

DC/2012/00754

PROPOSED DEMOLITION OF EXISTING VICARAGE AND THE CONSTRUCTION OF A NEW VICARAGE AND DEVELOPMENT OF 11 NEW HOUSES INCLUDING FOUR UNITS OF AFFORDABLE HOUSING - AMENDED SCHEME FEATURING REVISED PARKING ARRANGEMENT, REVISED ELEVATIONS, REVISED ECOLOGICAL ASSESSMENT, STRUCTURAL ENGINEER'S REPORT AND GROUND INVESTIGATION (CONTAMINATION) REPORT

38 HILLCREST ROAD, WYESHAM, MONMOUTH, NP25 3LH

RECOMMENDATION: APPROVE

Case Officer: Philip Thomas
Date Registered: 16.09.2016

1.0 APPLICATION DETAILS

1.1 This application is a long-standing proposal that was deferred by Members at the Committee held on 5th November 2013 to allow officers to liaise with the applicant regarding amendments to the design of the houses, parking provision to comply with the Council's adopted guidelines, to obtain the observations of Highways, to receive a contamination report and a report on the stability of the land.

1.2 In addition, a further ecological report has been carried out, as requested by Natural Resources Wales (NRW) and the Council's in-house Ecologist. The layout has also been revised so that the proposed dwellings on plots 1-3 and 6-7 have been set back so that they are at least 21m from habitable room windows relating to existing dwellings at 10 and 12 Hillcrest Avenue that face west towards the site. The proposed elevations have been changed to feature more conventional porch/ canopies, brick sub-sills and header courses and a soldier brick course that runs around the entire external walls at the level of the ground floor window header. External finishes proposed are brickwork walls, painted timber windows and plain tiles to the roofs.

1.3 Owing to the adoption of the LDP since the original submission, the proposal now features four affordable housing units in compliance with current policy (under the previous UDP policy only two units of affordable housing were proposed). The affordable units would be located at plots 8-11.

1.4 The previous report is attached as an Appendix to this item.

2.0 RELEVANT PLANNING HISTORY

The site which has been disused for some years was last occupied by Western Power as their site compound. Previous uses include a waterworks depot and a brickworks.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 The Spatial Distribution of New Housing Provision
S2 Housing Provision
S4 Affordable Housing Provision

S7 Infrastructure Provision
S13 Landscape, Green Infrastructure & the Natural Environment
S16 Transport
S17 Place Making & Design

Development Management Policies

H1 Residential Development in Main Towns, etc.
SD2 Sustainable Construction and Energy Efficiency
SD4 Sustainable Drainage
G11 Green Infrastructure
NE1 Nature Conservation and Development
EP1 Amenity & Environmental Protection
DES1 General Design Considerations
MV1 Proposed development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies (since the application was deferred by Members in November 2013)

Monmouth Town Council (original observations) recommends refusal of the application on the basis that it is considered to be an overdevelopment of the site with concerns over site access and increased traffic issues on nearby residents and the wider highway network.

MCC Highways - This application has been the subject of long discussions and varied amended designs.

The highway layout for access has been evolved over the last four years and the plan as presented depicts the layout agreed as most acceptable for future highway adoption.

The internal highway design is supported in principle as being reasonable.

Since the initial layout and amendments, the discussion over drainage outfall has been set in the background. With legislation changes, and the recommendations for site surveys and borehole investigations, I would be requesting highway drainage to be part of this survey to help support the safe disposing of highway surface water within the site area.

The design of the highway layout needs slight amendment with the driveway crossovers being highlighted as crossing highway footways, thereby having a continuous footway or marginal strip around the length of highway.

I am pleased to see the closure of the existing access, this must be annotated on plan as a permanent closure for highway safety reasons.

The development should be constructed to adoptable standards. And adopted under a highway agreement.

MCC Tree Officer – has assessed the submitted Tree Survey and Arboricultural Constraints Report and is in broad agreement that the smaller tree species to be lost as a result of the development are of lower quality and can be mitigated by new planting. Larger trees (three oaks and an ash) can be retained protected during the course of development – conditions are advised to be applied.

