

**Application Number:** DM/2018/01741

**Proposal:** Proposed development of 15 dwellings and associated works

**Address:** Land Off Well Lane For Development Of 15 Houses Cwm-fagor Road, Devauden

**Applicant:** c/o Agent

**Plans:** Site Levels CD Gray 9512 Dwg 101 P2 - P2, Site Sections (04) 200 - , Drainage Strategy - August 2018, Other Pre-application Consultation Report - October 2018, Transport Statement Transport Statement - October 2018, Location Plan LOC 01 - A, Other Planting Schedule - , Ecology Report Revised Ecology Report - Pure Ecology - February 2019, Other Hedgerow Planting Details 2019/16 - , Other Trees and Planting Beds 2019/17 - , Tree Protection Plan Tree Protection Plan 2018/19 - Rev C, Other NATIVE BLOCK PLANTING DETAILS 2019/15 - REV A, Landscaping Plan PROPOSALS DETAIL OPPORTUNITIES - REV G, Elevations - Proposed 1810 (04) 15 Plots 1+2 - REV C, Elevations - Proposed 1810 (04) 16 Plots 4+5 Type A - REV C, Elevations - Proposed 1810 (04) 17 Plots 8+9 Type C - REV C, Elevations - Proposed 1810 (04) 18 Plots 6+7 Type C - REV C, Elevations - Proposed 1810 (04) 19 Plot 10 Type E - REV C, Elevations - Proposed 1810 (04) 20 Plot 11 Type E - REV C, Elevations - Proposed 1810 (04) 21 Plot 12 Type F1 - REV C, Elevations - Proposed 1810 (04) 22 Plot 13 Type F1 - REV C, Elevations - Proposed 1810 (04) 23 Plot 14 - REV E, Elevations - Proposed 1810 (04) 24 Plot 15 - REV E, Elevations - Proposed 1810 (04) 25 Plot 3 Type B - REV C, Garage Plans 1810 (04) 25 Plots 10-13 - REV B, Garage Plans 1810 (04) 27 Plot 14+15 garages - REV B, Proposed Roof Plan 1810 (04) 101 Roof Plan - REV N, Site Plan 1810 (04) 102 - REV M,

## **RECOMMENDATION: APPROVED SUBJECT TO S106 AGREEMENT**

Case Officer: Mrs Jo White

Date Valid: 22.10.2018

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

### **1.0 APPLICATION DETAILS**

1.1 The site is located on the south-westerly edge of the Main Village of Devauden and is adjacent to the Wye Valley Area of Outstanding Natural Beauty (AONB). The B4293 runs parallel to the eastern boundary, adjacent to the existing allotments, whilst Well Lane runs along the northern boundary. Residential dwellings along the north of Well Lane form the existing urban edge of Devauden and are set back within their respective plots, many of which benefit from high vegetation to their front boundaries. To the south and west is open countryside. The topography is such that the site slopes from south-east to north-west.

1.2 Planning Permission is sought for the construction of 15 dwellings together with a new vehicular access road and a community orchard. The existing allotments to the east of the site are to be retained. The development has been advertised as a 'major application'.

1.3 The application site forms part of an allocated 60/40 housing allocation for a maximum of 15 dwellings under Local Development Plan (LDP) Policy SAH11(ii). Whilst the allocation site lies within the development boundary for Devauden, the proposed new access, open amenity space

(community orchard and wildflower meadow) and a 5m wide garden curtilage strip to plots 14 and 15 fall outside of the original development boundary. This change to the extent of the site was the subject of discussion at pre-application stage.

1.4 The proposed dwellings will consist of five social rented units (4 x 2-bed, 1 x 3-bed), four low cost home ownership units (3 x 2-bed, 1 x 3-bed) and six dwellings for the open market (4 x 4-bed, 2 x 5/6 bed). A combination of semi-detached and detached dwellings are proposed. Single and double detached garages are proposed to plots 10-15 whilst private driveways/off-street parking is provided for plots 1-9.

1.5 The proposed new access involves closing the existing access off the B4293 into Well Lane to vehicular traffic (for an approximate length of 30m) and introducing a new link road and junction some 45m to the south (to the opposite side of the allotments). The existing access into the allotments will also be relocated to the south with informal parking provided therein.

1.6 The plans originally made provision for a footpath link at the top of Well Lane (north east of the site) running parallel to the boundary of Glebe House in order to link to the village green. There is currently no footpath along Well Lane nor adjacent to Glebe House for the existing residents of Well Lane or connecting the existing allotments to the village. However, following protracted negotiation between the Highway Authority and the developer's transport representatives, together with an assessment of the existing on-site constraints and the scale of the development, the section of footpath adjacent to Glebe House has since been omitted along with the proposed road narrowing. The applicant would however have to enter into a Section 278 agreement with the Highway Authority to ensure appropriate highway engineering such as change of materials and surface colour within this part of the B4293 to emphasise to drivers the potential for pedestrians to be using the road.

