

Application Number: DM/2021/01000

Proposal: Discharge of condition 4, 5, 9, 11, 12, 14 and 15 relating to application DM/2020/00234.

Address: Pathways, Vinegar Hill, Undy

Applicant: Mr Peter Whitfield

Plans: Site Plan 020 02 - Site Plan Tree Protection, Green Infrastructure Appraisal 021 02 - GI Plan, Site Plan 022 02 - Site Plan Suds, GI Masterplan GI Management Plan - , Location Plan 014 01 - , All Existing Plans 06602 - Existing House, All Proposed Plans 012 03 - Proposed Plans and Elevs, Site Plan 015 02 - Proposed Site Plan, Site Plan 016 02 - Site Plan Highways, Other 019 02 - Contextual Plan, Site Plan 017 02 - Site Plan Topography,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young
Date Valid: 02.06.2021

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

1.0 APPLICATION DETAILS

1.1 Site Description

Pathways is a two storey, detached dwelling which is located on a large plot, 0.3 hectares, within the Magor and Undy development boundary as identified in the LDP. The existing property is located on the western side of the plot and is accessed by a long driveway from Vinegar Hill. The land slopes downwards steeply from north to south. The site is set between neighbouring dwellings. Adjoining the southern boundary is an area of amenity open space. In September 2020 Full Planning Permission was granted for two detached dwellings on the site under application ref. DM/2020/00234, subject to a Section 106 agreement for a financial contribution towards affordable housing as well as 16 technical conditions.

1.2 Value Added

Revised ecological mitigation.

1.3 Proposal Description

The current application seeks the discharge of the following conditions:

4. The existing access shall be improved in accordance with the details to be submitted to and approved in writing by the Local Planning Authority before any development commences and shall be completed in accordance with the approved details before the development is brought into beneficial use.

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

5 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of Vinegar Hill. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances,

measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP. NOTE - it is recommended that the size and weight of all delivery vehicles shall be considered so as to minimise damage, congestion and disruption to Vinegar Hill and the adjoining highway network.

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

9 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include integrated bird nesting and bat roosting provision identifying location, positioning and specification. The scheme shall provide for the future management and an implementation timetable and shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1

11 A proportionate Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall include the following;

- a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan including those that are to be privately managed and those that are to be part of strategic landscaping.
 - a. Trees and Hedgerows
 - b. Wildflower Grassland amenity areas
 - c. Green corridors and boundaries
- b) Opportunities for enhancement to be incorporated
 - a. Management of SUDS for botanical species diversity
 - b. Management of tree and hedge buffer strips to increase and maintain diversity, connectivity and provide habitat for protected species including reptiles
 - c. Maintain habitat connectivity through and or around the perimeter of the site for species (hedgehogs, bats, reptiles)
- c) Trends and constraints on site that might influence management of above features (management of invasive species)
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery as appropriate. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

12 Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: Detailed scaled plans, showing existing and proposed levels, appropriate cross sections with site levels. Proposed and existing utilities/services above and below ground.

Soft landscape details shall include: means of protection, planting plan, specifications including cultivation and other operations associated with grass and wildflower establishment.

Hard surfacing materials.

Minor artefacts and structures (e.g. Refuse or other storage units, signs and lighting).

A landscape management plan to inform a 5 year landscape establishment period clearly identifying areas of responsibility

Reason: In the interests of visual and landscape amenity; in accordance with Policies DES1 and LC1/5 of the Local Development Plan

14 Before any works commence on site, details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

Reason: To ensure the provision afforded by appropriate landscape design and Green Infrastructure LC5, DES 1 S13, and GI 1 and NE1

15 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation. 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 building(s) 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.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2020/00234	Erection of 2 x 4 - Bed Detached Residential Dwellings.	Approved	28.09.2020
DM/2020/01882	Erection of 2, 4 bed dwellings and the formation of a new vehicular access of Pennyfathing Lane.	Withdrawn	29.01.2021
DM/2021/00164	Erection of 2, 4 bed dwellings and the formation of a new vehicular access of Pennyfathing Lane.	Refused	21.05.2021

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13

SD4

Development Management Policies

MV1

DES1

GI1

NE1

EP1
LC1
LC5

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

Magor with Undy Community Council – recommends refusal.

