

**Application Number:** DM/2022/00494

**Proposal:** New dwelling (Plot 2)

**Address:** Azalea Cottage, Old School Hill, Mynyddbach, NP16 6RP

**Applicant:** James Cullingham

**Plans:** Location Plan 100 - , Site Plan 101 - , Site Plan 102 - Rev 5, Floor Plans - Proposed 103 - Rev 5, Floor Plans - Proposed 104 - Rev 5, Elevations - Proposed 105 - Rev 5, Site Sections 106 - , All Drawings/Plans 108 - , Ecology Report PRELIMIARY\_ECOLOGICAL - , Other BIODIVERSITY\_ENHANCEMENT - ,

**RECOMMENDATION: Approved subject to S106 agreement**

Case Officer: Kate Young  
Date Valid: 30.03.2022

**This application is presented to Planning Committee at the request of the local member, Councillor Brown**

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

The site is located within the Shirenewton and Mynyddbach Development Boundary as identified in the LDP. The application site measures approximately 0.1 ha and was previously the extended garden curtilage to Azalea Cottage which lies to the south-west of the application site. There is a road frontage with Old School Hill and the land slopes down steeply from the road. To the north-west of the site are residential properties accessed off Weyload Lane. To the north-west is Hillcrest. To the south of the site, on the opposite side of the road, are two detached dwellings. To the south-west is plot no 1; a full application for plot 1 was submitted earlier this year, under DM/2022/00089 but that application has subsequently been withdrawn.

There are some mature trees and shrubs on the site with a mature hedgerow along the road frontage. The site comprises semi-improved grassland to the southern end and self-seeded scrub and apple trees together with invasive non-native bamboo. There is an existing telegraph pole at the entrance to the site. In March 2022 outline planning permission was granted for two dwellings on this site.

### 1.2 Value Added

This application was the subject of pre-application advise and significant design changes were made at that stage. Since this application was submitted there have been some amendments including the addition of a close boarded fence along the common boundary with Hillcrest and alterations to the upper floor landing window to protect residential amenity.

### 1.3 Proposal Description

This is a full application for a single two storey detached dwelling on the site, with a vehicular access which will be shared with plot 1 adjacent. The new dwelling would have three bedrooms on the upper floor. The dwelling will be of a contemporary design finished in stone and timber cladding, with a sedum grass roof. The windows would have metal frames. There would be two monopitched roofs with a raised part of the roof containing solar panels. The dwelling will have a footprint of approximately 140m<sup>2</sup>. The ridge height would be 7.7m from the ground floor level but only 3.8m from the road level due to the sloping down nature of the site. Due to the very steeply sloping nature of the site the dwelling will appear single storey when viewed from the road. There would be an

attached garage at the front with a plant room and accommodation below. On the lower floor there would be a single storey element to the southern side, and this would have parking above. The hedgerow at the front of the site will be removed to provide visibility splays for the access. A new hedge will be planted, further back from the carriageway.

A preliminary ecological survey, biodiversity enhancements and a Design & Access Statement were submitted as part of the application.

## 2.0 RELEVANT PLANNING HISTOREY (if any)

| Reference Number | Description  | Decision  | Decision Date |
|------------------|--|-----------|---------------|
| DM/2021/00319    | Modification of condition no. 2 of planning consent DC/2017/01122 (to be extended for a further 3 years) | Approved  | 15.03.2022    |
| DM/2022/00089    | Erection of a new detached dwelling (plot1)  | Withdrawn | 17.06.2022    |
| DC/2009/00560    | Rear extension, construction of car port, altered car access   | Approved  | 19.08.2009    |
| DC/2009/00558    | Construction of a new dwelling   | Approved  | 18.08.2009    |
| DC/2014/01512    | New location of side windows   | Approved  | 09.02.2015    |

## 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

H2 LDP Residential Development in Main Villages  
 SD4 LDP Sustainable Drainage  
 NE1 LDP Nature Conservation and Development  
 EP1 LDP Amenity and Environmental Protection

