

Application Number: DM/2021/00037

Proposal: Erection of one detached, two-storey house in part of garden with associated access and parking (Outline planning permission)

Address: Land To west of Stray Leaves, School Lane, The Narth, Monmouth

Applicant: Mr O. P. Stephens

Plans: 725/01 - , 725/02 - , 725/03 Version D, 725/4

RECOMMENDATION: APPROVE

Case Officer: David Wong

Date Valid: 12.01.2021

This application is presented to Planning Committee due to 5 or more unresolved objections being received and Trellech Town Council having recommended refusal

1.0 APPLICATION DETAILS

1.1 Site Description

1.2 Stray Leaves is situated within the village of The Narth, which is one of the Minor Villages (under Policy H3) as defined in the Monmouthshire Local Development Plan (LDP). In Minor Villages planning permission will be granted for minor infill development of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings, or residential redevelopment, or conversion to residential or sub-division of large dwellings, subject to detailed planning considerations, including there being no unacceptable adverse impact on village form and character and surrounding landscape, and other relevant policies of the LDP.

1.3 There are other LDP policies that are applicable such as Policy LC4 as the site is within the Wye Valley Area of Outstanding Natural Beauty. Policy DES1 requires, among other things, development to respect the character and appearance of the area. Policy EP1 seeks to require all development proposals to have regard to the privacy, amenity and health of occupiers of neighbouring properties. Policy S4 of the LDP is related to Affordable Housing Financial Contribution.

1.4 This application seeks outline planning permission for the erection of a two-storey detached dwelling within the garden curtilage of the host property, Stray Leaves. With the exception of access and scale, all other matters are reserved for future consideration. An illustrative drawing has been submitted to demonstrate what the proposed dwelling could look like on the plot. The main dwelling has an overall height of approximately 9m, would be 21m in width and 7m in depth. The proposed integral garage with a utility room would measure 7m in height, 8.8m in width and 6.5m in depth. In addition to the integral garage, the forecourt area of the proposed dwelling is able to accommodate 3 on-site parking spaces. The proposed materials indicated include tiled roofing, rendered walls and timber windows.

1.5 In terms of vehicular access to the site, the proposal is accessed via a private drive shared with four other properties that is accessed via School Lane, a private road, not a publicly maintained highway that serves an additional nine properties, so thirteen properties in total. This new vehicular entrance will be formed opposite a neighbouring property, known as Lyndsey. The site is mostly screened from the private road to the south by a belt of trees and the neighbouring properties that are served off the private drive have sight of the proposed plot.

1.6 The site is situated in an area that is not served by mains foul water drainage. Consequently foul water waste will be treated by a private sewage treatment system utilising a package sewage treatment plant in accordance with the strategy hierarchy outline in Welsh Government Circular 008/2018. The site is within the Phosphates Sensitive Area Wye Valley Catchment. Therefore, this application was screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued May 2021).

2.0 RELEVANT PLANNING HISTORY - None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
H2 LDP Residential Development in Main Villages
LC4 LDP Wye Valley AONB
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development
SD4 LDP Sustainable Drainage

3.0 Supplementary Planning Guidance

Infill Development SPG

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 11

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

Trellech United Community Council - Refused:

Proposed house is too large for the site, and at least 30% larger than any nearby property. All access lanes are narrow and access would probably require the felling of mature trees. Drainage issues are already experienced by neighbouring properties and would be exacerbated by addition of a 5-bed house.

Wye Valley AONB Office - No response to date.

Natural Resources Wales (NRW) - Initial concerns over the drainage element of the proposal. However, we have reviewed the HRA, and Appropriate Assessment prepared by your Authority. We confirm that we agree with the conclusion of the HRA. Therefore, no objection to the application.

MCC SAB - Please be advised that we believe your proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>

The requirement to obtain SAB Consent sits outside of the planning process but is enforceable in a similar manner to Planning Law. It is a requirement to obtain SAB Consent in addition to Planning Consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

MCC Highways - No objection. Although the general local highway environment serving The Narth is considered to be well below current standards, the Highways Department consider that the traffic associated with the development would not be sufficient grounds to support a recommendation for refusal, the increase in traffic movements would not lead to a real deterioration in highway safety or capacity on the immediate local highway network.