The Community Council raise concerns over what they see as inconsistency in comments from Highways regarding applications in the vicinity of the site, noting specific problems with access and egress from the site. In addition reference is made to the access and the Traffic Management Plan as these do not show how surface water will be dealt with. In addition the Community Council do not believe all conditions have been met in full.

MCC GI and Landscape Officer - No objection.
Condition 11

Following the submission of the GI Management Plan (GI MP) and the opportunity for further revisions the proposed plan I have reviewed the recent application and the submitted relevant documentation and response comments dated 15.05.21 / 20.07.21 / 02.08.21 / 06.09.21 and the amended GI Management Plan WWE19254 FINAL 24.08.21

In relation to condition 11 the applicant has provided GI MP ref WWE19254 FINAL 24.08.21 which has been updated to include the mitigation areas as per 3.9 areas 1-4 and SE boundary hedge.

In relation to condition 15 the applicant has provided plan ref Pathways 012_06 26.08.21. The GI MP has also been updated to reflect the amendments as requested in previous comments dated 06.09.21

Highway Authority - No objection.

Following receipt of amended details submitted in support of the application, Drawing No. 9994-GRY-01-00-DR-C PROPOSED ACCESS IMPROVEMENT PLAN, namely the proposed means of

preventing surface water discharging onto the public highway and vice versa are acceptable and the highway offer no objection to the discharge of Condition 4.

The Construction Traffic Management Plan submitted is acceptable and addresses the main priorities with particular regard to the provision of on-site parking for contractors, the delivery and unloading of materials and the route and timing of delivery vehicles to the site. The highway authority offers no objection to the discharge of condition 5.

MCC Ecology - No Objection.

Following the submission of the GI MP and the opportunity for further revisions the proposed plan. In relation to condition 9 the updated plans entitled "House 1 & 2 plans dwg ref. Pathways012_06 dated 30.07.21 produced by Icon Architectural Planning & Design" and "GI plan dwg. ref Pathways021_06 dated 26.08.21 produced by Icon Architectural Planning & Design" have addressed our previous concerns and should be cited on the discharge of this condition. The updated GI MP Report reference: WWE19254 FINAL, dated 24/08/21 provided 14.09.21 by Wildwood Ecology has addressed our previous concerns about the long term retention of the biodiversity enhancement measures and is sufficient to discharge this condition.

In relation to condition 11, we welcome the updated aims provided in updated GI MP Report reference: WWE19254 FINAL, dated 24/08/21 provided 14.09.21 by Wildwood Ecology, that address our previous concerns on this matter. The revised GI plan reference "GI plan dwg. ref Pathways021_06 dated 26.08.21 produced by Icon Architectural Planning & Design" demonstrates that the assets identified in the GI MP condition will be deliverable on site and that enhancements for biodiversity will be provided as part of the scheme. The mitigation areas identified are also described within the updated GI MP and it is considered that these areas in combination with appropriate management of the boundaries, and the northern area of the site, for biodiversity is acceptable to discharge the above condition.

5.2 Neighbour Notification

Letters of objection have been received from six addresses. Many of the comments made refer to the principle of development and are not relevant to the current application which seeks to discharge technical planning conditions.

For clarity these objections can be read in full on the Councils website but have been summarised below.

The operation of HGV's and parking on site. The CTMP acknowledges that HGV's will not be able to access site and proposes using farm equipment to offload materials, however there are conflicting statements in the CTMP and clarification is sought as to where lorries will park for loading and unloading. Concerns are raised in terms of the disruption, potential impact of manoeuvring lorries, traffic, noise and dust that this will cause. Particular reference is made to immediate neighbours, properties of Firbank, Gwyn Royson and all along Vinegar Hill. In addition there will be increased potential conflict with refuse collection.

The CTMP also states that construction traffic will be instructed to approach the site from the north (para 10.0). However, there is an undecided planning application for a large development at the top of Vinegar Hill (DM/2019/01937) which proposes closing off this access to Vinegar Hill.

Traffic and deliveries may cause danger, disturbance and conflict for pedestrians, in particular school children.

That the access is very difficult for emergency vehicles to gain safe access to the site.