1.7 A community orchard is proposed to run along the perimeter of the southern and western boundary with a 'Green link' providing pedestrian access into the orchard/wildflower meadow. Access for maintenance vehicles will be off the new access road to the east.

1.8 This application has been subject to considerable discussions regarding layout and design both at pre-application stage and as part of the application process. As a result, revised plans have been submitted, to which this report relates. With the exception of plots 5 and 6, external facing materials of the dwellings will be cream render. Plots 5 and 6 will be red-brown multi brick. Roof materials are proposed as artificial slate in in 'Welsh blue'. Windows will be uPVC in ivory. Garages will be render with the exception of plot 14, which is proposed as red/brown brick. The semi-detached units are simply designed to reflect a workman's cottage whilst plots 3 and 10-13 have been designed with proportions and detailing to reflect a traditional farmhouse. Plots 14 and 15 are of an 'L' shape with projecting front gables. Detailing has been added throughout the scheme with chimneys (false to plots 1-9) with brick and reconstructed stone headers and cills and overhanging roofs. The dwellings have been designed to represent large rural farmhouses and associated workers' cottages.

1.9 Boundary treatments to the development comprise of 1.2m high two-rail timber fencing to the south (between properties and the orchard), with clay facing brick screen walls of varying heights (some of which will be retaining walls) and elements of 1.8m high close-boarded timber fences proposed to rear gardens. A mature field boundary of mixed native species is to be retained along the southern boundary (to the periphery of the community orchard and adjacent to the open fields) which is proposed to be enhanced together with new tree planting, orchard and wildflower area.

1.10 The proposal involves repositioning the junction with Well Lane and the B4293, with the eastern end of Well Lane to be closed to vehicular traffic, it is noted that the footpath has been extended down Well Lane to give access to all the new dwellings.

1.11 The application pre-dates the newly introduced SAB approval regime and is therefore not subject to such requirements. However, a full drainage strategy has been submitted with the application which follows the hierarchical order recommended by standards for sustainable drainage (SuDs) in Wales - designing, constructing, operating and maintaining surface water systems

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
M07375	Proposed Residential Development Of Six Semi-detached Houses And Four Flats.	Refused	28.10.2002
M08560	Proposed Residential Development Of Two Flats, Five Bungalows, And Three Houses In Mixed Semi-detached Pairs.	Refused	25.03.2004

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
S5 LDP Community and Recreation Facilities  
SAH1 LDP Deri Farm, Abergavenny  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
DES1 LDP General Design Considerations  
MV1 LDP Proposed Developments and Highway Considerations  
NE1 LDP Nature Conservation and Development  
LC5 LDP Protection and Enhancement of Landscape Character  
LC1 LDP New Built Development in the Open Countryside  
H2 LDP Residential Development in Main Villages  
CRF2 LDP Outdoor Recreation/Public Open Space/Allotment Standards and Provision  
SD4 LDP Sustainable Drainage

## **4.0 NATIONAL PLANNING POLICY**

### **Planning Policy Wales (PPW) Edition 10**

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 as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and wellbeing, creating prosperity for all.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

5.1.1 Cllr R J W Greenland: No response to date.

5.1.2 **Devauden Community Council:** Object on the following basis:

- a) Part of the planned site is outside the area designated in the LDP.
- b) the drainage strategy fails to address adequately the current significant surface water issue in Well Lane which would be further exacerbated by the additional development.
- c) Insufficient consideration for pedestrians with the current footpath inconceivable in the proposed location due to the width of the road.
- d) the capacity of the treatment plant and if the Welsh Water assessment is based on only by frequent emptying with large tankers.
- e) additional environmental issues including the lack of a lighting assessment with impact on neighbours.
- f) In addition to these points the Council wishes to be reassured that this application complies fully with the latest SUDS regulations.

5.1.3 **MCC Senior Ecology and Biodiversity Officer:** No objections to the proposals subject to suggested conditions.

The application for the proposal is informed by an updated ecological assessment: PURE ECOLOGY Land at Well Lane Devauden, Monmouthshire NP166PE Ecological Assessment dated February 2019. The scope of the survey undertaken is considered sufficient to inform the application process.