## **Supplementary Planning Guidance**

Affordable Housing SPG July 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

Green Infrastructure April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf>

Domestic Garages SPG (January 2013):

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Domestic-Garage-SPG-Jan-2013.pdf>

Monmouthshire Parking Standards (January 2013)

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

## **4.0 NATIONAL PLANNING POLICY**

### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

### **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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Shirenewton Community Council** objects for the following reasons:

1. evidence of reciprocal rights for a shared drive
2. exclusion of the general permitted development order
3. clarity for the colouring of the external timber cladding
4. clarity for the status of the s106 Agreement and contribution to affordable housing
5. the obtaining of an ecology report detailing mitigation

6. a design statement demonstrating how the house makes a positive contribution to the creation of distinctive communities, places and spaces and responds to the context and character of the area.

7. proposals for the repair and restitution of the roadside hedging and stone wall.

**Dwr Cymru-Welsh Water** - No objection subject to a condition relating to surface water.

**MCC Highways** - No objection subject to conditions

- No development may commence until the applicant has relocated the existing telegraph pole to the approval and agreement of the utility company.
- The shared access, driveway and parking shall be constructed strictly in accordance with the approved drawings.
- The proposed access shall have a hard surface of concrete or bituminous material for a minimum distance of 5m from the highway boundary.
- The access shall be constructed with 45° ease of access splays which shall be a minimum of 3m either side of the driveway. The actual driveway width shall be 5m. Gates if provided shall not open outwards and shall be set back a minimum of 5m from the highway boundary.
- The maximum gradient of the access shall not exceed 1 in 8 (12%).

**LLFA/ SAB Officer: No objection**

The SAB still has concerns that the system needs further design but this will be managed through the SAB process. On that basis the surface water runoff will be managed via a system to be approved by the SAB. Please add an informative to the decision notice.

Flood risk maps provided by Natural Resources Wales indicate the site to not be at particular risk of flooding. Our database of previous flood events does not record any flood events in close proximity to the site. Our database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site.

We therefore have no objection on flood risk grounds.

**MCC Ecology** – No objection subject to conditions

- Trees to be inspected by a licenced bat specialist prior to any pruning or clearance work
- Construction Method Statement to consider nesting birds, common reptiles and hedgehogs
- Control over external lighting
- Limitation of works between 1<sup>st</sup> March and 31<sup>st</sup> August, subject to detailed check for nesting birds to be approved.
- Biodiversity enhancements to be carried out as per the drawings and maintained in perpetuity.

## 5.2 Neighbour Notification

Letters of objection received from one address.

Loss of privacy, overlooking from the first floor window serving the hallway.

Excavation works for the accommodation under the garage will be close to the boundary with Hillcrest and this may damage the roots of the adjacent trees.

No pull-in in front of the access which is in itself is unsafe.

The parking space above the living accommodation is a bit odd.

Devaluation of property prices.

## 5.3 Other Representations

None Received

## 5.4 Local Member Representations

Councillor Brown requests that this application be presented to Committee.

This application is for Plot 2 only, which originally had an outline planning permission for 2 plots.

The two plots have a shared drive but the planning permission only covers half of the shared drive.

There is a concern that as plot 1 and plot 2 are from different applicants that the dwellings and drives may be completed at different times. The shared drive with its visibility splays and turning circles needs to be available prior to the occupation of any of the dwelling houses. Plots 1 and 2 are located between a junction and close to a bend on a narrow road, the plots have a steep slope and it is important that access and egress are in forward gear and not obstructed on the drive or by vision in either direction by any building works. The sister application DM/2022/00089 has been referred to the planning committee for consideration of highways concerns. It would be appropriate to also refer this planning application to the planning committee to be considered at the same time, to see how the parking and shared drive work together and have similar plans.

In addition in view of the concerns mentioned in the first two paragraphs. It is suggested that consideration needs to be fully given by legal on procedure/wording, highways and planning on suitable conditions such as Grampian conditions to ensure that not only are there mirror conditions/plans as suggested by highways but a suggestion that there is no occupation of either property until a shared driveway is available and has been constructed and will not be obstructed by any building works of the sister plot. A Grampian condition allows for a condition outside of the plan area which may assist when the two plots are not developed at the same time by one developer but by different ones and there is only one shared drive. The community council has also raised additional concerns which need to be addressed and considered by planning committee. In addition, both plots in view of their elevated positions have resulted in neighbour concerns which need to be fully addressed.

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 PPW 11 paragraph 4.2.23, states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. The site is located within the Mynyddbach development boundary within which there is a presumption in favour of new residential development subject to detailed planning considerations. The plot of sufficient size to accommodate a residential dwellings of a similar size to existing dwellings in this area. Policies S1 and H2 allow for new residential development to be built inside the development boundaries of Main Villages of which Shirenewton and Mynyddbach share one. Therefore, the principle of new residential development is acceptable on this plot. In addition, outline planning permission was granted for two dwellings on this plot in March 2022 and so the principle of residential use on this site is already established.

### **6.2 Sustainability**

6.2.1 The site is located within an existing village where there is a good range of services including a primary school, church and public houses. The proposed dwelling will have a green roof and solar panels. The design of the dwelling will aim to meet 'Passivhaus' standards. The integrated solar panel roof angle shall be set at the optimum angle (35 degrees) for maximum yearly power generation. Heating, hot water and cooling would be provided by heat pump combined with a mechanical ventilation heat recovery (MVHR) system. Rainwater would be collected from all roofs and stored in an underground tank for both internal use (washing machine, toilets, etc) and external use (car washing, garden watering, etc).

### **6.3 Good Design**

The adopted supplementary planning guidance (SPG) on Infill Development says that the size of the infill proposal should reflect the prevailing character of the adjacent properties in terms of scale, mass and rhythm of the street scene. In this case, the plot size is similar to others in the area and the proposed dwelling will continue the rhythm of the street scene and the general area. The application proposes a dwelling of contemporary design. This area of Mynyddbach is characterised by a variety of housing styles, some traditional and some contemporary; there is no prevailing character. The two properties to the south-east of this site on the opposite side of Old School Road are both two-storey, finished in brick, render and timber cladding. Hillcrest to the north-east of the site is a more traditional style cottage, finished in natural stone and render with a pantile roof. Due

to the steeply sloping nature of the site the proposed new property will appear single storey when viewed from the road. The proposed green roof and solar ridge would not be characteristic of the area, but it works well with the topography of the site and promotes the green credentials of the development. A substantial part of the elevations of this property will be finished in natural stone and samples of this will be required by condition. The natural stone will visually tie the new dwelling to the adjacent dwelling Hillcrest that is also partially finished in natural stone.

It is the attached garage of the proposed new dwelling that will be most visible in the streetscene, and it will be faced in natural stone. The rear of the property will not be visually prominent when viewed from public vantage points. It is the proposed rear elevation that contains most of the principal windows and is largely finished in timber cladding. The SPG on Infill Development advises that the proposal must respect the scale, form and massing of existing development. The proposed dwelling is considered to comply with the advice provided in the Infill Development SPG.

Policy DES1 of the LDP requires that all development shall be of a high quality, sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. In this case the proposed dwelling does respect the local character both in terms of massing and materials. The natural stone and timber cladding can be seen elsewhere in the area. The provision of a green roof does not reflect other properties in the area, but it does introduce a more contemporary, and sustainable design into the area which is appropriate in this location. The proposal will respect the character of the area and the surrounding properties, and it therefore accords with the objectives of Policy DES1 of the LDP.

#### **6.4 Historic Environment**

The site does not relate to a listed building and is not located within a conservation area.

