

**Application Number:** DM/2022/00518

**Proposal:** A replacement dwelling is proposed at Church Cottage to prevent the future risk of flooding of the dwelling. The scheme will involve the demolition of the existing dwelling

**Address:** Church Cottage, Bayfield Road, Mounton, Monmouthshire, NP16 6AF

**Applicant:** Mr & Dr Martin Hall

**Plans:** 238\_120, 238\_121, 238\_122, 238\_123, 238\_124, 238\_130, 238\_131, 238\_132, 238\_133, 238\_134 238\_135, HERITAGE IMPACT STATEMENT FEB 2022, DESIGN AND ACCESS STATEMENT 1, DESIGN AND ACCESS STATEMENT 2, BAT REPORT (Sylvan Ecology), FCA Version1 by JBA, FCA Additional Info (HB\GRY-JBAU-XX-XX-LT-Z-0001.docx), TREE SURVEY & ARBORICULTURAL IMPACT ASSESSMENT 2022.

## **RECOMMENDATION: APPROVE**

Case Officer: Adam Foote  
Date Valid: 05.04.2022

**This application is presented to Planning Committee upon request of the Local Ward Member. The Conservation Area Consent relevant to this application is also being reported to this committee**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The application site comprises a detached dwelling sited to the east of Bayfield Road, Mounton. The property is of a traditional design and sited at a lower level than the road. The building is outside of any defined settlement boundary, within the AONB, Mounton Conservation Area and within a Cadw registered Historic Park and Garden. The application site is within close proximity of Mounton House Estate which comprises a group of listed buildings and structures. There is a tree within the site covered by a Tree Preservation Order. The site is within a C2 Flood Zone as shown on the Development Advice Maps (DAM) that accompany TAN15.

#### 1.2 Proposal Description

This application seeks consent for a replacement dwelling on the site as the existing property regularly floods. The property is not currently occupied due to previous flooding damage resulting in the occupiers having to vacate. The proposed property is designed to prevent future risk of flooding of the dwelling. The replacement dwelling is proposed with a contemporary design and would be sited within the same general area as the existing dwelling. The scale, design and position of the development is illustrated in full on the submitted drawings.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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DM/2019/00417	1 - Crown lift 2-3m to yew tree at boundary wall (TPO MBC 11/G3) 2 - Removal of 2 lowest branches from ash tree (TPO MBC 11/G2) 3 - Crown lift by 2-3m to two yew trees with side of St Andoenus Church (TPO MBC 11/T8 and T9)	Approved	09.04.2019
DM/2020/01208	Demolition of existing porch and erection of single storey extension to existing dwellinghouse.	Withdrawn	09.03.2021
DM/2020/01253	Removal of Ash tree, with severe die back overhanging Church Cottage.	Approved	09.09.2020
DM/2022/00791	CAC - A replacement dwelling is proposed at Church Cottage to prevent the future risk of flooding of the dwelling. The scheme will involve the demolition of the existing dwelling.	Pending Consideration	

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New 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  
GI1 LDP Green Infrastructure  
H5 LDP Replacement Dwellings in the Open Countryside  
HE1 LDP Development in Conservation Areas  
LC4 LDP Wye Valley AONB  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
NE1 LDP Nature Conservation and Development  
SD3 LDP Flood Risk  
SD4 LDP Sustainable Drainage

#### **Supplementary Planning Guidance**

LDP Policies H5 & H6 Replacement Dwellings in the Open Countryside and Extension of Rural Dwellings SPG April 2015  
Green Infrastructure April 2015

## 4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040  
Planning Policy Wales (PPW) Edition 11  
The Planning (Listed Building and Conservation Areas) Act 1990  
Technical Advice Note 12: Design  
Technical Advice Note 15: Development and Flooding  
Technical Advice Note 24: Historic Environment

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Mathern CC:** Councillors considered the above application at their meeting on 14th April 2022 and although recognising the flooding issues posed at this site and architectural merits of the proposed dwelling it was felt that it was the wrong building for this location. The current cottage sits subserviently in its conservation area with Mouton Church at present but the proposed building does not. The proposal does not blend in complement or reflect the local vernacular and its proportions and lines are at odds with the other dwellings in the hamlet of Mouton. The materials proposed similarly are at odds to those elsewhere within the conservation area and hamlet. For the above reasons this Council would recommend refusal.

**MCC Tree Officer:** Objection overcome.

**MCC Drainage:** No objection, informative requested.

**Highways:** No objection, informative requested.

**Cadw:** No objection.

**DC-WW:** No objection.

**NRW:** No objection.

### 5.2 Neighbour Notification

This application was advertised by means of direct neighbour notification and a site notice. One objection has been received raising concern over the proposed design and finish of the proposed dwelling and its impact upon its surroundings. The objector noted the need for a replacement dwelling on the basis of flooding.

