

Application Number: DM/2023/01387

Proposal: Erection of two dwellings

Address: Crossways Farm, Kingsmark Lane, Chepstow, NP16 5LZ

Applicant: C Hawkins

Plans: Block Plan 2380_2 - , All Existing Plans 2380_3 - , Elevations - Existing 2380_4 - , Block Plan 2380_5 b - Rev B, All Proposed Plans 2380_6a - Proposed Plans Plot 1, Elevations - Proposed 2380_7 - Plot 1, All Proposed Plans 2380_8a - Plot 3, Elevations - Proposed 2380_9 - , All Drawings/Plans 2380_10 - , Elevations - Proposed 2380_11 - Farm House Proposed Elev, Location Plan 2380_1 - , Drainage Storm Water Drainage Strategy - Steve Morgan Ass, Drainage Strategy Plan - DR 700 Rev A, Other GI Statement - Liddel Asscs.

RECOMMENDATION: Approved subject to S106 agreement

Case Officer: Kate Young
Date Valid: 06.10.2023

This application is presented to Planning Committee due to the number of unresolved objections received

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises a detached, two-storey dwelling known as Crossways Farm. The property has a traditional design and is constructed of stone with brick detailing. The property fronts Kingsmark Lane while vehicular access is gained from Wintour Close, a residential cul-de-sac that bounds the property to the west/rear. The property is located centrally within the plot with amenity areas surrounding the property and a parking area located to the north of the site.

The site is located within the Chepstow Development Boundary of the Local Development Plan (LDP).

1.2 Proposal Description

The current, full application seeks the erection of two detached properties, one on either side of the main house. The vehicular access for all three properties would be from Wintour Close although the properties would front onto Kingsmark Lane. The single-story element of the host dwelling would be demolished to accommodate the proposed development. The new dwellings would be finished in natural stone and brick with natural slate on the roof.

The application is supported by the following documents:

- Ecology Report
- Drainage Strategy.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2023/01387	Erection of two dwellings.	Pending Determination	
DC/2013/00794	Part change of use to childminding service. Property still to be used as residential dwelling also.	Approved	19.12.2013
DC/2006/01245	Residential development (outline).	Approved	01.03.2007

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

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD4 LDP Sustainable Drainage
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

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>

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 12

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

Chepstow Town Council - Recommends Approval.

Dwr Cymru - Welsh Water - No objection subject to conditions

We have reviewed the information submitted as part of this application and note that the intention is to drain foul water to the public sewer to which we offer no objection in principle. We also note that surface water will be disposed of via sustainable means and welcome this approach.

Heneb (formerly Glamorgan Gwent Archaeological Trust - GGAT) - No objection.

MCC Highways - No objection

Lead Local Flood Authority and SuDS Approval Body - No objection, SAB approval will be required.

The application has now demonstrated a means of surface water discharge.

MCC Ecology - No objection subject to conditions.

5.2 Neighbour Notification

Letters received from five addresses.

Broadly supportive of this application

Pleased that the two walnut trees will remain and that a large part of the original house will remain

It is pleasing to see that the bats and birds have been considered

It is a shame that the tree bordering the rear of our property, would be removed to enable parking

The access should be off Kingsmark Lane

Increase in traffic on Wintour Close

More trees will lead to more leaves falling to the ground which is dangerous and will lead to loss of light to nearby houses
New dwellings not in character with the street scene
Disruption during construction
Placing the two new driveways on Wintour Close will increase a risk of collision, as it is a small cul-de-sac road with a blind bend
Plot 1 could move forward in the plot
May lead to more parking on the road
The existing Ash Tree is too close to neighbour's property
Adverse impact on ecology
Building two more dwellings will look crowded and unpleasant.

5.3 Other Representations

None Received

5.4 Local Member Representations

None Received

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

Planning Policy Wales (PPW) 12 states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. With regard to this proposal, the site is located within the Chepstow Development Boundary. Policy S1 of the LDP says that the main focus for new housing development is within Main Towns and the Severnside sub-region; Chepstow is designated as a Main Town. Policy H1 of the LDP supports new residential development within development boundaries, subject to detailed planning considerations. The principle of new residential development in this location is acceptable in policy terms. The site occupies a sustainable location being within cycling and walking distance of the facilities in Chepstow town centre as well as local schools and public transport.