#### **6.5 Biodiversity**

The application for the proposal is informed by an ecological assessment which is a joint assessment for plots 1 and 2. A Preliminary Ecological Appraisal Report (PEA) was prepared by AVA Ecology, dated 09/06/21. From the preliminary survey the site is assessed as being of moderate ecological value. In the absence of mitigation, the development may result in impacts on wildlife and habitats affecting the following protected species:

- o Nesting Birds
- o Bats
- o Protected trees
- o Reptiles

The following key mitigation is recommended - Tree root protection zones established for any retained trees and consultation with the local authority tree officer prior to any works being carried out, vegetation removal to be carried out between September and February - outside the bird breeding season, a tree survey for bats must be carried out immediately prior to the removal or pruning of any trees with potential roosting features and a reptile survey will be required during the optimal survey period prior to any work commencing.

MCC ecologists have reviewed the PEA and agree with the conclusions. They offer no objection but outline conditions.

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. I & G Ecological Consulting were commissioned to produce a Biodiversity Enhancement Scheme following submission of a Preliminary Ecological Appraisal for plot 2. There is to be an area of woodland/trees retained and improved at the northern end of the site. Non-native Invasive Species (INNS), specifically Bamboo and Montbretia will be cleared from this area of retained woodland to allow ferns, Bluebell, and other native plants to thrive. The submitted Enhancement and Landscaping plan

includes biodiversity enhancements for birds, bats, reptiles, amphibians, invertebrates and hedgehogs. The area of woodland on the northern part of the site will be retained. The trees to be removed are shown on the Enhancement and Landscaping plan. The Non-native Invasive Species (INNS), specifically Bamboo and Montbretia, will be cleared from this area of retained woodland to allow ferns, Bluebell, and other native plants to grow. Wildflowers will be planted throughout the site. A SAB detention basin (Swale and Wildlife Pond) is to be located in the east side of the plot adjacent to the dwelling. These enhancements are considered proportionate to the scale of development and accord with the objectives of Policy NE1 of the LDP.

## **6.6 Impact on Amenity**

The plot is surrounded by residential properties. To the south-east, opposite the site on the other side of Old School Hill is the modern property of Valdora. It has a low-level wall to the front and looks directly into the site. Given the difference in site levels, the occupiers of Valdora will be looking over the roof of the proposed new dwelling. It will face towards the blank side wall of the garage and the entrance hallway. As a result, there will be no significant loss of privacy and the proposed new dwelling will not have an overbearing impact.

To the north-east of the site is Hillcrest. That property has a small first-floor window facing towards the site. There is a conifer hedge within the boundary of Hillcrest as well as some mature trees within the application site. It is also proposed to erect a 1.8 metre high close boarded fence along the common boundary. At the lower ground floor level, the new dwelling will have an entrance doorway, surrounded by glazing and a high level window serving the living room, on the east elevation. There will be no loss of privacy as a result due to the existing vegetation and the proposed new close-boarded fence. At the upper ground floor level there will be one window on the south elevation; this serves a hallway and will be made up of obscure glazing, as annotated on the elevational drawing and will be secured by condition. To the north-west of the site is Tyr Ywen, but there will be over 65 metres between the rear elevation of that dwelling and the rear elevation of the proposed dwelling. The mature vegetation in the northern part of the site will be retained. Given the substantial distances involved and the intervening vegetation there will be no significant overlooking. To the south-west of the site there is the prospect for a new dwelling on plot 1 although no detailed planning permission has been granted for this yet. The only upper floor windows on the west elevation facing into plot 1 would serve a bathroom and en-suite which would be obscure glazed.

The proposal accords with the Council's normal privacy standard for new development. The layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development.

## **6.7 Highways**

### **6.7.1 Sustainable Transport Hierarchy**

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. The site is located within a village that contains some facilities, but the majority of trips would have to be made by car. There is a bus stop within the village.