Natural Resources Wales - Further to our letter dated 8th February 2016, we remove our objection subject to suitable conditions being attached to any planning permission your Authority is minded to grant.

European Protected Species (Bats, Great Crested Newts and Dormice)

We note the submission of the following documents:

- 'Ecological assessment of a proposed building site at Hillcrest Road, Wyesham, Monmouth, NP25 3LH' dated 28 September 2012;
- 'Proposed mitigation for bats at a proposed building site at Hillcrest Road, Wyesham, Monmouth, NP25 3LH' dated November 2013; and
- 'Further ecological assessment of a proposed building site at Hillcrest Road, Wyesham, Monmouth, NP25 3LH' dated June - August 2016; all by Michael Worsfold.

We previously objected to the application pending revised proposals and further information regarding bats, dormice and great crested newts. Following the receipt of the results of further bat survey, including survey of trees on site, and further assessment of the likelihood of the presence of dormice and great crested newts, we are now in a position to remove our objection.

We note that a likely maternity roost of soprano pipistrelle bats was discovered to be present in the building to be demolished. It was not deemed likely that dormice or great crested newts would be affected by the proposed development.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- There is no satisfactory alternative; and
- The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

On the basis of the information provided, we are of the view that the proposed development is likely to give rise to the need for a European Protected Species licence application. However, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, provided that suitable mitigation measures are implemented.

Therefore, we do not object to the proposal, subject to:

- The scheme being implemented in accordance with the mitigation measures described in the above bat mitigation scheme, secured through planning conditions and/ or a Section 106 agreement; and
- Inclusion of a planning condition on any planning permission that prevents the commencement of any development works which could affect structures that contain bat roosts until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/ development to go ahead.

We may wish to discuss aspects of the proposed mitigation with the applicant in more detail during the European Protected Species licence application stage. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Land Contamination (NRW response Feb 2016) - We consider that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

The developer should address risks to controlled waters from contamination at the site, following the requirements of Planning Policy for Wales and the Guiding Principles for Land Contamination (GPCL).

MCC Ecologist - Previously, I had recommended a number of conditions relating to nesting birds, reptiles and bats (I have updated these below). I understand that on the recent Pwll y Cath DC/2014/01489 appeal decision that the Planning Inspector decided not to use the planning condition requiring evidence of a NRW licence. WG insist that the planning circular (Planning and The Conservation (Natural Habitats etc.) Regulations 1994 (SI 1994 / 2716)) recommending the condition's use in relation to the licence is still relevant and I note that NRW have required the use of a planning condition relating to a licence in their consultation response. Therefore, I recommend that such a planning condition is included on any planning consent for this site.

Please ensure that the Landscaping scheme which includes the reptile mitigation is included as an 'approved plan'.

Please use planning conditions to cover the following:

Nesting Bird Condition

No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared 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) and the Countryside and Rights of Way Act 2000.

Evidence of submission of bat licence

The hereby permitted works shall not in any circumstances commence until the local planning authority has been provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity / development to go ahead.

Reason: To allow the LPA to comply with Regulation 9 (5) of the Conservation of Habitats and Species Regulations 2010.

Method statement (Bats)

No development (including, for the avoidance of doubt, any building work, stripping or demolition) shall take place until a protected species (bats) method statement for works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include, as a minimum:

- a) the purpose and objectives for the proposed works;
- b) a timetable for implementation demonstrating that works are aligned with the proposed phasing of construction;
- c) measures to avoid killing and injuring bats during works;
- d) the use of materials (such as timber and roofing membranes);
- e) details of the persons responsible for implementing the works;
- f) the positioning, size, type and location of bat roosting provision;
- g) the positioning and size of entrances of bat mitigation; and

The works shall also be carried out in accordance with the approved details and the development shall be implemented in accordance with the recommendations set out in the submitted report 'Proposed mitigation for bats at a proposed building site at Hillcrest Road, Wyesham Monmouth NP253LH' prepared by Dr Michael Worsfold & Eileen Bowen dated June - August 2016.

Reason: To comply requirements under the Conservation of Habitats and Species Regulations 2010.

