

**Application Number:** DM/2018/02001

**Proposal:** Outline Planning for development of 5 new dwellings (2 market, 3 affordable), access from existing residential road.

**Address:** Glanusk Farm, Kemeys Road, Llanfair Kilgeddin, Abergavenny

**Applicant:** Mr Roger Govier

**Plans:** Site Plan - , Block Plan RG17-02 -

**RECOMMENDATION: APPROVED subject to S106 agreement**

Case Officer: Ms Kate Bingham

Date Valid: 05.12.2018

**This application is presented to Planning Committee due to the proposal being a Departure from the Local Development Plan.**

**1.0 APPLICATION DETAILS**

1.0 This application is for the construction of 5 dwellings on land at Glanusk Farm, Llanfair Kilgeddin. The site is allocated for up to 5 dwellings in Policy SAH11 of the LDP, the specific site reference is SAH11(x). Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. The proposal relates to 3 affordable dwellings and 2 market dwellings and therefore complies in principle with both S4 and SAH11.

1.1 The application follows a recent outline draft approval (pending the completion of a Section 106 legal agreement) for 5 dwellings (3 affordable and 2 market) – application no. DC/2018/00001 refers. This latest application proposes to increase the size of the site beyond the allocation in the Local Development Plan (LDP) to accommodate a drainage ditch that is proposed on the southern edge of the site and also improve the site layout. As the site proposed is now larger than the allocation in the Development Plan, the application has been advertised as a departure to the LDP.

1.2 The application is made in outline only with all matters reserved.

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

| <b>Reference Number</b> | <b>Description</b>   | <b>Decision</b>   | <b>Decision Date</b> |
|-------------------------|--|---|----------------------|
| DM/2018/00540           | Check planning permission is valid and work carried out (to date).<br>(Certificate of Lawfulness for an existing use or development) | Approved  | 15.05.2018           |
| DC/2018/00001           | Erection of five new dwellings and associated curtilages and parking and new access.   | Pending Determination – approved by Committee subject to s106 agreement |                      |

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design  
S12 LDP Efficient Resource Use and Flood Risk  
S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
SAH11 LDP Main Villages

#### Development Management Policies

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
SD3 LDP Flood Risk

### 4.0 REPRESENTATIONS

#### 4.1 Consultation Replies

**Llanover Community Council** - We object because insufficient information is given about how surface water will be intercepted on the field boundary of the site to enable it to join the proposed drainage ditch. Also no details are given of the proposed reduced parking provision for properties no. 13,14 and 15, nor of the proposed access requirement to the site. We are concerned that previous objections raised in connection with the previous application for the same site (DM/2018/0001) have not been answered satisfactorily. Also, the Planning Committee Report of 1 May 2011, which accepted the inclusion of the site in the current LDP contained 4 conditions which have still not been satisfied. Further, this application relies on a 3rd Party providing a satisfactory Flood Alleviation Scheme before it can proceed. Finally, this Council supports other statutory bodies which have expressed concerns

**Dwr Cymru-Welsh Water** - No objection subject to drainage scheme to be approved prior to commencement of development to include assessment of the potential to dispose surface and land water by sustainable means. Note that the development site was allocated in the Local Development Plan and we raised no concerns.

**MCC Planning Policy** - No objections:

The site is allocated for around 5 dwellings in Policy SAH11, the specific site reference of which is SAH11(x). Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. The proposal relates to 3 affordable dwellings and 2 market dwellings and therefore complies with both S4 and SAH11 in principle.

Part of the site encroaches beyond the site boundary and village development boundary, however, the developable area has only very marginally increased from 0.17ha to 0.19ha. As discussed in meetings previously, the amended site boundary is necessary to allow for the drainage ditch and buffer to the south of the site which will not only support the site but the village as a whole, by providing a solution to existing surface water flooding in the locality. The advertisement of this site as a departure is therefore appropriate; however, there are no planning policy concerns in this respect. Policy SD4 relating to Sustainable Urban Drainage Systems is consequently of relevance.

General policies DES1 and EP1 relating to General Design Considerations and Amenity and Environmental Protection respectively must be taken into consideration. Policy G11 relating to Green Infrastructure and Policy NE1 relating to Nature Conservation and Development should also

be referred to along with Policy LC5 relating to the Protection and Enhancement of Landscape Character, particularly as the site has no defensible boundary at present and is part of a larger field.