#### *Protected Sites - Wye Valley and Forest of Dean Bat Sites SAC*

The Well Lane site is within the supporting roost buffer\* for the Lesser Horseshoe roost element of the bat SAC. Both species of horseshoe bats were recorded using the site. The nearest 'supporting roost' for the SAC had been recorded as 'lost' several years ago. The nearest SAC roost is 3.7km.

A Habitats Regulations Assessment for the Wye Valley and Forest of Dean Bat Sites SAC has been undertaken to support the application.

The interest features which could be affected are Lesser horseshoe bat and Greater horseshoe bat as both were recorded foraging at the site.

The following potential hazards were taken forward for the Test of Likely Significant Effect:

1. Habitat loss / Habitat/community simplification; and Habitat fragmentation.
2. Disturbance (lighting)

The possible effects may occur both during construction and during operation of the site as a residential area.

Physical damage; and Toxic contamination are screened out due to the scale of the proposed development and distance from the protected site:

The TOLSE concludes that it is possible that there could be a significant effect on Interest Features of the bat SAC. Matters relating to Habitat loss; Habitat/community simplification; and Habitat fragmentation were screened out of the assessment because of the design of the scheme including a landscape buffer as shown on plan which allows movement and foraging to continue.

However, significant effects relating to disturbance from lighting could not be screened out and an Appropriate Assessment was therefore necessary.

The Appropriate Assessment considered Conservation Objectives of both Interest Features and the potential impacts of lighting. Subject to the imposition of a planning condition to secure sensitive lighting to protect the quality of the compensatory foraging habitat during the operational phase, it is

concluded that the project will not adversely affect the integrity of the Wye Valley and Forest of Dean Bat Sites SAC alone or in combination with other relevant projects.

NRW have been consulted on the HRA as of today and I have made them aware that the committee is on the 2nd April 2019.

### *Habitats*

Habitats on site are limited in ecological quality due to agricultural improvement and sub-optimum management. However, the hedgerows are considered to be Priority Habitat under Section 7 of the Environment Wales Act 2016 (Boundary and Linear Features: Hedgerows) and are as such covered by LDP policy NE1.

PPW 10 states (6.4.21) that the first priority for planning authorities is to avoid damage to biodiversity and ecosystem functioning. As stated at the pre-app it would be preferable to maintain and enhance the hedgerow along Well Lane however, it is acknowledged that the ecological functionality of this will be much reduced as it becomes surrounded by housing and fragmented to allow access at this site allocated in the LDP. Therefore, even if it were retained, it would be severely affected by the scheme. In order to achieve the most satisfactory outcome for this allocated site, where the principle for development has already been established by LDP inquiry, compensation for the loss of this hedgerow by translocating sections elsewhere on site and undertaking additional robust landscape planting will be required. This is recommended in section 5.3 of the updated ecological report and shown on the submitted plans. Long term management of habitats at the site will need to be secured via a planning condition for a GI Management Plan. Also note that NRW have asked for a condition for long term management and monitoring of the site.

### *Protected and Priority Species: Dormouse*

A dormouse nest was recorded in 2018 confirming presence of this protected and priority species in habitat at the site. The conclusion that the habitat on this site provides peripheral habitat for the local dormouse population within Graig Wood and hedgerow network is accepted. Plan 2018./27 Rev G Devauden Proposals Detail Opportunities demonstrates how translocation and additional planting will improve habitat quality and connectivity for dormouse.

I tentatively agree with the conclusion relating to the probable low levels of additional cat predation from an additional 15 houses however, it is recommended that literature is prepared to advise the new home owners how to reduce the likelihood of cat predation. Whilst we cannot insist on this, I suggest this forms part of the GI Management plan. A NRW derogation licence will be needed to remove and translocate dormouse habitat at the site. The three European protected species tests will need to be undertaken and recorded in the officer's planning recommendation report (See NRW comment dated 20th December 2018). It is noted that NRW state that the timing for translocation of hedgerows currently proposed is likely to change at licensing stage. It will be important that we have this information for enforcement purposes too and therefore a separate condition relating to translocation details is recommended.

### *Bats*

10 species of bat were recorded using the site for foraging/commuting including rare species such as Barbastelle, which is typical of similar sites in Monmouthshire. The conclusion of the site value seems low for this level of use. The site is small with limited quality habitats but the presence of so many species demonstrates its potential importance as a connection in the wider landscape. It is vital for this function to be maintained and enhanced through this development. The robust planting proposals together with the buffer between the houses and the new village boundary are considered to be sufficient to achieve this.

Lighting will be an important additional consideration for bats in particular as many species are light sensitive. It is understood that the road will need to be engineered up to adoptable standards however, detailed lighting proposals will need to consider the retention of dark corridors around the south of the extended village boundary. This will require careful positioning, low columns and cowling. A detailed lighting strategy will be required via planning condition to achieve this. Note that NRW have also asked for lighting details in their response dated 8th March.