Method statement other protected species (Reptiles)

No development shall take place (including any demolition, ground works, site clearance) until a method statement to prevent killing or injuring Reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives
- c) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To comply with the Wildlife and Countryside Act 1981 and Environment (Wales) Act 2016.

Information notes are also suggested by the Council's Ecologist and are set out as Informatives at the end of this report.

MCC Specialist Environmental Health Officer - I first looked at this in 2013 and due to data held on our historic mapping (and based on anecdotal evidence from local residents) it was possible that the site contained a level of contamination.

As such I recommended Contaminated Land planning conditions.

With this updated application the developer has commissioned a contaminated land site investigation to be undertaken by Environmental Management Solutions (EMS4435b – 14/10/2015) that included soil sampling and asbestos screening.

The investigation did identify contamination at levels above the relevant screening values, and also proposed some potential remediation measures including removal of contaminated soils where present in thin layers, elsewhere importing 600mm of clean soil as a cover layer with a membrane separating the contaminated made ground (and include a provision included on property deeds to notify future home owners of the membrane), redesigning the layout of the site to position the access road over an area of deep made ground on the west of the site, and installing all properties with a gas and vapour membrane instead of the regular damp proof membrane. In addition various health and safety measures would be required by construction workers during the development due to the presence of asbestos fibres and PAH, as well as dust suppression measures to prevent fibres becoming airborne and air sampling.

The report also recommends further sampling be undertake to further investigate the western area of the site, through use of boreholes and trial pits.

I would recommend that the developer provides further justification for the sampling frequency undertaken. Three of the features on the site (two filter beds and reservoir) were targeted for sampling, but there is no explanation for the rate of sampling on the rest of the site.

It appears the majority of contamination (including all identified asbestos) is limited to the south western part of the site, as a result of the infilling of the filter beds, reservoir and water tank.

However as the site appears to have had some un-licensed/un-recorded uses and potentially some refuse disposal; and because made ground has been found across the majority of the site, together with asbestos containing materials and loose asbestos fibres, I would recommend that additional sampling and asbestos screening be undertaken, as well as the delineation sampling mentioned above. Or if this is not considered necessary by the consultant that they expand upon their chosen sampling methodology, as mentioned above.

With regard to the remediation proposals – the report is not intended to be a standalone Remediation Strategy, therefore the recommendations in it are not given in great detail. Therefore I would recommend that a full remediation strategy be submitted by the developer following submission of any further site investigation report. In addition I would recommend that a procedure be developed for moving/disturbing soils to ensure asbestos fibres are not made airborne, and that all undiscovered asbestos containing material is left undamaged and removed from site appropriately.

Subsequent response from Specialist EHO – I am happy that the consultants employed a recognised sampling frequency based on the British Standard, and that they intend to undertake additional sampling.

From the initial site investigation they have submitted what they have found so far is (in my opinion) capable of being remediated to make the site safe for future users and neighbours. However if you would be more comfortable asking for the additional site investigation before [determination] I certainly do not have an issue with that.

MCC Structural Engineer - I have inspected the information provided and agree that the location of the development does not appear to have a negative influence on the wall. However, I concur with Martyn Peters regarding the benefit of preparing an additional Site Investigation. This Report will confirm the stability of the slope and the ground makeup together with picking up potential contaminants.

4.2 Neighbour Notification

Objections from 20 local households (some have written more than once) and an email objection from an AM candidate citing the following:

- Concern the site was cleared removing areas of ecological interest including trees;
- Increase in traffic from the development would be unacceptable given local road conditions leading to further congestion;
- Contamination on the site needs to be properly investigated;
- Veracity of Stability report is questioned;
- Overlooking from new dwellings and new vicarage towards existing properties in Hillcrest Road and Wyesham Road reducing amenity;
- Reduction of natural light for existing dwellings as a result of the proposed new dwellings;
- Proposed new road would be close to existing dwellings, harming amenity and exhaust fume affecting health;
- Many of the residents nearby do not work due to age or illness and would experience the health risks of this development (contaminants in the ground being released into the air during construction) being at home for long periods;
- Debris deposited by construction traffic could also contain contaminated material;
- The existing cul-de-sac would be changed to a through road with more traffic, noise disturbance and parking demands;
- Insufficient parking for the vicarage which may attract visitors for meetings;
- Dangerous access for neighbours at nos. 36, 40 & 42 Hillcrest Road owing to proximity to the proposed new junction off the hammer head to the new houses;