MCC Biodiversity - A site visit was undertaken by the Council's Biodiversity Officer and Planning Officer and the conditions of the trees and vegetation on site were assessed. No potential roosting features for bats were identified on broadleaved trees within the hedgerow, however some ivy cover is present which may provide cover for nesting birds. No objection subject to appropriate ecological conditions.

MCC Environmental Health - Providing the installation 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 Building Control - Our interest on this consultation is solely to ensure the foul drainage provisions have been correctly considered. Having reviewed the relevant aspects of this application I can see that the approach made to design the foul drainage has been carried out in accordance with the relevant British Standard 6297:2007+A1:2008. The Vp calculation achieved (percolation value calculated as a result of a porosity test) has received a result of 18.4. This result is perfectly within the guides of the British Standards. Drawing 725/03 Rev D shows correct measurements and distances as compliant with BS6297 and having conducted a shadow calculation to that of the original author, I have concluded that the area allowed for linear drainage appears to be a reasonable representation as a desktop study. The caveat to that is that it must be further assessed on site and that no other alternative solutions are to be used other than slotted pipe laid and formed as per the clear guidance in BS6297:2007+A1:2008.

5.2 Neighbour Notification

There are more than five objections received and they are summarised as follows:

- Effect on local ecology
- Close to adjoining properties
- Over-development
- Development too high
- General dislike of proposal

Increase in traffic
Loss of privacy
More open space needed on development
Out of keeping with character of area and the Wye Valley AONB
Strain on existing community facilities
An additional dwelling will exacerbate the drainage problem in the area
Joint owners of the private lane will not give permission for access
Joint owners are unwilling to fund the cost of maintaining the lane as a result of wear and tear caused by construction
Inadequate access
Increase in pollution
A single storey dwelling would be less visual and provide more privacy to the existing properties
A loss of a valuable open space
The proposed drainage bed will not comply with Building Regulations
There are several mature trees on site, has the Tree Officer been out to site as no comments are available online?

5.3 Local Member Representations

No response to date.

Please note all representations can be read in full on the Council's website:
<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

The site in question is in the village of The Narth and is a small gap between existing dwellings, which is in accordance with the thrust of Policy H3 of the LDP. Therefore, there is no policy objection to a residential development in this location, subject to detailed planning considerations.

6.2 Design/ Effect on the Wye Valley Area of Outstanding Natural Beauty

Policy DES1 of the Adopted Local Development Plan (LDP) refers to General Design Considerations with criterion c) requiring development to respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings. The site is within the Wye Valley AONB, and Policy LC4 of the LDP seeks to protect the Wye Valley AONB from inappropriate development in order to maintain its unique character, special landscape qualities and local distinctiveness.

This outline application relates to a two storey detached dwelling. Design drawings have been submitted as a visual aid and to provide the overall parameters of the proposal but the design matter is a Reserved Matter so it will not be a subject for consideration in this instance. It is noted that there is a mixed pattern of housing in this part of the village so there is no single dominant form of development to which any new dwelling ought to have regard. In addition, it is noted that the proposed plot is of a similar size with many other properties within close proximity of the site. Furthermore, Policy DES1 of the LDP and PPW11 advise that development must make the most efficient use of land, which this would do. In relation to the size of the proposed footprint, it is considered that the footprint of the proposed development is visually comparable to some of the nearby properties. The maximum height of this proposal is 9m, which is approximately 1m higher than the host dwelling and is the same as Worcester House and Beaufort House, which are located to the east of Stray Leaves. The proposed materials include tiled roofing, rendered walls and timber windows, which are acceptable. However, this matter will be reserved for further consideration at the Reserved Matter application. The site is within the Wye Valley AONB, the site is surrounded by existing residential properties and would not alter the built form of the village of The Narth. Therefore, the proposal is considered to be in accordance with policies DES1 and LC4 of the LDP.