That there is a huge loss of GI and that the GI mitigation as proposed is not considered sufficient and cannot be accommodated in a small area (particular reference is made to the planting of fruit trees). There is a conflict with the proposed SuDS plan showing swales in the area of proposed planting. Consideration should be given to planting in the south east area of the site.

Concerns are raised over the inclusion of the area to the south east of the site, as this area formed part of the original application and is now being utilised for other purposes which should be addressed via the conditions imposed. The GI MP does not show any future use of this portion of the site, including ownership and maintenance.

Requests are made for an on-site amenity area to support tree planting, for a large area of open space and information as to how they will be maintained, owned and managed.

Site safety issue - the Utilities Plan is deficient in that it does not show the location of the gas pipe which runs under the Pathways land to Walnut House.

Details of earthworks, showing levels and contours should be provided.

5.3 Other Representations

None Received

5.4 Local Member Representations

Councillor Lisa Dymock raised concerns over the impact of traffic and deliveries into and out of the site in order to protect the residents' amenity and to ensure highway safety. A site visit was requested to address abnormal loads.

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

The application is concerned with the discharge of conditions relating to Highway Safety, Biodiversity and Green Infrastructure. The Council's qualified technical experts have considered the details of the submitted material and after some amendments, have offered no objection in respect of the issues of Highway Safety, Green Infrastructure or ecological compensation and enhancements.

6.1 Highway Safety

Condition 4 requires improvements to the existing access into the site. The following improvements have been approved by the Council's Highways Officer:

- Rationalisation of the existing means of access to Pathways and neighbouring properties Gwyn Royson and Firbanks
- The width of the access shall not be less than 4.1m for a distance of 10m minimum along the access measured from the adjoining edge of carriageway
- The access shall be hard surfaced for a minimum distance of 15 metres from the carriageway edge. This will be carried out once all the site services have been installed.
- No surface water from the access shall be permitted to discharge onto the public highway and vice versa.
- A turning area will be provided within the site to enable all delivery, construction and contractors vehicles to turn within the curtilage of the site as well as providing for suitable levels of on-site parking for site workers prior to any construction work commencing. No parking will be allowed for site operatives on Vinegar Hill

Further clarity was sought in relation to surface water drainage and submitted to the Highways Officer who is now satisfied that the provision is acceptable and offers no objection to the discharge of condition 4 in their response of 15.07.21.

The Highway Authority have reviewed the details and found them to be sufficient to favourably discharge condition no.4.

Construction Traffic Management Plan Condition 5

The key details of the CTMP are as follows,
Construction work will be restricted to the hours: -
Monday - Friday 8.00 a.m. to 6.00 p.m.
Saturday 8.00 a.m. to 1.00 p.m.

Residents will be informed prior to commencement of the works on site and will also be made aware of any activities that may be disruptive but cannot be avoided.

An unloading area will be provided on site to enable all delivery and construction vehicles to turn and leave travelling in a forward direction

The constraints of the existing access mean that all suppliers will be advised in writing that only light vehicles should be used for delivery and all traffic/plant will be instructed to approach the site from the north via Dancing Hill and Grange Road, not from the south via B4245 and Vinegar Hill. It is anticipated that much of the spoil will be reused on the existing landscape given the sloping nature of the site. If spoil is required to be removed or aggregate is required to be brought into the site it will be on farm equipment - tractor and trailer - to transport the spoil.

All deliveries to the site will travel along Dancing Hill and then south down Vinegar Hill.

The Highway Authority have reviewed the CTMP and found it to be sufficient to favourably discharge condition no.5.

Biodiversity Enhancements Condition 9

Full consideration has been given to the provision of appropriate mitigation and enhancements on the site. The drawings and the GI MP have been amended a number of times to ensure that the provision identified as part of this condition is suitable. The mitigation has changed from the initial proposals of a wider area of wildflower meadow originally proposed to the area of grassland to the south east corner of the site. However, alternative proposals for mitigation have been put forward consisting of the provision of smaller pollinator areas spread across the site and the inclusion of a number of additional trees planted across the southern and western boundaries. As discussed at great length, the ecological provision can be provided in a number of different ways; it is not a case of only one form of mitigation being acceptable. As proposed, the mitigation is considered appropriate to offset the harm caused by the loss of habitats and would still provide an enhancement to the overall ecological value of the site. The information provided is now considered to be acceptable by both the Council's Ecologist and the Green Infrastructure Officer.