Five comments have been received in support of the proposed development praising the design and finish.

### 5.3 Local Member Representations

The Local Member has requested that the application is reported to Planning Committee raising concern over its design/visual impact within the setting.

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 application site is outside of any settlement boundary and is therefore classified as open countryside where there is a presumption against new development unless it is for an acceptable rural use. However, as the land benefits from an existing lawful residential use no objection is

raised in this respect. LDP Policy H5 is relevant as it relates to replacement dwellings in the countryside and provides a number of criteria for such applications to be considered against. In this case the proposed development is considered to comply with the criteria of the policy therefore no objection is raised in this respect. Additional detail relating to the criteria is detailed within later sections of this report. As the proposal is for a replacement dwelling there is no requirement for a contribution towards affordable housing to be made.

The site is within a C2 flood zone as identified by the Development Advice Maps that accompany TAN 15, the use is classified as highly vulnerable, however, as the proposed development would not increase the existing level of vulnerability on the site or intensify the use then no objection is raised to the principle of the development in this respect, additional details relating to flood risk will be covered in a later section of this report.

## 6.2 Sustainability

The application site is outside of any defined development boundary where development is strictly controlled. As the property is existing and the application would not result in the intensification of the use any impact relating to sustainability would be unchanged and therefore no concern is raised in this respect.

The proposal includes a number of features including "high performance insulation combined with a high degree of airtightness being integrated into the proposed structure design and construction. The use of renewable and FSC traceable materials within the construction. A-rated efficiency windows offering optimal levels of ventilation and natural daylight. An air-source heat pump is proposed to provide low carbon heating. An underfloor heating system will be suitable for operating at lower temperatures, thereby optimising the efficiency of the ASHP. Low energy LED internal lighting. The incorporation of a wood stove into the system of heat provision. A car charging point is to be located within the driveway area", all of which are considered to contribute positively towards the sustainability of the site, improving on the existing situation.

## 6.3 Place Making/Good Design

The application site is within the AONB and within the Mounton Conservation Area with part of the site falling within the designated historic park and gardens, the property is noted for its social value due to its former resident Henry Avray Tipping, a notable garden designer and architectural editor of Country Life who extended and renovated the original property in 1908. The existing dwelling adopts a traditional design/aesthetic however it is not considered to make such a positive contribution to the visual amenity of the area that its loss would be of significant concern. The property has benefited from a number of additions/ alterations that have eroded its original character with significant additional damage being caused by flooding in recent years. The property is not listed and therefore does not benefit from the protection afforded to listed properties. Given its location, careful consideration has been given to the impact of the proposal upon the amenity and character of the area. The proposed design adopts a contemporary aesthetic and is considered to be of a high quality. The scale, form and siting of the proposed dwelling is considered to be appropriate for the setting avoiding any unacceptable adverse visual impact that would warrant concern or that would be harmful to the special character of the Conservation Area or to the setting of historic assets nearby. The majority of the built form would be set back from the road therefore allowing the structure to easily assimilate into its setting and would reduce any visual impact when viewed from the public realm. The materials as detailed within the submission are considered to be acceptable and the use of natural, locally sourced materials is considered to further enhance the design and support the place making objectives as set out by PPW11. It is considered necessary for details/samples of the external materials to be submitted for approval by the planning authority prior to commencement of the development. The Council's Heritage Officer has been consulted on this application and has raised no objection.

## 6.4 Biodiversity/Green Infrastructure

The application site is within an area of rural character and is surrounded by mature woodland and additionally given its proximity to the watercourse the site has the potential to be used by bats. A

bat survey has been undertaken to support this application, the level of detail within the survey has been deemed acceptable by the Council's Ecologist who raises no objection to the proposal subject to conditions. NRW have raised no concern in relation to protected species in this matter.

Due the number and proximity of mature trees on the site an Arboricultural Method Statement (AMS) has been submitted in support of the application. Following concerns raised by the Council's Arboricultural Officer an updated AMS has been submitted and is considered to have overcome the initial concerns raised.

LDP policies NE1 and G11 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated, such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal raises no significant concerns in this regard given the existing context and extent of development proposed. The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests. The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the aforementioned features and to mitigate against the effects of climate change; in this instance a green/living roof is proposed over the garage, this is considered to be sufficient to meet the objectives of the aforementioned policies and section 6 of The Environment Wales Act.