### *Reptiles*

A low population of slow worm was identified restricted to the northern site boundary. Acceptable measures have been included to protect the priority species during the development process and once the site is occupied through protection and enhancement of habitats.

### *Nesting birds*

The consideration of nesting birds during the construction phase will need to form part of a construction method statement that pulls together the other key recommendations to reduce the ecological impact of the scheme as far as possible.

\*As identified by the Monmouthshire County Council Review of Consents SAC Buffers

#### **5.1.4 MCC Tree Officer:** No objections subject to conditions

The hedges on the northern, eastern and western boundaries appear to be species rich and, in the absence of definitive information I would suggest they would be defined as Important in accordance with The Hedgerows Regulations 1997.

It is important that where possible these hedges are safeguarded. To that end the applicant is required to submit root protection details in accordance with British Standard 5837:2012 - Trees in relation to Design, Demolition and Construction Recommendations. The details shall include:

- The type of protection barriers to be used.
- A scaled drawing of the proposed site layout showing the positioning of the protection barriers.

Where sections of hedge requiring removal to facilitate visibility splays these sections must be translocated elsewhere on the site in order to mitigate any loss of habitat. We will therefore require an Arboricultural Method Statement to demonstrate how this will be carried out.

#### **5.1.5 MCC Highways:**

Concerns have been identified in relation to site plan 1810 (04) Rev M.

The site is a Local Development Plan allocated site. The highway authority were consulted during the plan development and the highway authority had reservations regarding the specific site allocation in respect of accessibility particularly when more appropriate and accessible sites were available. The highway authority also recognised that third party land would be required and was a particular constraint in developing local pedestrian improvements. However, the Inspector when determining the plan stated (extract from Inspector Report January 2014);

### *Housing Allocations in Villages*

6.81 In Cross Ash the provision of about 15 new, mainly affordable dwellings would be a valuable addition to the village as a whole and, particularly, would give additional support to the school. Both sites would be located close to the junction to the south where they would consolidate the existing development at this entrance to the village.

6.82 The main issue for the Well Lane, Devauden allocation is whether improved access could be provided, particularly for pedestrians travelling to and from the village centre. Third party land will not be made available as it is owned by two objectors to the site. Various alternative schemes have been put forward for the provision of a footway. The layouts provided in EXAM029 have been criticised by representers as based on inaccurate measurements but a further letter explains the approach satisfactorily. The three options set out in EXAM062 are also plausible although one must be discounted as it relies on third party land which is unlikely to be available. Overall I am confident that the development of the allocated site is feasible in traffic and access terms.

6.83 The appeal decision dismissing a similar proposal on the site is nearly nine years old; in the intervening period policies and guidance have changed. Furthermore the proposal did not include what that inspector considered to be sufficient traffic calming measures. Such shortcomings could be addressed in any scheme for the Well Lane site.

Therefore in light of the Inspector's decision the highway authority recognised the lack of pedestrian provision and the need to improve pedestrian access from the proposed development to local amenities, as well as providing access from the village to the existing allotments. The highway authority acknowledge that the existing Well Lane / Devauden Road B4293 / Village Green junction is an impediment to pedestrian movement and promotes conflicting vehicle movements through the junction.

To this end the highway authority in consultation with the applicant and their agents have considered how best to provide the desirable accessibility improvements within the existing constraints. The applicant considered the highway authority's requirements and developed a number of schemes that, accepting the constraints, delivers upon the inspector's decision that the site is deliverable in traffic and access terms. The schemes were subjected to a Stage 1 Safety Audit, undertaken by Avon Traffic & Safety Service. The designer, ADL Traffic & Highways Engineering Ltd and the overseeing organisation, Monmouthshire County Council, the highway responded to the recommendations. In addition the highway authority recommended in an email dated 15/02/2019;

"It is therefore recommended that a carriageway width of 5.3 metre is maintained as a minimum over the length of the intended footway and closure of Well Lane where it ties into the existing 1.2 metre footway to the North with a carriageway width of 5.30 and to the South, North of the proposed new Well Lane junction"

The applicant in response to the Safety Audit and the highway authorities recommendation produced Drawing No. 1810 (04) 102 Rev. M Proposed Site Layout.

Unfortunately, following detailed review and having carried out a site measurement check of the B4293 it is clear that if a carriageway width of 5.30 metres is provided then over the affected narrow section of the B4293 abutting the boundary wall to Glebe House and opposite the Village Green junction a varying footway width of 0.770 m to 0.975 can only be achieved. It is also noted that the existing footway width on the B4293 is below current standards and there are no opportunities to increase its width.