This application needs to be considered against the Infill Development Supplementary Planning Guidance that was adopted in November 2019.

6.2 Infill Development

Character

The Infill Development Supplementary Planning Guidance (SPG) states that the proposed dwelling must respect the scale, form and massing of existing development in the area. This area of Chepstow is dominated by modern detached dwellings with the exception of Crossways Farm itself. Most of the surrounding properties are detached two-storey houses but there are some bungalows opposite the application site. The proposed new dwellings would front onto Kingsmark Lane and would continue the rhythm of the street scene. The footprint of the proposed dwellings, while smaller than those of Crossways Farm itself and Kingsmark House to the north, are similar in size to the properties on Wintour Close to the rear and the new dwelling to the south of Crossways Farm.

Distance between buildings

The SPG says that all proposals need to provide sufficient gaps between buildings to minimise any overbearing and overshadowing impact on the residential amenity of neighbouring properties. Part

7.1 looks at Privacy and Amenity. The key considerations relating to privacy and amenity for small-scale infill residential development are:

- a. whether the plot would have adequate privacy to habitable rooms and private garden space;
- b. whether a new house(s) on the plot would affect the privacy of neighbours;
- c. whether a new house(s) on the plot would affect the host dwelling.

In this case the plot is of sufficient size to accommodate two new dwellings with sufficient parking provision and private amenity space. The principal elevations containing most of the windows are facing east and west with adequate privacy distances involved. Both new plots have small first floor windows on the side elevations, these all serve bathrooms or landings, not habitable rooms. The proposed new dwellings would not affect the privacy of the host dwelling. Immediately to the north of plot 1 is Kingsmark House and this has no windows on the side elevation. There would be approximately 2.5 metres between the side elevation of Kingsmark House and the side elevation of plot 1. The front elevation of plot 1 is set slightly further from the road than the front elevation of Kingsmark House. To the south of plot 3 is Meadowlands, and on the side elevation facing into the plot that dwelling has a ground floor door and a first floor window. There would be approximately 2.5 metres between the side elevations of both of these properties. Plot 3 would have one first floor window serving a bathroom on the south elevation, Meadowlands has one first floor window on the side elevation; these two windows would not line up and therefore the proposal would not cause unacceptable loss of privacy for the occupiers of Meadowlands.

6.3 Sustainability

The LDP and PPW encourage sustainable development. This is a sustainable location for new housing development being located within the Chepstow Development Boundary. The site is within cycling and walking distance to the town centre as well as to local schools, health care facilities and public transport. The proposal would accord with a key objective of PPW by providing residential accommodation in a sustainable location.

6.4 Good Design and Place Making

The application seeks the erection of 2no. two-storey detached dwellings fronting onto Kingsmark Lane. The design and finishing materials of the proposal is acceptable and respects the character of the area. Policy DES1 of the LDP requires that new dwellings contribute to a sense of place while their intensity is compatible with existing uses. The residential properties surrounding this site are predominantly modern in style, most are two-storey detached properties although there are some bungalows on the opposite side of Kingsmark Lane from the application site. The form, scale and massing of the new dwellings are acceptable and the proposal will respect the character of the area and the surrounding properties, therefore according with the objectives of Policy DES1 of the LDP, which requires that all development shall be of a high quality, sustainable design and respect the local character and distinctiveness.

6.5 Landscape

The gardens around the site were mostly laid to well mown lawn with some areas of hardstanding. Some trees were present including fruit trees close to the east elevation of the house and north of the house, with holly and lilac trees at the south-east and south-west corners.

There were also two larger walnut trees, as well as an elder tree, at the north-west corner of the site adjacent to the garage building.

The proposed site plan shows some of the existing trees on the site being retained and also indicates that new trees will be planted, with these being indigenous species including Silver Birch, Rowan and Hawthorn. The existing stone wall surrounding the site will be retained, except where required to gain access to the parking areas. Close-boarded fences would be erected within the site to define the garden areas of the new dwellings. The proposal is considered to integrate well into the landscape and provide a sense of place in accordance with LDP Policy DES1.