6.3 Impact on Amenity

Criterion d) of Policy DES1 of the LDP specifically seeks to maintain reasonable levels of privacy and amenity for the occupiers of neighbouring properties. Based on the submitted plans, the distances of the proposed dwelling are measured some 19m from the front elevation of Lindsey, 25m from Little Wabe, 27m from Cartref and 22m from the host dwelling (Stray leaves), which are considerable distances away from the neighbouring properties. Also, the proposal is in excess of 21m from the existing properties that are located south of South Lane. There is an existing row of trees along the southern site boundary of the site. Therefore, no overshadowing impact is anticipated. This is an outline planning application and with the exception of access and scale, all other matters are reserved for future consideration. Therefore, the actual design appearance along with the window openings of the proposed dwelling will be reserved for further consideration at a later date. Given the size of the proposed plot and its distance from the existing properties, it is reasonable to accept that there is enough room to design a dwelling that would maintain reasonable levels of privacy and amenity for the occupiers of neighbouring properties. As such, no significant concern is anticipated at this outline stage of the proposal. Therefore, there is no objection in relation to Policy EP1 of the LDP.

6.4 Biodiversity

The Council's Biodiversity Officer was consulted and there was a holding objection to the proposal initially because the proposals included thinning of deciduous trees to allow more light into the site and no details of the trees to be removed have been provided with the application submitted. A site visit was undertaken by the Council's Biodiversity Officer and the conditions of the trees and vegetation on site were assessed. The leylandii has no bat roosting potential but is likely to support nesting birds. No potential roosting features for bats were identified on broadleaved trees within the hedgerow, however some ivy cover is present which may provide cover for nesting birds. The proposal would involve the removal of some leylandii and hedgerows along the southern boundary but is not considered to be harmful.

As stated in previous comments, it is reasonably likely that the habitats within the site including the existing hedgerow and treeline support protected and priority species. Protected species have been returned from a 1km data search including bats, reptiles and hedgehog which may be using the site for foraging and commuting. Given the above, there is no objection to the proposal subject to a construction method statement and no removal of hedgerows, trees, or shrubs, or building works taking place between 1st March and 31st August unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence.

6.5 Highways

The Council's Highways Department consider the local highway network serving The Narth to be well below current standards, but the relatively low level of traffic associated with the development would not be sufficient grounds to support a recommendation for refusal. They acknowledged that The Narth is very much a rural location and the immediate highway network serving the village is predominantly a series of unclassified rural lanes that are considered to be below current standards. In this instance, the Council's Highways Department accept that the proposal will have an impact on the adjacent network but the private drive and School Lane are able to manage the proposed development and associated vehicular trips generated by the proposal. Also, it is considered that the proposal would not lead to a real deterioration in highway safety or capacity on the immediate public highways. Furthermore, the Highway Department also highlights that by accepting this application, it is not considered a precedent in determining future infill development in The Narth and if the Planning Department are minded to approve the application, a Construction Traffic Management Plan (CTMP) ought to be provided prior to any works commencing on site. Given the above, the proposal is in accordance with Policy MV1 of the LDP.

6.6 Phosphates Sensitive Area Wye Valley Catchment

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural

Natural Resources Wales has set new phosphate standards for the river SACs in Wales (including the latest update in May 2021). Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

The proposal is within the Phosphates Sensitive Area Wye Valley Catchment and the proposal will connect to a new private package treatment plant on site. A Habitats Regulation Assessment Appropriate Assessment was carried out and has concluded there is no likely adverse effect on the SAC as a result of the proposed works. Natural Resources Wales were consulted, and they have confirmed that they agree with the Council's assessment, offering no objection to this element. Therefore, the proposal is not likely to have a significant effect on the SAC's condition.