A footway along the B4293 that satisfies minimum current design standards cannot be provided and the highway authority consider it inappropriate to provide a sub-standard footway and associated engineering works for only an additional 15 dwellings.

It is unfortunate that the site is unable to comply with the sustainable transport hierarchy as specified in Planning Policy Wales edition 10 nor can footways be provided in accordance with the Design Guidance Active Travel (Wales) Act 2013.

The highway authority acknowledge that the existing Well Lane / Devauden Road B4293 / Village Green staggered junction is an impediment to pedestrian movement and promotes conflicting vehicle movements through the junction. Therefore, the relocation of the Well Lane junction and closure of the existing junction is considered a positive highway improvement that;

- Removes vehicle and pedestrian conflict through the staggered and improves safety and capacity
- Closes the sub-standard Well Lane junction in terms of approach gradient, width and very poor junction visibility.
- Construction of new junction to current standards with appropriate junction visibility capable of accommodating all vehicles.
- Dedicated parking for the allotments
- Closure of Well Lane creates positive pedestrian links to and from the proposed development junction, the allotments and existing properties in well Lane.
- Provides the opportunity for pedestrians to cross the B4293
- Opportunities exist to provide further measures to improve facilities to cross the B4293 and link with existing footways.

The highway authority consider, as indicated previously, that is not appropriate to implement excessive and onerous measures on the B4293 to accommodate only 15 additional dwellings. The development can be accessed and minor improvements implemented that will improve the site's

connectivity albeit not in accordance with current standards but comply with the planning inspector's decision that the site is feasible in traffic and access terms.

Therefore, if the planning authority are minded to approve the application, the highway authority would require conditions in respect of a Construction Traffic Management Plan (CTMP), detailed design and safety audits for the relocation of Well Lane junction and the requirement to enter into a Section 278 Agreement.

**5.1.6 MCC Senior Policy and Strategic Housing Officer:** Provision for 60% of the total number of dwellings on the site to be affordable housing.

**5.1.7 MCC Planning Policy** made the following comments:

The site is located within the Devauden Village Development Boundary and is adjacent to the Wye Valley AONB. It is noted that the proposed new access and open amenity space are outside of the development boundary but are included within the boundary of the proposed site. This change to the extent of the site was the subject of discussion at pre-application stage.

The proposal involves repositioning the junction with Well Lane and the B4293, with the eastern end of Well Lane to be closed to vehicular traffic, it is noted that the footpath has been extended down Well Lane to give access to all the new dwellings. Vehicular access into the existing allotments is to be provided from the new road and we would be looking for a sustainable drainage solution with regard to both foul and surface water. A Transport Statement and Drainage Strategy have been submitted with the application, colleagues in the highways section will no doubt provide comment on these matters.

It is proposed to use the land to the south and west of the site as public open space, at the pre-application stage it was requested that there be two pedestrian access points into this land and a maintenance plan drawn up for its maintenance. With the site's location adjacent the AONB the treatment of the boundaries of the site will also be significant in terms of visual impact. Policy NE1 Nature Conservation and Development should be referred to and Policy GI1 must also be taken into consideration relating to Green Infrastructure (GI). It is noted that an Ecological Assessment and Landscape Proposals have been submitted with the application, colleagues in the countryside section will no doubt provide comment on these matters.

General policies DES1 and EP1 relating to General Design Considerations and Amenity and Environmental Protection respectively must also be taken into consideration.

**5.1.8 MCC Urban Design and Landscape Officer:**

In response to the recent and revised submissions by the applicant the landscape comments are as follows:

Recent information submitted by the applicant has met initial concerns and I therefore would not submit an objection but would like the following to be included within any subsequent approval as conditions should the application progress:-

1. Provision of a Green Infrastructure Management Plan as reserved matters to be informed by a final GI Masterplan and the current landscape plan and planting schedules inclusive of a hedge relocation strategy
2. Provision of more detailed planting methodology and aftercare plan for approval prior to planting.
3. Details and cross sections of new informal path construction including interfaces with Well lane for approval prior to construction

I am particularly keen to ensure that the hedged character of Well Lane is retained as much as possible through adoption of a hedge translocation strategy. Well Lane is part boundary to the Wye Valley AONB and the site is immediately adjacent to the Wye Valley AONB. Policy LC4 seeks to protect the Wye Valley AONB from inappropriate development in order to maintain its unique character, special landscape qualities and local distinctiveness. 6.3.39 states that "The Wye Valley AONB provides a range of benefits for Monmouthshire residents and visitors in terms of its visual



amenity, cultural heritage and important habitats. Proposals for development within, or affecting the setting of, the AONB should have regard to the strategic objectives and policy proposals set out in the Wye Valley AONB Management Plan and seek to conserve and enhance the unique character and special qualities of the landscape". The policy further states that "Development proposals that are outside the AONB but would detract unacceptably from its setting will not be permitted"

PPW10 6.3.5 states that LPA's have a statutory duty to have regard to national parks and AONB purposes. This duty applies in relation to all activities affecting national parks and AONB's, whether those activities lie within, or in the setting of, the designated area.