In addition, elevational drawings of both houses have been submitted showing integrated bat and bird boxes.

The information provided is considered suitable to favourably discharge condition 9.

Green Infrastructure Management Plan (GI MP) Condition 11

As per condition 9 above the details of the GI MP have been discussed at length and the GI MP and plans amended to reflect these changes. The original GI MP proposed appropriate mitigation to the southern area of grassland. However, as discussed above alternative and equally suitable mitigation has been provided across the site, focussed around the two approved dwellings and the southern and western boundaries. It is considered that the mitigation can be provided in a number of different ways, as per condition 9. The mitigation originally proposed and the alternative mitigation now submitted are both considered acceptable.

It is important to note that surface water drainage details have been submitted to the Authority via a separate SuDS application. The SuDS application is a separate legal permission and is assessed separately from this application to discharge the conditions attached to DM/2020/00234.

The information provided has been considered suitable to favourably discharge condition 11.

Hard and Soft Landscaping Condition 12

The information provided proposes a number of plants and additional trees which are welcomed, as well as provision of enhancement tree planting and protection and enhancement of the hedgerow/understory boundaries. The landscaping proposed is considered appropriate to attract pollinators to the site and so is considered acceptable. The details of this condition overlap with the details of conditions 9 and 11.

The information provided has been considered suitable to favourably discharge condition 12.

Details of the Earthworks. Condition 14

The applicant has provided plan ref 042_01 which describes the bund location, height and profiles in more detail including proximity to the boundary hedge.

MCC GI Officers are satisfied that sufficient information has been submitted to favourably discharge condition 14.

Schedule of Landscape Maintenance Condition 15

The amended plans and GI MP have been updated and clarified ref 021_06 26.08.2021. The GI MP ref WWE19254 FINAL dated 24.08.21 has been updated to reflect the amendments as requested in the previous comments.

The Council's Green Infrastructure Officer is satisfied that there is sufficient information to favourably discharge this condition.

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

For clarity these have been addressed in turn.

Issues were raised in relation to the CTMP, with particular reference to HGV's, deliveries and general traffic-based disruption. It is important to note the short term nature of the deliveries and HGV movements; having said that accommodating this provision during construction is important. There will be an element of disruption/noise associated with the construction of two dwellings and the condition aims to minimise this but it will not be totally eliminated. The Highways Officer has fully considered the proposals on the site and considers the details supplied are sufficient to ensure the safety of all vehicles and pedestrians during construction, ensuring appropriate roads are used to approach and leave site, that appropriate parking and turning provision is made on site and that neighbours are kept informed.

Reference is made to the undecided application for a large housing development on Vinegar Hill, but at present this remains undetermined and does not form part of the consideration of this application.

Reference is made to emergency vehicles being unable to access the site; this has been checked by the Fire Safety Officer who has confirmed that this is not the case - emergency vehicles can access the site when necessary.

Reference is made to unsuitable GI/ ecological mitigation and that the area to the south east should be included as part of this mitigation. As addressed above there are a number of suitable ways to provide appropriate mitigation for the site and that the proposed scheme is considered to provide the necessary mitigation and enhancement without the inclusion of this area for dedicated planting. In addition the SuDS application may differ from this application to discharge conditions, but as these are two separate applications they have been considered and assessed separately.

Requests have been made for the provision of public open space and tree planting. Through the assessment of the planning application there is no requirement for a dedicated area of public open/amenity space. Therefore this is not included in this application to discharge conditions.

Reference is made to a nearby gas pipeline, but it should be noted that planning permission has been granted for the two dwellings. This application to discharge conditions attached to DM/2020/00234 does not affect the any separate legislative responsibilities of the developer to protect the pipeline.

Requests have been made for details of earthworks; condition 14 is considered to provide a sufficient level of information. Further site sections can be found under the original application DM/2020/00234.

7.0 RECOMMENDATION: APPROVE

Approve the discharge of planning conditions 4, 5, 9, 11, 12, 14 and 15.