**MCC Flooding and Drainage** - No objections:

1. We welcome the allocation of a 10 metre wide strip of land for the purposes of a flood alleviation ditch (part of a proposed flood alleviation scheme for Llanfair Kilgeddin).
2. We understand that the applicant will look to discharge water into the proposed flood alleviation ditch. We should make it clear that the proposed flood alleviation scheme is at detailed design stage. Funding for the construction phase is subject to a Welsh Government Grant Scheme and is therefore not guaranteed. In addition, the scheme will be reliant on successful negotiations with several landowners, and on the capacity of MCC's flood management team. Should the construction of the flood alleviation scheme not go ahead as hoped, it would be necessary for the applicant to find a different means of discharging surface water.
3. In accordance with MCC Planning Policy SD3, a future application for full planning permission should include details of how the proposed development will be protected from surface water flows from the field to the north.
4. In accordance with MCC Planning Policy SD4, a future application for full planning permission would be expected to incorporate Sustainable Drainage Solutions (SuDS). Should an application for approval of reserved matters not be made prior to 7th January 2020, the development would also require approval by MCC's SuDS Approval Body (SAB). In this case, the proposed drainage system would need to comply with Welsh Government's Statutory Standards for Sustainable Drainage Systems.

**MCC Highways** - No objection in principle.

Access is via Gethin Place. This is a narrow estate road without footways on either side, designed and built when car ownership levels were considerably less than they are today and as a result on street parking is experienced. 13 – 15 Gethin Place are served off the end of Gethin Place via a private drive and do not have the benefit of any off street parking provision, which further adds to the parking stress experienced.

However, the development of an additional 5 properties with associated vehicular access and servicing requirements could be accommodated and would not be detrimental or lead to a deterioration in highway safety or capacity on Gethin Place and the adjacent highway network.

The impact of the proposal on the immediate highway network is further influenced by the reduction in traffic movements following the closure of the local Primary School. The Proposed Site Plan, Drawing No. RG17-02 submitted in support of the application although not dimensioned indicates the following;

- Gethin Place will be extended by approximately 40 metres in a northerly direction terminating in a turning area, providing direct access to 3 properties, the remaining 2 properties via a shared (private) drive and the adjacent field via a field gate. The extended highway will also incorporate a 1 metre verge directly abutting the affordable housing, no footway verge or marginal strip is indicated on the opposite side of the road. The extension will replicate Gethin Place and will effectively act as a shared space which is acceptable means of access for the size and scale of development proposed.
- The existing turning area on Gethin Place is proposed to be “dedicated car spaces” This provision cannot be secured or guaranteed, the turning area is publically maintainable highway and it cannot be allocated to individual premises or persons to park cars etc. However, in the event that Gethin Place is extended and as indicated a new turning area provided then the use of this area could be used by the public at large if no obstruction or danger to other users is created. The creation of specific off-site parking provision for 13 – 15 Gethin Place should be considered.
- The proposed development is segregated from Gethin Place by the introduction of a significant land drainage ditch, the introduction of the ditch will therefore require the ditch to be culverted beneath the new road, the applicant should be mindful of this requirement and

the need to construct the ditch at a suitable depth to provide a suitable sized culvert and cover above.

- The surface water management and drainage of the site appears to be solely reliant on the implementation of a far wider flood alleviation scheme, the highway authority have concerns that as detailed the development of the site will be reliant on this scheme and as such its delivery cannot be guaranteed.

The highway authority have concerns regarding a number of the aforementioned issues and the lack of detail submitted in support of the application but acknowledge that the site is allocated in the LDP and the application is an outline application with all matters reserved. Therefore, the highway authority offer no objection in principle to the extension of Gethin Place to accommodate the development of five additional dwellings and the Council actively encourage the adoption of residential estate roads and would encourage the applicant to design and construct the road to the appropriate standards. The highway authority request that conditions be attached to any planning approval (see end of report).

#### 4.2 Neighbour Notification

Two comments received. Object on the following grounds:

Until Monmouthshire Council, MCC Planning Department, Welsh Water, the applicant, the Developer, Welsh Government and other bodies involved in the decision process for this development, can assure the existing residents of Llanvair Kilgeddin that there will be no increased risk of flooding to their properties as a result of this planning application, we still remain opposed. We would like to have the assurance in writing before we are able to reconsider our views on this planning application.

The proposed ditch will not itself resolve the issues of surface water flooding for the following reasons:

The replacement of the field with houses and roads will only increase the amount of water to be dispersed as the water that currently soaks into the field looks for an outlet.

Open ditches are only effective if well maintained. Part of the flooding problems elsewhere in the village result from inadequate maintenance of ditches. There is no mention in the application as to who will own the 10m strip of land set aside for a ditch and what action is proposed to ensure satisfactory maintenance of the ditch.

The proposed ditch only takes surface water from the land owned by the applicant onto the adjacent field west of Gethin Place, thus increasing the flood risk to the six properties on that side. The only other escape route for the water from the adjacent field is onto the R53 where it would join flows down St Mary's Hill into the village.

At its narrowest point, access to the development is only 3m wide (between the former school and St Mary's Yard) and there is no pavement. The approval of the previous application was subject to a condition requiring a Construction Transport Management Plan and a similar condition should apply to this application.

The previous application limited the loss of the agricultural land to the area allocated in the LDP. This application proposes to almost double that area. It is illogical to continue to expand the village boundary at all when the primary motivation for the extension of the village was to support the local school which has since closed.

The drawing suggests that the expansion of the site is to accommodate drainage works but the additional area appears to be unnecessarily excessive for this purpose. Underground pipework would take less land and avoid maintenance problems associated with an open ditch.

The land currently forms part of a long standing market garden and farm shop enterprise which is one of only a very few commercial enterprises in the village and clearly any loss of good land will be detrimental to that business.

## 5.0 EVALUATION

### 5.1 Principle of the proposed development

5.1.1 The site is allocated for around 5 dwellings in Policy SAH11 of the LDP. Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. The proposal relates to 3 affordable dwellings and 2 market dwellings and therefore complies in principle with both policies S4 and SAH11. The allocation remains in place despite the closure of the Church in Wales primary school in the village. Part of the site encroaches beyond the site boundary and village development boundary, however, the developable area has only very marginally increased from 0.17ha to 0.19ha. As mentioned previously in this report, the amended site boundary is necessary to allow for the drainage ditch and buffer to the south of the site which will not only support the site but the village as a whole, by providing a solution to existing surface water flooding in the locality. The advertisement of this site as a departure is therefore appropriate. There are, however, no planning policy concerns in this respect. The proposed expansion of the site is considered to be justified in this instance as the drainage works, which are part of a larger scheme to alleviate flooding within the village, will be of wider benefit to the whole community.

5.1.2 The provision of the affordable housing should be ensured through a Section 106 agreement that the market housing is not constructed without the required provision of affordable housing.

### 5.2 Visual Impact

5.2.1 At the time of the site's allocation it was recognised that the site as drawn has no defensible boundary as it is part of a larger field. The development would need to be suitably landscaped providing adequate screening where appropriate. Policy LC5 refers to the Protection and Enhancement of Landscape Character. At the detailed stage the development would have to take into consideration the aims of this policy along with Policy NE1 in relation to Nature Conservation and Development and Policy GI1 relating to Green Infrastructure (GI). This development is not considered, however, to be one to which the detailed requirements of the GI Supplementary Planning Guidance apply (such as the provision of a GI Opportunities Plan, for instance), given the small-scale character of the development and the need to give priority to the provision of affordable housing.

5.2.2 The layout proposed in this outline application shows two large open market dwellings to the west of the site and a terrace of three affordable dwellings to the east with an access road between the two sides. This arrangement is considered to be acceptable in the context of the pattern of development in the surrounding village, which is a mix of traditional detached dwellings as well as post-war ex-Local Authority semi-detached houses and a terrace of bungalows.

5.2.3 The site is proposed to be bounded by a new hedgerow, as currently the site is an open field with no boundary at all. The existing field hedge to the south will also be retained.

### 5.3 Drainage and Flooding

5.3.1 It was also noted at the time of the allocation of the site that part of the eastern area of the site had been identified as being affected by surface water flooding but at the 'less susceptible' level according to the mapping layers produced by the Environment Agency (now encompassed within Natural Resources Wales). However, since that time the Council has been working on a flood alleviation study in Llanfair Kilgeddin, which has assessed the flooding mechanisms and flood risk within the village. The study has identified that surface water flood-risk affecting Gethin Place is actually greater than that shown on Natural Resource Wales' flood maps.

5.3.2 A Project Appraisal Report has been submitted and approved by Welsh Government and MCC has just been awarded grant funding to progress the detailed design of the preferred option this financial year. This preferred option was discussed with the landowner of the field to the north of Gethin Place and his representatives. The preferred option at this location consists of a cut off ditch to the north and western boundary of Gethin Place. This ditch would intercept overland flows and then convey them southwards beneath the lane at the bottom of St Mary's Hill to the unnamed watercourse further to the south. Funding for the construction phase is subject to a Welsh Government Grant Scheme and is therefore not guaranteed. In addition, the scheme will be reliant on successful negotiations with several landowners, and on the capacity of MCC's flood management team. Should the construction of the flood alleviation scheme not go ahead as hoped, it would be necessary for the applicant to find a different means of discharging surface water.

5.3.3 The proposed housing development is reliant on the flood alleviation scheme going ahead (as was the case with the previous approval). As such, a Grampian condition (i.e. a planning condition that prevents the start of a development until off-site works have been completed on land not controlled by the applicants) should be imposed on the outline consent. This condition would prevent any development prior to an agreed drainage scheme being implemented. The drainage scheme would need to demonstrate the proposed development will not be at risk from overland surface water flows from adjacent land and that the site will be sustainably drained in accordance with the following:

- MCC's existing policies (LDP Policy SD3 - Flood Risk and SD4 - Sustainable Drainage)
- Welsh Government's 'Recommended non-statutory standards for sustainable drainage (SuDS) in Wales'
- TAN 15: Development and Flood Risk.