### **6.7.2 Access / Highway Safety**

The proposed dwelling will have a shared access with plot 1. The details regarding the shared access have shown that the space is capable of ensuring all vehicles can manoeuvre on site to allow forward-facing access and egress and the highway authority offers no objection to the application. A single point of access for both properties opposite the residential access into Valdora, will achieve the required visibility in both directions. The increase in traffic movements resulting from an additional property along Old School Hill is not so significant as to justify refusal of the application. Old School Hill is narrow in places with cars in one direction having to stop to let others past, but that is the current situation. The proposal does not alter that fact and the increase in use of the road because of one additional dwelling would, as said, be minimal. The access into the site is designed

so that cars can enter directly and there will be no need to use an adjacent property as a turning area. The access and drive will be completed in a hard surface and the maximum gradient will not exceed 1 in 8 (12%).

### 6.7.3 Parking

The adopted Monmouthshire Parking Guidelines require one car parking space per bedroom for new dwellings up to a maximum of three per dwelling. In this case three off-road parking spaces are being provided at the front of the property. The proposal therefore accords with the adopted parking standards and complies with the objectives of Policy MV1 of the LDP.

## **6.8 Affordable Housing**

Policy S4 requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is three or more units in Shirenewton/Mynyddbach, then a financial contribution is appropriate. The financial contribution is based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019). The floor area of this property is 254.5m<sup>2</sup>.

Formula: Financial Contribution = Internal Floor Area (m<sup>2</sup>) x CS Rate x 58%

In this case the CS rate is 120 and so the financial contribution required is £17,678.00.

The applicant has confirmed they accept the payment and are willing to enter into a Section 106 agreement. The proposal accords with LDP Policy S4.

## **6.9 Flooding**

The site is not in a designated Flood Zone as identified in the TAN 15 Flood Maps.

## **6.10 Drainage**

### 6.10.1 Foul Drainage

The application site is in an area served by mains drains and in such areas the foul drainage must discharge to mains. The applicant has indicated that this is the case. The proposed dwelling, as well as the proposed new dwelling on plot 1, would connect to the mains sewer network via an existing Welsh Water chamber located in the garden of Azalea Cottage. From there it will discharge to the Nash Waste Water Treatment Works. Welsh Water have offered no objection to the application but request a condition requiring that *surface* water does not enter the mains drains.

### 6.10.2 Surface Water Drainage

The applicant has indicated that surface water discharge will be by way of a soakaway. As per the Flood and Water Management Act 2010, a full Sustainable Drainage (SuDS) design will be created, the rainwater collection system combined with the Intensive Green Roofing also contributes to the design of the SuDS system. A full SuDS design would have to be in place prior to construction work starting. The site is of sufficient size to accommodate a form of sustainable drainage and this will be the subject of a separate SAB application.

## **6.11 Phosphates**

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application *is outside of the SAC catchment* and



so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

### **6.12 Response to the Representations of Third Parties**

The Local Member raised concerns over the shared access and how this will work in practice, suggesting confirmation from the Council's Legal team and also suggesting a Grampian condition to ensure that there will be no occupation of either dwelling until the driveway has been completed. Condition 8 would cover this element.

Shirenewton Community Council has concerns regarding the colour of the proposed timber cladding. A condition will be imposed that samples of all of the finishing materials will be submitted to and approved by the planning authority prior to work commencing. The Community Council also seek clarification over the section 106 agreement for a financial contribution for affordable housing. This is addressed in paragraph 6.8 above and conforms to the formula in the SPG on Affordable Housing.

An ecology report outlining detailed mitigation and biodiversity enhancements has been submitted as part of the application, as was a detailed Design & Access Statement which demonstrated how the proposed dwelling would contribute to a sense of place.