6.7 Surface Water Drainage

There is no objection from the Sustainable Drainage Approving Body (SAB) but the scheme will require SAB approval prior to any construction work commencing. The requirement to obtain SAB Consent sits outside of the planning process but is enforceable in a similar manner to Planning Law. It is a requirement to obtain SAB Consent in addition to Planning Consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs. The applicant will be informed of this legislative requirement via an informative.

6.8 Foul Drainage

6.8.1 Welsh Government Circular 008/2018 provides advice on the exercise of planning controls on non-mains sewerage and associated sewage disposal aspects of new development in order to avoid public health, amenity or environmental, problems. The circular outlines that planning authorities should aim to satisfy themselves that the sewerage proposals for a development are suitable, and public health, amenity and environmental problems are unlikely to arise. In doing so they should take into account:

- a) any information submitted by the developer
- b) comments provided by Natural Resources Wales; and
- c) other relevant information, including comments from their own professional advisors.

The proposed private package treatment plant has been fully considered and it is recommended by officers that the proposals are unlikely to have an unacceptable impact on health, amenity and/or environmental considerations as to warrant refusing the application. Environmental Health Officers have concluded that providing the foul / wastewater treatment system meets current Building Regulations / Standards, that they do not anticipate an unacceptable risk / harm from noise, odour etc., to nearby residents as the treatment system would be built to modern drainage standards. The proposed foul drainage would be subject to a separate application under the building Regulations. The Council's Building Control Officers have outlined that there is no clear reason to outline at this stage why the Building Regulations could not be achieved for foul drainage at the site. The proposed private treatment system would be built to modern standards and would not lead to a risk to public health or cause a nuisance to neighbouring parties or the future occupants given it would be built to meet current standards. Given that the drainage would be constructed in accordance with the Building Regulations it would not result in harm to the use of the residential curtilages of the proposed dwelling or neighbouring properties and would not pose a risk to public health. The installation of a private treatment system at the site would not harm the amenity of any party. Natural Resources Wales have reviewed the risks posed to the water environment and have outlined that it has been demonstrated that the ground conditions are appropriate, and that the environmental regulator has no further concerns. In addition, NRW have stated that the applicant will require an environmental permit or exemption for the system.

Given there are no objections or concerns from colleagues in Environmental Health or Building Control and/or NRW to the proposed drainage solution there is no reason to conclude that a suitable drainage solution cannot be implemented at the site and therefore in accordance with the requirements of the Planning Circular 008/2018 officers are satisfied that it is unlikely that the proposed development would harm the environment or public amenity or health; thus, the proposals are considered acceptable.

The professional consultees are satisfied on technical implementation grounds and have advised that the potential risk of harm to neighbour amenity is not significant. In accordance with the guidance within Planning Circular 008/02018 planning officers are satisfied that there is no overriding reason why the proposed development should be recommended for refusal. The principle of the proposed foul drainage proposals is considered to be acceptable and technical advisors have no objection to the development. If the foul drainage could not achieve Building Regulations requirements or achieve the required environmental permit, then the development would not be able to be carried out – but it must be borne in mind for planning purposes that there is no evidence to suggest the means of foul drainage is not viable at this stage.

6.9 Construction Traffic & amenity

6.9.1 Due to the fact that there are existing properties within close proximity of the site, it is not unusual to recommend that the Planning Authority consider adding a Construction Traffic Management Plan condition to manage the construction phase of the development. The site is within close proximity of existing residential properties and the local highway network is relatively restricted. Therefore, it is considered that it would be reasonable to impose such a condition here.

6.10 Affordable Housing

The sixth bullet point of Strategic Policy S4 relates to financial contributions to the provision of affordable housing in the local authority. The adopted Affordable Housing SPG sets out the formula for calculating the amount of affordable housing financial contribution that is required for this type of application. The formula for the Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%. The CS Rate in this case is based on the Rural area, which is set as £120/m². Therefore, the calculation is 178 (m²) X £120 (per m²) X 58% = £12,388.8. The applicant has agreed the amount that is required, which is in accordance with Policy S4 of the LDP.