Due to the proximity of existing residences bounding Well Lane and within the AONB boundary at this location I do not perceive that the integrity of the AONB boundary and its setting at this particular specific location would be affected unacceptably providing adequate landscape treatments and mitigation are undertaken, inclusive of hedge translocation.

5.1.9 **NRW** – No formal objection to the proposals subject to the suggested. The following comments were made in relation to revised plans:

We maintain our significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below.

Requirement 1: Landscape - revised layout, a detailed landscape/green infrastructure plan and landscape and ecological management plan.

Condition 1: European protected species - lighting plan;

Condition 2: European protected species - long term habitat management and monitoring plan.

Condition 3: European Protected Species - hedgerow transplantation

Landscape

We have reviewed the additional submitted information and advise the amended plans do not indicate any major changes to the layout or design. Therefore, our previous comments remain relevant to your consideration of the proposal, as follows:

#### *Landscape*

The proposed development site is adjacent to the Wye Valley Area of Outstanding Natural Beauty (AONB). A Landscape and Visual Impact Assessment has not been provided, but several panoramic views and landscape/green infrastructure proposals are provided.

The proposed houses would be visible from parts of the AONB to the south, east and north - there is visibility in panoramic views 3, 4, 5 and 9. The proposed development would also be visible from Well Lane, a narrow lane on the edge of Devauden, with a rural character. Individual properties lie to the north of the lane, with the site, a field of pasture and established hedgerow, along the boundary with Well Lane. We consider the loss of the hedgerow, with several additional access points, and properties located to the north would change and reduce the rural character of this lane. We note that two pedestrian access points have been requested by your Authority during pre-application discussions.

The layout of the housing is in groups, largely without frontages to Well Lane or the surrounding open space. This is contrary to best practice in TAN12 and Manual for Streets. Rear and side garden boundaries facing the open space would not make this an attractive and well overlooked space with natural surveillance. We consider the layout is poorly integrated with the spaces and the character of the village. The new road access and elaborate raised pedestrian entrance to Well Lane would reduce the rural character of this part of the village to some extent. Low key access points, using stone walls and hedgerows would be more appropriate to the local character.

In consideration of the above, we are of the opinion the proposal would have some adverse effects on views from the AONB landscape and on the rural character of this location adjacent to the AONB. Therefore, a revised layout that retains the hedgerow along Well Lane and integrates with the open

spaces is required, along with a detailed landscape/green infrastructure plan and Landscape and Ecological Management Plan for the open spaces and boundary planting.

#### Conditions 1-3: European Protected Species (EPS)

We have reviewed the following documents:

- Land at Well Lane, Devauden, Monmouthshire NP16 6PE - Ecological Assessment by Pure Ecology (dated 1 February 2019);
- 2018/27 Rev G Devauden Proposals Detail Opportunities (dated 1 February 2019);
- 2019/15 Rev A Devauden Native Block Planting Details (dated 10 February 2019);
- 2019/16 Devauden Hedgerow Planting Details (dated 31 January 2019);
- 2019/17 Devauden Trees and Planting Beds (dated 31 January 2019);
- 2018./19 Rev C Devauden Existing Features Detail Constraints and Opportunities and Tree Protection Plan (dated 31 January 2019).

We welcome the submission of the revised Ecological Assessment indicating that hedgerows requiring removal will be transplanted within the site. We advise that implementation of section 5 of the report titled 'Land at Well Lane, Devauden, Monmouthshire NP16 6PE - Ecological Assessment' by Pure Ecology dated 1 February 2019 is secured through a condition on any planning permission your Authority may be minded to grant.

In addition, we refer you to our previous response of 20 December 2018, in which we advised that a lighting plan, as well as a long-term habitat management and monitoring plan, should be secured though conditions attached to any permission granted and that a EPS licence is required. Our advice and request for conditions remain relevant to this re-consultation.

Please note that we may wish to discuss the timings of translocation of hedgerows at the time of the EPS licence application once the final schedule of works is known. We advise that any licence method statement ensures impacts to hibernating animals are avoided and as identified in the Ecological Assessment report also considers the dormant growth period of material to be translocated.

**5.1.10 Aneurin Bevan Health Board:** No response received to date.

**5.1.11 Dwr Cymru Welsh Water** provided the following comments:

We have reviewed the development proposals when we were previously consulted under Schedule 1C Article 2D application, whereby we confirmed that we could accept foul water only flows from the development site.

The development site is crossed by a 150mm public foul water only sewer. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing operational development the location of this asset is determined. If operational development is likely to fall within 3 metres either side of the sewer please contact us.

From reviewing the submission package we note the applicant is proposing to discharge surface water into the public sewerage system and through the use of sustainable drainage systems (SuDS). As the sewerage system within Devauden is foul water only we would not accept any surface water into this sewerage system. We advise the applicant to exhaust the use of sustainable drainage systems (SuDS). There is a sustainable surface water removal hierarchy in "statutory guidance for sustainable drainage systems (SuDS) Wales".

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

We have noted from comments made on the application referring to this area's treatment works and specifically tankering to and from the works. Tankers remove sludge from the treatment works which is a by-product of the sewage treatment process, this is removed as needed. The addition of 15 dwellings worth of foul flows to the treatment will cause an increase in sludge but this will not result

in a substantial increase in the amount of tanker visits to this site, we currently send one of the smallest tankers available to us to minimise disruption to the residents of Devauden.

## 5.2 Neighbour Notification

Four Letters of support and eleven letters of objection have been received. The main points are outlined below:

### Support Comments:

- support the Council's housing policy to increase housing stock including affordable housing
- We desperately need this housing to allow local people to find homes in the area where they were born and work.
- This development seems highly appropriate, balanced and considered. It has been through the proper procedures and should be approved.
- Limited housing opportunity is a major contemporary social problem and any sound project is welcomed.
- Good balance of affordable and market housing units
- It is demographically important that villages like Devauden have a good and varied socio-economic and age-generational mix.
- Appreciate the concerns raised in relation to Environmental and Safety aspects, but surely with adequate time and consideration such factors could be rectified.
- Affordable housing within the locality is a very positive and forward thinking approach.
- The village will surely benefit from this well considered and thoughtful development, offering additional affordable housing is to be commended. There would appear to be no practical concerns with this location that cannot be overcome and I hope that MCC will distinguish such concerns from mere prejudicial objection.

### Against:

- Plans for development rejected by MCC in 2002 and 2004. The site was unsuitable on all previous applications and is still unsuitable.
- Planners ignored findings of reports at LDP stage that a pedestrian link was not possible and ignored an alternative suitable site.
- Impacts the view of more residents than the Churchfields site option
- The selection of site to be included in the LDP is at best flawed.
- When MCC planning originally indicated that the Churchfields site was the most suitable in the village for a number of reasons, why has Well Lane become the chosen site?
- Because the site area has changed the original inclusion within the LDP is no longer valid. The application must be removed from the LDP altogether and replaced by the alternative Churchfields site.
- No demand for affordable housing
- If more houses are required in the local area then this is not the place to build them.
- Devauden is a small rural village there is no trade or industry which would indicate the need for low cost housing.
- A housing needs assessment has not been undertaken to establish need for affordable housing.
- Monmouthshire Planning officers should look to their wider social responsibilities as paid officers serving the community and reject this application on the grounds of an increased threat to the safety and well-being of the residents of this community and not in the general long-term interest of the people of Monmouthshire.
- With no bridge tolls it will become a dormitory for Bristol commuters.
- This proposal would significantly extend the boundary of Devauden far beyond the present boundary.
- The development will ruin the rural aspect of what is a lovely village.
- This development represents the destruction of viable agricultural land.
- This development serves only to generate short term financial gain for the land owner and the developer at a long term cost to the community.
- Over 200 metres of hedgerow will be demolished which would affect the local wildlife