- Proposed planting at the head of the cul-de-sac would reduce forward visibility for drivers coming up the hill (Wyesham Road) and would reduce their reaction time in identifying the driveway access to Crantock on Wyesham Road;
- No acoustic measures proposed to reduce noise from vehicles accessing the proposed houses;
- Local land slippage could be exacerbated by the proposed development which will remove vegetation and increase run-off;
- Site should be left to nature;
- Inadequate bat survey;
- Over-development of the site;
- Concern regarding the effects of construction traffic on living conditions of local residents; potential damage from such vehicles to local residents' parked cars;
- It is alleged there is a natural spring under the site which needs to be taken into account when considering land stability issues;
- Additional sewage flows will add pressure to an aging sewerage system

5.0 EVALUATION

As this application was deferred by Members in November 2013 the key issues to be considered are:

- An assessment of the principle of development having regard to LDP policy;
- Proposed layout and design (including impact on neighbour amenity);
- Parking and access;
- Contamination;
- Land stability;
- Biodiversity;
- Affordable housing

5.1 Principle of the proposed development

5.1.1 The site is located within a sustainable location in the built up area of Wyesham, close to places of work, schools, shops and other services, and is a brownfield site. The principle of development for housing on this land is supported by LDP policies S1, S2 and H1. The proposal is therefore acceptable in principle subject to detailed matters, including layout, design, access and land contamination issues.

5.2 Layout & Design including impact on neighbour amenity

5.2.1 The scheme has been amended following Members' concerns and the design of the houses has been revised to provide more detail as explained in par. 1.2 above. The proposed elevations now provide sufficient features of interest, including sills and headers, a soldier course and porch canopies, to be considered acceptable. The precise finishing materials would be conditioned to ensure the bricks used are appropriate given local colours and textures and that the roof tile is appropriate in colour and profile.

5.2.2 The proposed housing units on plots 1-3 and 6 & 7 have been set back into their respective plots so that the distance between the habitable room windows on their front elevations looking towards existing houses to the east is at least 21m. There would be a degree of overlooking of gardens of existing dwellings to the east from first floor windows of the proposed dwellings, but the distances of at least 17-18m are considered reasonable in this urban context where there is already some overlooking of gardens by existing neighbouring dwellings; moreover, the proposed landscaping scheme shows sections of new hedging to be planted to supplement the existing hedge along the eastern boundary of the site that should provide additional screening, especially if left to grow to 2m high or more. There is a need to

ensure the upper two panes of the two first floor windows to bedroom 1 of the replacement vicarage are obscure-glazed to prevent overlooking of existing dwellings and gardens to the east.

5.2.3 The scale, layout and density of the proposal is considered reasonable in the context of the wider residential area and it is noted that Members did not raise this as a concern when the proposal was considered in 2013.

5.3 Parking and Access

5.3.1 The proposed off-street parking now complies with the Council's adopted Parking guidelines (unlike the proposal initially proposed). The proposed road layout off the existing cul-de-sac has been assessed by Highways and despite the concerns from local residents it is considered that the layout would be safe and allow good access and egress for the new properties without harming the safe use of the existing road network for existing users. The bend in the proposed estate road to the north-east of the proposed replacement vicarage would limit the speed of cars approaching the junction with the existing cul-de-sac, supporting highway safety. The cul-de-sac would have a turning area to help cars and service vehicles turn and leave the site in a forward gear. The proposal is acceptable in terms of access and parking. Construction traffic movements and their impact on neighbour amenity would be controlled by a Construction Management Plan which can be conditioned.