### 6.5 Historic Environment/ Landscape

The application site is located immediately adjacent to the grade II registered historic park and garden at Mounton House (PGW(Gt)8(MON) and the gardens of Church Cottage are partly within the registered area, having been laid out around Mounton Brook by Henry Avray Tipping in 1908. The level of the ground floor and access to the property needs to be raised in order to address risk from flooding. This is considered to be an acceptable justification for such works and is not considered to have any unacceptable adverse visual impact that would be harmful to the surrounding landscape or historic environment. The proposed design has been carefully considered to ensure its physical and visual relationship with its setting and neighbouring buildings is acceptable. Cadw have been consulted and raise no objection to the proposed works and no concern to the impact of the development upon the special character of the area or the historic assets nearby.

### 6.6 Impact on Amenity

The proposal is considered acceptable in regards of its scale and design and will provide a positive contribution to the amenity of the area which would not prejudice the general character of the area or the existing dwelling house. Due to the scale of the proposal and its relationship with nearby dwellings it is not considered that there would be any unacceptable impact upon the living conditions of neighbouring occupiers or conflict with the relevant criteria of LDP policies DES1 or EP1.

### 6.7 Highways

The proposed development would utilise the existing vehicular access point and provide parking provision in line with the Council's adopted standards. The existing access is proposed to be widened slightly which has been noted as an improvement by the authority's Highways Department. No objection is raised in terms of highway safety and the application is considered to comply with LDP Policy MV1.

### 6.8 Flooding

The application site is within a C2 flood zone as shown on the DAM that accompany TAN15, C2 zones are areas of the floodplain without significant flood defence infrastructure. The proposed development is classified as highly vulnerable with the TAN stating that in such areas "only less vulnerable development should be considered subject to application of justification test, including acceptability of consequences. Emergency services and highly vulnerable development should not be considered". However, given that the property is existing, and the proposal would replace one

dwelling with another, the level of vulnerability would not increase from the existing situation. Therefore there it is not considered justified to apply the tests as set out within section 6 of the TAN. The Flood Consequence assessment submitted to support this application has been deemed acceptable by NRW to overcome any concern in relation to flood risk on the site. NRW raise no objection to the proposed development on flooding grounds. As the FCA has demonstrated that flood risk is acceptable no objection is raised on this basis.

### 6.9 Drainage

Due to the scale of the development it is likely that SuDS approval will be required although this is a separate consent that will not impact upon the outcome of this application. The Council's Drainage Officer has been consulted on this application and raises no objection but has requested that an informative relating to SuDS is attached to the grant of any application.

DC-WW have been consulted and raise no objection to the proposed development subject to a condition/ advisory note. Further to their initial comments it has been verbally discussed and agreed that no public foul sewer crosses the property, no written comment to this effect has been received. Regardless of the comment relating to a sewer crossing the site this is a matter that falls outside the remit of the Town and Country Planning Act and would not impact upon the outcome of this application.

### 6.10 Response to the Representations of Third Parties and the Community Council

The community council, local ward member and one member of the public have raised concern over the contemporary design and finish of the proposed development and its impact upon its setting. Design is subjective and guidance from Welsh Government in relation to design is found within TAN 12 which states local authorities "should not impose architectural styles or particular tastes but should secure good quality design as applied to the local context (local distinctiveness)". The design and impact upon the character/setting of the area has been addressed in an earlier section of this report and is deemed to be acceptable.

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

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

Having regard to the policy context above, the proposal is considered acceptable and the application is recommended for approval subject to conditions.

## **7.0 RECOMMENDATION: APPROVE**

### **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 surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

4 Samples of the proposed hard landscaping, stone and timber including finishes to be used in the external surfaces of the development shall be submitted to and approved in writing by the local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the Conservation Area.

5 Details of the proposed green/living roof to be constructed on the garage shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity in accordance with PPW11, Future Wales, The Environment Wales Act and Policies GI1 and NE1 of the Monmouthshire Local Development Plan.

6 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 building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that foraging/commuting habitat for bats is protected from light spill, 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.

7 No development, demolition, earth moving shall take place or material or machinery brought onto the site until a protected species (bats) construction method statement has been submitted to and approved in writing by the local planning authority. The purposes of the method statement shall be:

1. To provide details of how buildings will be demolished; and
2. To provide measures to reduce impacts on commuting/foraging bats during the demolition/construction phase.

The content of the method statement shall include, as a minimum the:

- a) purpose and objectives for the proposed works in relation to protection of bats;
- b) detailed working methods necessary to achieve stated objectives;
- c) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- d) Persons responsible for implementing the works.

The Construction Method Statement shall thereafter be implemented in full.

Reason: Safeguarding of species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

## **INFORMATIVES**

1 The 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>"

2 It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

3 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

5 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

6 BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection