk to public health and the environment.

In order to construct Plot 2's drainage field, a tall (20-25m?) sycamore Tree 8, will have to be felled. This will change the percolation characteristics of the ground to a depth of 50-100cm (?) and will lead to the creation of a sump in the surrounding clay when the drainage field is created. Given the depth of the excavation and its proximity to the filled-in ditch and the relatively flat ground surface, the two will interconnect in my opinion.

It is very difficult to understand how a test hole for Plot 2's drainage field could be sunk so close to Tree 8's trunk and root system. Reference sources reveal that whilst a sycamore has a deep tap root, it has an extensive root system close to the surface. It is my opinion that currently, the sycamore is making a significant contribution to drainage in the area where Plot 2's drainage field will be located. Removal of Tree 8, without the installation of a drainage field can only increase the risk of local flooding.

#### Council Response

The porosity tests and drainage information submitted provide the information required to satisfy Building Regulations that the proposal is acceptable for Planning, but as stated before the development will be subject to Building Regulations Approval for foul drainage.

#### Habitat Regulations Assessment Record:

I believe that the following statements in this report need to be checked as they are materially relevant to the conclusion that the proposed drainage scheme is acceptable.

HRA 5.1 states "The ground has good permeability as recorded in the percolation test ..." The site report dated 06/04/2021 Tim Fycum, used to reach this conclusion, needs to be published in the case file because of the contradiction with the statement made in Drainage

Strategy published 10/02/2021 that says "Drainage strategy for Land at Rosebrook. Following percolation tests on the land it was found that there was no percolation available. We have therefore gone for a pumped solution into the Brook as the water will be clean surface water and treated foul water due to there being no proximity to the local sewer system..."

#### Council response

Report by Tim Fycum is published on the case file; these percolation tests supersede the statement given in the drainage statement, as new tests were undertaken at a different depth. Building Control are satisfied that these test results are acceptable.

#### Neighbour Comment

HRA 5.1 continues "... and there are no hydrological pathways to any watercourse which could expedite the path of any phosphate material to the watercourse" How can this be true when the now NRW assessed (for DC/2009/00268) the ditch as a watercourse that joined Watery Lane stream by Southern Wood? [see 2.7 above] Even though the ditch is now filled-in along the site boundary it is extant elsewhere and still functions as a conduit for water-flow below ground and more recently surface flows at times of heavy or prolonged rain. I believe that the distance to the nearest watercourse is at best 4m [see 2.6 above] making the statement "The distance to the nearest watercourse is 70m (advice states over 40m unlikely pathway for impacts)" questionable.

#### Council Response:

This ditch is assessed and addressed under Para 6.9.1 Foul Drainage.

MCC Land drainage have looked into this and confirmed that from reviewing their mapping system, OS maps and the database of flood incidents they can find no references to a drainage ditch to the rear of the property in question.

The Applicant has submitted investigations into the potential of this being an infilled ditch and has demonstrated that there is no evidence that suggests this to be the case.

#### Neighbour comment:

The statement, "Your authority must be satisfied that the proposed drainage field is built to the relevant British Standard 6297:2007+A1:2008. You may wish to consult your Building Control colleagues to ensure this is the case. In general, the soakaway system (within 30m laterally and 1.5m depth) does remove phosphorous (P) from effluent effectively unless it is compromised by enhanced hydrological connectivity such as that caused by direct discharge to a waterbody, local drainage channels or a high-water table".

The consultees appear to be unaware there is a high water-table and P removal will be less effective and needs to be assessed accordingly and the filled-in ditch is a local drainage channel because it meets the description of 'permeable drain' in the Building Regulations

#### Council Response:

This is also addressed in 6.9.1 Foul Drainage above

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

6.11.1 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.

### **6.12 Conclusion**

6.12.1 This application has been subject to ongoing changes and consultations. The principle of residential development is acceptable. The details of the proposal have been subject to changes to ensure they meet with the requirements of planning policy, supporting information has been submitted to satisfy the requirements of statutory consultees. In terms of design the proposal has been revised, the scale and footprint has been reduced to enable the development to sit more comfortably on the site, whilst extensive landscape and biodiversity enhancements have been added to ensure that the

development is softened and works within the context of Watery Lane. The level of information is such that the proposal can be recommended for approval subject to conditions that secures compliance and the submission of additional information. The proposal still has to meet other legislation, although for the purposes of this planning application the necessary level of information has been received and concludes that the proposed development is acceptable and complies with the requirements of planning policy.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

Contribution towards Affordable Housing calculated as follows:

Formula: Financial Contribution = Internal Floor Area (m<sup>2</sup>) x CS Rate x  
58% Commuted Sum Rates Monmouth - £100/m<sup>2</sup>

The figure of 58% in the examples below is the amount that the landowner/developer would fund were the units to be delivered on site. The Registered Social Landlord

(Housing Association) would fund the remaining 42%.

In this case, the proposal would be the Internal Floor area (280m<sup>2</sup> per plot) x 100 m<sup>2</sup> x  
58% Total Contribution = £16, 240 per plot.  
Total = £32,480.

### 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 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities. (including appropriate assessment of trees for bat roost potential)
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). To include dormice, reptiles, amphibians, hedgehogs, nesting birds and bats (as necessary see a) above.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

NOTE See BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.



REASON: Safeguarding of protected and priority species during construction works LDP policy NE1 and the Section 7 of the Environment Act (Wales) 2016

4 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the buildings or in the curtilage until an appropriate lighting plan which includes low level PIR lighting and allows dark corridors for bats has been agreed in writing with the LPA.

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

5 The biodiversity net benefit features illustrated on "P11 Rev F Proposed Site and Landscape Plan", "P01 Rev C Plot 1" and "P02 Rev D Plot 2" drawn by dpw shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the buildings.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1

6 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

7 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 Watery 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 user from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP.

REASON: To ensure a satisfactory form of development in accordance with LDP policy EP1 and MV1.

8 None of the existing vegetation shown as being retained on Planting Plan 20/743/01 Proposed Planting Plan Rev D shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or willfully damaged. If any of these trees, shrubs or hedges 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 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 G11.

9 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 G11.

10 Prior to development commencing on site, a scheme showing the surface water arrangement between the highway, the proposed new crossing serving plot 2 and the

application site shall be submitted for approval by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure highway surface water drainage does not drain onto the application site in accordance with Policy EP1 of the Local Development Plan.

11 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.

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

12 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. In the event of the barriers being removed, adequate ground protection measure will be installed to prevent ground compaction

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.

13 No development shall commence until an Arboriculturalist has been appointed, as first agreed in writing 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.

## **INFORMATIVES**

1 SAB INFORMATIVE: Following the implementation of the The Sustainable Drainage (Approval and Adoption) Order 2018 the applicant will require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government Standards. The total construction area for this site appears to be in excess of the 100m<sup>2</sup> threshold. Total construction area includes existing buildings that are being replaced, removed or patio/driveway areas. The SuDS scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing on site. It is recommended that the applicant approach the SAB for Pre App discussion prior to formal submissions to the LPA as the SAB process can affect site layout. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us on [SAB@monmouthshire.gov.uk](mailto:SAB@monmouthshire.gov.uk) so we can update our records accordingly.

2 The Applicant must make reference to BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection (CEMP condition)