5.4 Contamination

5.4.1 One of the reasons the application was deferred was to enable a contamination assessment to be undertaken, the site being occupied by historic uses and uncontrolled disposal of waste that meant the site was likely to contain some level of ground contamination. This investigation has been carried out and the results have been assessed by the Council's Environmental Health Officer who specialises in contaminated land issues. The report indicates that after sampling and asbestos screening across the site, the majority of contamination (including all identified asbestos) is limited to the south-western part of the site, as a result of the infilling of the filter beds, reservoir and water tank. However as the site appears to have had some unlicensed or unrecorded uses and potentially some refuse disposal and because made ground has been found across the majority of the site, together with asbestos-containing materials and loose asbestos fibres, the Specialist EHO recommends additional sampling and asbestos screening be undertaken. The EHO is also satisfied with the frequency of sampling undertaken in the site investigation.

5.4.2 The Council's EHO has commented that what the site investigation has found so far is capable of being remediated to make the site safe for future users and neighbours. This is sufficient to enable planning permission to be granted but any approval would need to be subject to planning condition(s) requiring further site investigation and a full remediation strategy. Furthermore any Construction Management Plan (referred to in par. 5.3.1 above) would have to dovetail with any mitigation proposals to indicate how works on site would be undertaken to avoid the release of contaminants to the air or to surrounding soils, water sources or any other pathway or receptor and that all undiscovered asbestos containing material is left undamaged and removed from site appropriately.

5.4.3 It is concluded that it would be reasonable to grant planning permission on this basis, and additional conditions setting out the need for further investigation work are recommended below.

5.5 Land Stability

5.5.1 A Structural Report has been submitted which has been vetted by the Council's in-house Structural Engineer. Although there is concern from residents regarding land slippage and impacts on the old retaining wall above Wyesham Road to the west of the site, the Council's Structural Engineer concludes that the proposed location of the new houses would not be likely to have an adverse impact on the wall - there is a gap on average of around 25m between the proposed rear elevations of the dwellings and the retaining wall. The Structural Engineer who carried out the report recommended additional site investigation work to confirm the stability of the slope above the wall and the ground makeup together with picking up potential contaminants. The responsibility of developing the site safely lies in the hands of the developer. It is not the role of the planning authority to safeguard adjoining land whether it is public land or not. Any damage to the retaining wall or slippage of adjoining land resulting from the development would be the responsibility of the developer as a civil matter. The additional survey work would help the developer decide on how to develop the site safely and to verify whether any further engineering features are needed to ensure ground stability. However, there is no evidence to argue that there is an impediment to the application being approved on the basis of land instability.

5.6 Biodiversity

5.6.1 Additional survey work has been undertaken by the applicant and NRW and the Council's Ecologist now consider the proposal acceptable subject to conditions set out below. A temporary bat roost would be provided on site before the demolition of the existing vicarage and then subsequently a permanent roost would be provided in the roof space of the replacement vicarage. A separate protected species licence would be required from NRW to undertake these works. In respect of the tests set out in the Conservation of Habitats and Species Regulations 2010 (as amended):

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; *the proposals would provide much needed homes, including affordable ones in accordance with development plan policy and are therefore of overriding public interest;*
- ii. There is no satisfactory alternative; *the proposal is site specific and there are limited opportunities for brownfield development in the locality;*
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range; *mitigation is proposed in the form of alternative roosting provision to maintain the local bat population.*

5.6.2 Despite the comments from NRW and the Council's Ecologist, it is now recommended practice (as advised by the Planning Inspectorate) not to condition the need to provide evidence of the EPS licence as this would duplicate other legislation and would not meet the tests for a valid condition in the WG Circular 016/2014: 'The Use of Planning Conditions for Development Management'. Thus, an informative is proposed instead.

5.7 Affordable Housing and s106 requirements

5.7.1 There are four affordable housing units being offered which meets the 35% requirement set out in Policy S4 of the LDP. The scale of development is limited so no further planning requirements are sought via a s106 agreement and moreover none were requested from the applicant when the application was presented to Committee previously.

6.0 RECOMMENDATION: APPROVE subject to a s106 agreement to secure four units of affordable housing on site.

Conditions:

1. This development shall be begun within 5 years from the date of this permission.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.
3. Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.
4. No development shall commence until details of the means of enclosure of the development, including their design, height and materials, have been submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the dwellings are completed or occupied whichever is the earlier and shall be retained in perpetuity.
5. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the dwellings are first occupied.
6. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared 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) and the Countryside and Rights of Way Act 2000.

7. No development (including, for the avoidance of doubt, any building work, stripping or demolition) shall take place until a protected species (bats) method statement for works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include, as a minimum:

- a) the purpose and objectives for the proposed works;
- b) a timetable for implementation demonstrating that works are aligned with the proposed phasing of construction;
- c) measures to avoid killing and injuring bats during works;
- d) the use of materials (such as timber and roofing membranes);
- e) details of the persons responsible for implementing the works;
- f) the positioning, size, type and location of bat roosting provision;
- g) the positioning and size of entrances of bat mitigation; and

The works shall also be carried out in accordance with the approved details and the development shall be implemented in accordance with the recommendations set out in the submitted report 'Proposed mitigation for bats at a proposed building site at Hillcrest Road, Wyesham Monmouth NP253LH' prepared by Dr Michael Worsfold & Eileen Bowen dated June - August 2016.

Reason: To comply requirements under the Conservation of Habitats and Species Regulations 2010.

8. No development shall take place (including any demolition, ground works, site clearance) until a method statement to prevent killing or injuring Reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives
 - c) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To comply with the Wildlife and Countryside Act 1981 and Environment (Wales) Act 2016.

9. Prior to works commencing on site a Construction Management Plan (CMP) shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved CMP.

10. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

The results of the site investigation shall be made available to the local planning authority before any development begins. If contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

11. Prior to the commencement of the development the following shall be implemented:

i) Rigid immovable fencing in accordance with British Standard 5837:2012 Trees in relation to Design, Demolition and Construction Recommendations (BS 5837) shall be installed around each retained tree as detailed in the Tree Survey and Arboricultural Constraints Report, in order to establish a root protection area (RPA). No excavations, storage of materials or plant, lighting of fires, mixing of cement or any other activity deemed to be potentially harmful to trees shall be permitted within the RPA.

ii) Signage shall be displayed on the protective fencing with wording Construction Exclusion Zone – Keep Out or similar wording.

iii) Where any excavation is required within the RPA prior to that excavation taking place the applicant shall submit for approval an Arboricultural Method Statement (AMS) in accordance with BS 5837 detailing appropriate measures that will be utilised to prevent damage to the retained trees; the works shall be carried out in accordance with the approved AMS.

iv) A scheme of access and facilitation pruning to retained trees shall be agreed in writing with the Council's Tree Officer prior to that work taking place; the work shall be carried out in accordance with the approved scheme.

v) Details of ground protection measures in accordance with BS 5837 where access to the west of the new vicarage and Housing Unit 1 is required, shall be submitted to and agreed with the Council's Tree Officer; the work shall be carried out as approved.

vi) No development, including demolition, shall commence until an Arboriculturalist has been appointed, and agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for:

a) Supervision and monitoring of the approved Tree Protection Plan;

b) Supervision and monitoring of the approved tree felling and pruning works;

c) Supervision of the alteration or temporary removal of any Barrier Fencing;

d) Overseeing working within any Root Protection Area;

e) Reporting to the Local Planning Authority;

f) The Arboricultural Consultant shall provide site progress reports to the Council's Tree Officer at intervals to be agreed prior to any tree works commencing.

Reason: To protect valuable Green Infrastructure Assets in compliance with Policy GI 1 of the Local Development Plan.

12. The two lower panes of each of the two windows of Bedroom 1 of the approved replacement vicarage shall be obscure glazed and shall remain as such in perpetuity.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
14. There shall be no vehicular access to the site directly off Wyesham Road.
15. Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority
 - (a) stating the date on which the development is to begin;
 - (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").

Informatives:

1. 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.
2. Bats – Please note that Bats are protected under The Conservation of Habitats and Species (as amended) Regulations 2010 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.
3. We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2) e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.
4. If bats are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.
5. 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.
6. 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.
7. Reptiles – Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.
8. The observations of Dwr Cymru-Welsh Water dated 4th April 2013 are attached for the developer's attention: <http://idox.monmouthshire.gov.uk/WAM/doc/Correspondence-302831.pdf?extension=.pdf&id=302831&appid=1001&location=VOLUME4&contentType=application/pdf&pageCount=4&sid=>
9. Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it

is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

10. The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.