6.6 Impact on Amenity

The impact on residential amenity has been considered in detail at the start of this report, in connection with compliance with the adopted Infill Development SPG and impacts are considered acceptable and policy compliant.

6.5 Ecology

Bats

An Ecology Assessment and Bat Survey report (produced by Abbey Sanders, dated 4th October) has been submitted with the application. The bat survey has been undertaken in accordance with the good practice recommendations. The roost assessment identified moderate potential for bats and two roost presence/absence surveys were carried out in suitable weather conditions and with a suitable number of surveyors to cover the building. Low numbers of common pipistrelle bats were observed emerging from three locations on the building. The roost is characterised as a non-breeding day roost. The roost features will not be lost as a result of the proposals and will be retained in situ.

The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species. The LPA need to consider tests i) and ii); test iii) has been considered by Natural Resources Wales (NRW). Under guidance from NRW, this proposal has been identified as a lower risk case and as such test iii) is considered to be met.

Habitats

The grounds of the building are mainly lawn with several trees of varying sizes. Two medium-sized trees and four smaller trees (three near the house and one by existing parking) will be lost to the proposal. Paragraph 6.4.42 of PPW12 states that permanent removal of trees should only be permitted where this would achieve significant benefit and where loss is unavoidable compensatory planting will be required at a minimum ration of at least three trees for every one lost. The proposed block plan shows ten newly planted trees, but given the constraints of the site, the number of replacement trees proposed would be appropriate.

Net Benefit

The existing bat roosts will be retained in situ and replacement tree planting must be provided. To provide net benefit for biodiversity the ecology report has recommended additional bat boxes and bird boxes on the retained house and each net build. The number of features is proportionate to the scale of the proposal, and it is recommended that they are added to any approved plans. While in this instance the boxes have not been added to the plans, they are referenced in the GI Statement and there is sufficient detail to secure the delivery of the boxes. These biodiversity enhancements are commensurate with the scale of the proposed development. This will ensure that the provisions of Policy NE1 of the LDP are met with regard to providing biodiversity enhancements.

Green Infrastructure Statement

A Green Infrastructure Statement produced by Liddell and Associates has been submitted with the application. The Statement is proportionate to the scale of the development and references the ecology report for biodiversity features that will be provided to maintain and enhance biodiversity.

6.8 Highways

6.8.1 Sustainable Transport Hierarchy

PPW12 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. In this case the site is in an existing residential area within easy walking distance of the town centre.

6.8.2 Access / Highway Safety

It is proposed that the new dwellings will all have vehicular access and parking provision to the rear, off Wintour Close. This is considered acceptable in respect of LDP Policy MV1.

6.8.3 Parking

The adopted Monmouthshire Parking Standards require one off street parking space per bedroom up to a maximum of three for each dwelling, including the host dwelling. Plot 1 would utilise the existing three spaces to the north of the site. The existing property Crossways Farm and Plot 3 would both have three car parking spaces each directly accessed of Wintour Close. Following review of drawing '2380/5b' Highways are satisfied that the proposed access and car parking provision now meets the standards contained in the Monmouthshire Car Parking Standards and offer no objection to the proposal.

6.9 Affordable Housing

LDP 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 5 or more units in Chepstow, 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 amount of affordable housing proposed may be based on a viability assessment.

Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%.
In Chepstow the CS rate is £120

Plot 1 has an internal floor area of 123m² therefore the contribution will be £8560.00

Plot 2 has an internal floor area of 98m² and therefore the contribution will be £6820.00

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

6.10 Flooding

The site is not in a designated flood zone identified in the DAM maps of TAN 15 or the Flood Maps for Planning in the emerging TAN 15 therefore the site is at no particular risk of flooding from surface water or main rivers.