6.11 Response to the Representations of Third Parties and/or Community Council

6.11.1 Trellech United Community Council recommended refusal. The response to the reasons of objection are as follows:

Proposed house is too large for the site, and at least 30% larger than any nearby property - please refer to section 6.2 of this report

All access lanes are narrow and access would probably require the felling of mature trees - please refer to sections 6.4 and 6.5 of this report

Drainage issues are already experienced by neighbouring properties and would be exacerbated by addition of a 5-bed house - please refer to section 6.6 and 6.8 of this report

6.11.2 Here are the responses to the neighbour objections:

Affect local ecology - please refer to section 6.4 of this report

Close to adjoining properties - please refer to section 6.3 of this report

Over development - please refer to section 6.1 of this report

Development too high - please refer to section 6.1 of this report

General dislike of proposal - this alone is not a planning material consideration

Increase in traffic - please refer to section 6.4 of this report

Loss of privacy - please refer to section 6.3 of this report

More open space needed on development - please refer to section 6.1 of this report

Out of keeping with character of area and the Wye Valley AONB - the proposed floor area is some 350m³. However, this includes the integral double garage and the upper floor. Please refer to section 6.1 of this report

Strain on existing community facilities - An additional dwellinghouse is unlikely to affect the existing facilities significantly and the management of the facilities should review its demand accordingly.

An additional dwelling will exacerbate the drainage problem in the area - please refer to section 6.6 and 6.8 of this report.

Joint owners of the private lane will not give permission for access - this is a private civil matter and not a planning material consideration

Joint owners are unwilling to fund the cost of maintaining the lane as a result of wear and tear caused by construction- this is a private civil matter and not a planning material consideration

Inadequate access - please refer to section 6.5 of this report

Increase of pollution - there is no evidence submitted from the neighbour objection to explain what this mean. However, given the scale of the proposal, it is unlikely to cause a significant noise and air impact upon the area. Also, there is no objection from the council's Environmental Health department in relation to this application.

A single story dwelling would be less visual and provide more privacy to the existing properties - please refer to section 6.1 of this report

A loss of a valuable open space - the land in question is not protected or is an area of amenity importance as defined within the LDP

The proposed drainage bed will not therefore comply with Building Regulations - The Council's Building Department was consulted on the proposed drainage scheme and has no objection.

There are several mature trees on site, has the Tree Officer been out to site as no comments are available online - None of the trees are protected by the Trees Preservation Order. Also, a site visit was undertaken by the Council's Biodiversity Officer and the conditions of the trees and vegetation on site were assessed. The leylandii has no bat roosting potential but is likely to support nesting birds. No potential roosting features for bats were identified on broadleaved trees within the hedgerow, however some ivy cover is present which may provide cover for nesting birds. The proposal would involve the removal of some leylandii and hedgerows along the southern boundary but is not considered to be harmful.

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

6.12.1 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.

6.13 Conclusion

6.13.1 The proposal is in accordance with policies DES1, EP1, EP3, H2, LC4, MV1, NE1 and SD4 of the LDP.

7.0 RECOMMENDATION: APPROVE subject to the S106 as set out below

7.1 S106 Heads of Terms

A sum of £12,389. is required towards the Council's Affordable Housing Financial Contribution. If the S106 Agreement is not signed within 6 months of the application's resolution then delegated powers be granted to officers to refuse the application.

1 Details of the appearance, landscaping and layout (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

REASON: The application is in outline only.

2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

4 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.

5 No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved CEMP.

REASON: To protect the amenity of neighbouring properties and to ensure compliance with LDP Policy EP1.

6 No development, vegetation clearance or earth moving shall take place or material or machinery brought onto the site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include details of measures to protect: 1. Nesting Birds 2. Bats 3. Common reptile species 4. Hedgehogs The construction Method Statement shall thereafter be implemented in full.

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

7 No removal of hedgerows, trees, or shrubs, or building works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

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

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

9 The hereby approved dwelling shall have the following upper and lower limits for height, width and length.

Height: 9m and 8m.

Width: 16m and 15m.

Length: 22m and 17m.

REASON: The application is in outline only.