#### 5.4 Highway Safety

5.4.1 Access is proposed via Gethin Place that is an existing narrow estate road without a footway on either side, designed and built when car ownership levels were considerably lower than they are today. As a result, on street parking is experienced.

5.4.2 The existing turning area on Gethin Place is proposed to be "dedicated car spaces" This provision cannot be secured or guaranteed, the turning area is publically maintainable highway and it cannot be allocated to individual premises or persons to park cars etc. However, in the event that Gethin Place is extended and as indicated a new turning area provided then the use of this area could be used by the public at large if no obstruction or danger to other users is created. The creation of specific off-site parking provision for 13 – 15 Gethin Place could be considered at Reserved Matters stage.

5.4.3. Gethin Place will be extended by approximately 40 metres in a northerly direction terminating in a turning area, providing direct access to 3 properties, the remaining 2 properties via a shared (private) drive and the adjacent field via a field gate. The extended highway will also incorporate a 1 metre verge directly abutting the affordable housing, no footway verge or marginal strip is indicated on the opposite side of the road. The extension will replicate Gethin Place and will effectively act as a shared space which the council's Highway Engineer has indicated is acceptable means of access for the size and scale of development proposed.

5.4.4 Off-road parking to meet Monmouthshire Parking Guidelines standard should be included in any Reserved Matters application.

#### 5.5 Residential Amenity

5.5.1 Although the application is an outline one, the proposal demonstrates that the new dwellings have been laid out to avoid direct overlooking between them and the existing bungalows at nos. 13-15 Gethin Place. Furthermore, there are distances of at least 21m between elevations in all cases. The increase in site area has taken the proposed dwellings further to the north of the

existing properties on Gethin Place with window-to-window distances of approximately 31m and 32.5m now achievable.

5.5.2 The detailed fenestration and internal layouts will be considered at Reserved Matters stage.

## 5.6 Response to the Representations of the Community and Neighbours

5.6.1 The proposed ditch has been designed to resolve the issues of surface water flooding. Surface water currently drains down the slope of the field onto Gethin Place and although the amount of hard surfacing will increase as a result of the development, the surface water would be managed and fed into the drainage ditch. The ditch will be connected to the wider flood alleviation drainage scheme, eventually discharging the flows into the brook on the other side of the B4598. The ditches will be maintained by Monmouthshire County Council who are the responsible body for drainage and now also the Sustainable Drainage Systems (SuDS) Approving Body. The 10m strip on either side of the ditch will be also be maintained by the Council.

5.6.2 The conditions attached to the previous draft approval will also be applied to this consent should Members be minded to approve the application.

5.6.3 The increase in the site area is to both compensate for the loss of land to the drainage ditch and maintenance strip but also provide more space for market houses that will subsidise the proposed affordable dwellings on the site. By extending the site to the east, the two market dwellings can be increased in size to provide 5 bedrooms and a detached double garage which will significantly increase their value. The increase is to the area of the site only and there will be no increase in the number of dwellings proposed. There will therefore be no expansion of the village in terms of housing numbers beyond what has already been allocated and approved. An open ditch rather than underground pipework for the drainage works was preferred because a ditch would be easier to maintain.

5.6.4 The increase in site area into the farmland is not considered to be significant enough in terms of area to directly affect the viability of the market garden enterprise referred to by a neighbour.

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

5.7.1 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.

## **6.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### S106 Heads of Terms

The market housing shall not be constructed without the required provision of affordable housing.

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 Approval of the details of the access, layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.

REASON: The application is in outline only.

2 (a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.

3 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.

4 No development shall commence until a flood alleviation scheme for surface water run-off has been implemented in accordance with details that have been approved by the Local Planning Authority prior to those works being carried out.

REASON: To prevent surface water flooding in accordance with Local Development Plan Policy SD3.

5 No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority. The CTMP shall take into account the specific environmental and physical constraints of Gethin Place and the adjoining highway network. 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 and the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety in accordance with Local Development Policy MV1.

6 Prior to any building construction works including groundworks and site clearance, the means of access shall be constructed in accordance with the approved plans and turning provision shall be provided 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.

REASON: In the interests of highway safety in accordance with Local Development Policy MV1.

## **INFORMATIVES**

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

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



3 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](http://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. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

4 Please note that this consent is subject to a Section 106 legal agreement.

5 Parking provisions in accordance with supplementary planning guidance, Monmouthshire Parking Standards 2012, shall be provided within the site and retained thereafter.

6 As part of any Reserved Matters application, details of the access and layout must include the detailed design, safety and technical audits for the proposed means of access, as well as details of how the required off street parking provision for 13-15 Gethin Place will be provided and kept available for the use of those properties.

7 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.