The occupiers of the adjoining property Hillcrest have raised concern over the level of overlooking from the proposed upper floor window that serves the hallway. In response to this the plans have been amended and this window will be of obscure glazing. In addition to this a 1.8 metre high close boarded fence will be positioned along the common boundary as the neighbours consider that existing trees on the boundary may be damaged by the excavation work on the site. Additional concerns are raised relating to the appearance of the parking provision when viewed from the road, however only the parking space will be visible and not the accommodation below.

The respondents sought clarification over the number of bedrooms being proposed. The plans show three bedrooms, but it is possible that two other rooms namely the office and the craft room could also be used as bedrooms. There is no requirement to specify what an internal space will be used for. The LPA has no control over the use of internal space and there is no difference in relation to parking requirements if this is a three bedroom dwelling or a five bedroom dwelling.

### **6.13 Planning Obligations**

A financial contribution to affordable housing in the local area for £ 17,678.00.00

### **6.14 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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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 WCFG Act.

### **6.15 Conclusion**

The site is located within the village development boundary within which both Policy S1 and H2 of the LDP presume in favour of the principle of new residential development. PPW states that proposals for housing on infill sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.

The proposal also accords with the advice in the adopted SPG for Infill Development and has an acceptable impact on the residential amenity in accordance with Policy EP1 of the LDP. The design of the proposed new dwelling is acceptable and respects the character of the surrounding area. The

proposal accords with the objectives of policy DES1 which seeks high quality sustainable design that respects the character of the area. Adequate access and parking provision will be provided within the site and the proposal accords with Policy MV1 of the LDP. Biodiversity enhancements are being provided ensuring that the proposal accords with Policy MV1 of the LDP.

The proposal is policy compliant in all respects and accords with the objectives of PPW11 and the policies of the LDP. Thus, the application is recommended for approval.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a section 106 Legal Agreement requiring the following:

### S106 Heads of Terms

A financial contribution towards affordable housing in the local area of £17,678.00

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 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 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: In the interests of residential amenity in accordance with Policy EP1 of the LDP

5 None of the existing trees, shrubs and hedges on the site shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or wilfully 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.

6 A representative sample of the proposed finishing materials, the timber cladding and the natural stone shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character of the area in accordance with Policy DES1 of the LDP

7 The proposed access shall have a hard surface of concrete or bituminous material for a minimum distance of 5m from the highway boundary. The access shall be constructed with 45°

ease of access splays which shall be a minimum of 3m either side of the driveway. The actual driveway width shall be 5m. Gates if provided shall not open outwards and shall be set back a minimum of 5m from the highway boundary. The maximum gradient of the access shall not exceed 1 in 8 (12%).

REASON: In the interests of Highway safety in accordance with Policy MV1 of the LDP

8 No development hereby approved other than that associated with the proposed accesses shall commence until the access has been constructed in accordance with the approved plans.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

9 The window on the upper ground floor of the east elevation serving the hallway shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP policies DES1 and EP1.

10. Trees T22 (cherry tree), T23 (large oak tree) or the unnumbered neighbouring walnut tree beyond the southwestern boundary, must be inspected by a licenced bat ecologist prior to any pruning or clearance works, as detailed in the 'Preliminary Ecological Appraisal Report for site at Azalea Cottage, Mynydd-Bach Monmouthshire, produced by AVA Ecology, dated 26 April 2021'.

Reason: To comply with the provisions of the Conservation of Habitats and Species Regulations 2010.

11. No development, demolition, 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) Common reptile species
- 3) 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.

12. 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 roosting and 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.

13. 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)

14. The 'Biodiversity Enhancement Scheme at Land at Plot 2 Azalea Cottage, Mynydd-bach, Monmouthshire, produced by I&G Ecological Consulting Ltd, dated January 2022' which illustrates the design and location of ecological enhancement measures 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 development.

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

### **Informative**

SAB INFORMATIVE: Following the implementation of 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 is potentially in excess of the 100 m<sup>2</sup> threshold. Total construction area includes existing buildings that are being replaced, re roofed, removed or patio/driveway areas including permeable surfacing. 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.