6.11 Drainage

6.11.1 Foul Drainage

The foul water will connect to a mains sewer. This complies with the advice from NRW that in a sewered area the preference is to connect into a mains sewer. Welsh Water have offered no objection to the proposal but request a condition that surface water shall not connect with the public sewerage network in order to prevent hydraulic overloading of the public sewerage system.

6.11.2 Surface Water Drainage

The applicant has indicated that surface water discharge will be by way of a soakaway, and the site appears of sufficient size to accommodate this. The scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage and approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The application has demonstrated a means of surface water discharge.

6.14 Planning Obligations

If the application is to be approved then a financial contribution for affordable housing in the local area will be required.

6.15 Response to the Representations of Third Parties and/or the Town Council

Several local residents have written in to say that they object to the proposed scheme. The main concern over residential amenity has been discussed in the main body of the report. The position of the two new dwellings complies with the advice given in the SPG on Infill Development. There is also concern that the dwellings are too big for the plot and that they are out of character with the area. The two new plots are of a commensurate size to surrounding properties. The proposed new dwellings are of a similar footprint to other dwellings to the south of the plot. And their form and massing are comparable with other dwellings in this area. The proposal will not have an adverse impact on the street scene as they are set back in the plot and will not be visually prominent from public vantage points. The impact of the increase in traffic generated by two additional dwellings, on the surrounding road network has been addressed and Highways offer no objection. Provided that only foul water enters the public sewerage system Welsh Water has offered no objection. The surface water will not enter the public sewer as it will be the subject of a separate SAB application. There will inevitably be some noise and disturbance during the construction phase but this is only temporary and a condition will be imposed restricting construction hours.

6.16 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.

6.17 Conclusion

The site is located within the Chepstow Development Boundary. Policies S1 and H1 of the Local Development Plan presume in favour of new residential development within development boundaries. The proposal accords with a key objective of PPW12 providing residential accommodation in a sustainable location. The proposed dwellings will respect the scale, form and massing of existing development in the area. The proposed dwellings do comply with the guidance set out in the adopted SPG on Infill Development and will not result in a significant loss of outlook or privacy to the occupiers of the existing neighbouring properties in accordance with the objectives of policies DES1 and EP1 of the LDP. Highways have no objection to the proposal which complies with the adopted parking standards and policy MV1 of the LDP. The proposal accords with Policy S4 of the LDP by providing a financial contribution for affordable housing in the area.

The scheme will provide adequate biodiversity enhancements in accordance with Policy NE1 of the LDP.

In conclusion, the application is considered to be policy compliant in all respects and is presented to Committee Members with a recommendation for approval.

7.0 RECOMMENDATION: Approve

Subject to a 106 Legal Agreement requiring the following:

- a financial contribution for affordable housing in the local area.

S106 Heads of Terms

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Conditions:

- 1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 No 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 Before the approved development is first occupied all of the access and parking provision shall be constructed in accordance with the approved plan.

REASON: To ensure off street parking provision is constructed and available for use, in the interests of highway safety and to ensure compliance with LDP Policy MV1.

5 Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Construction hours for this development shall be limited to:

0800hrs to 1800hrs Monday to Friday

0800hrs to 1300hrs Saturdays

No work on Sundays or bank holidays

REASON: To protect the amenity of local residents during the construction phase in accordance with Policy EP1 of the LDP.

6 Works shall be carried out in accordance with the mitigation described in the submitted report "Ecology Assessment and Bat Survey, produced by Abbey Sanders, dated 4th October". The mitigation shall be implemented in full and any subsequent amendments provided to the Local Planning Authority for record and enforcement purposes.

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

7 Ecological enhancements shall be provided as described in the submitted report "Ecology Assessment and Bat Survey, produced by Abbey Sanders, dated 4th October" and "Green Infrastructure Statement, produced by Liddell and Associates, dated 14th March 2024". The enhancements shall be implemented in full and shall be retained in perpetuity.

Reason: To provide ecological net benefit on the site as required by the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1.

INFORMATIVES

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.

Warning: A European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a

licence from Natural Resources Wales on 0300 065 3000 or at [https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected\[1\]species/?lang=en](https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected[1]species/?lang=en)

NESTING BIRDS: Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). 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 bird species is between March and September.