- Additional street lights will affect bat population.
- Contradictions between NRW report and the Pure Ecology report
- Clear statement in report by CD Gray that 'infiltration methods and direct disposal to a watercourse has been proven unviable'. Changing some areas to paving rather than tarmac and the installation of water butts unlikely to have significant effect to surface water run-off.
- The matter of storm water in the lane, the regular flooding in the field being proposed continue to erode the current road surface and verges making this lane increasingly hazardous to regular vehicular and pedestrian users. The proposed development and additional volume of traffic would only add to an existing fast deteriorating situation.
- Sewerage - It is difficult to see that something which was at capacity some years ago, has had no upgrades, is now able to accommodate 15 more households.
- Well Lane is used by farm vehicles. The new layout will have farm vehicles travelling through the new development causing particular dangers for any children in the new development.
- Access to the new Well Lane will be further outside the main village but there appears to be nothing in the plans to change the signage or speed on the approach along the B4293.
- There is no safe footpath access to the village
- The people who currently live on the lane would have restricted access to their own properties with the new layout
- The proposed traffic calming measures would cause more danger to life and cause more accidents where there is already dangerous traffic along B4293
- No viable public transport link with either Chepstow or Monmouth.
- Does not meet requirements of LDP Policy H7
- Is contrary to LDP Policy DES1 as the net density is not 30 dwellings per hectare
- The proposed development is heavily weighted to larger "exec" style housing and therefore is predicated purely on profit and does not meet the societal needs as prescribed by the government and Monmouthshire Housing policy.
- Ironical that one plot turned to give better views of the countryside whilst destroying the view of 7 existing Well Lane properties
- Poor layout and design - two separate developments with affordable and market housing physically separate.
- Both affordable and market houses are uniform in design as a bland 'box'.
- No separate visitor parking spaces provided which will cause on-road parking on new access road
- Grass verge at top of Well Lane belongs to Glebe House and should not be included in proposed development.

## 6.0 EVALUATION

### 6.1 Principle of the proposed development

6.1.1 The site is largely located within the development boundary of Devauden and is allocated in the LDP as a site for residential development under Policy SAH11 (ii) for a maximum of 15 houses. The 60:40 mix of 9 affordable dwellings and 6 private dwellings complies with the requirements of LDP Policy SAH11 (ii) and is therefore considered acceptable in principle. Para 4.2.25 of PPW10 confirms that a community's need for affordable housing is a material consideration which must be taken into account in formulating development plan policies as well as determining relevant planning applications. This reflects the importance of securing appropriate affordable housing provision in Wales. In September 2016, the Welsh Government announced the Programme 'Taking Wales Forward 2016-2021', which includes a commitment to work in partnership to deliver an extra 20,000

affordable homes to 2021. Whilst only a small development, this application seeks to assist in the provision of affordable housing by providing 60% affordable dwellings.

6.1.2 As a result of pre-application discussions an area of open space is included within the application site boundary to provide a community orchard and wildflower meadow to the southern and western boundary. A 5m wide strip of garden land serving plots 14 and 15 also falls outside the settlement boundary to allow for a wider, more accessible and more welcoming 'green link' from the development (and wider area) into the open space. With the exception of part of the access road, which also falls outside the development boundary, all built form lies within the development boundary and allocation site as indicated in the LDP. The elements that fall outside of the development boundary are for the purposes of providing an improved scheme that will benefit the wider local community and not for the purposes of providing additional built development. The scale of the application site also has wider benefits to provide green space and to form a more intensive green buffer area to soften the appearance of the development in the wider landscape.

6.1.3 Planning Policy Wales (PPW):10 (December 2018) places great emphasis on incorporating green infrastructure (GI) into development schemes stating that "Green infrastructure can be an effective means of enhancing health and wellbeing, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces" (para 3.23, p31, PPW10). It continues, "...opportunities to develop green infrastructure are taken, wherever possible" (p.122, PPW10). It is therefore considered that the principle of the larger application site boundary to incorporate GI is acceptable and accords with both national policy (PPW10) and continues to comply with LDP Policy SAH11 (ii).

## 6.2 Placemaking and Design

6.2.1 The layout of the development was subject to detailed pre-application discussions with the Highway Authority. Despite the separate accesses off Well Lane, the site is presented as a hierarchy of dwellings comprising individual units that reflect the character of a traditional rural dwelling, to that of a farmhouse which is then complimented by the more modest cottages. There are unifying features throughout the site in terms of simplicity of design, use of materials and boundary treatments that bring these dwellings together as a group.

6.2.2 The dwellings have been orientated as such to provide frontages to both the new access road and Well Lane. Plots 11 and 14 have been re-adjusted so that plot 11 overlooks the green pedestrian access link into the open space and plot 14 will be side facing. Whilst it could be argued that the orientation of plots 12 and 13, with their rear gardens facing the open space, is not best practice, it is noted that the main living space (kitchen, dining and family area) is located to the rear of these properties. This, in addition to a low level boundary treatment, is considered to provide a degree of natural surveillance to the open space behind.

6.2.3 It is recognised that the affordable housing is grouped at the eastern end of the site rather than being 'pepper-potted' around the development site, which would be normal best practice. However, adopted Supplementary Planning Guidance (SPG) for affordable housing clearly outlines that for 60/40 sites 'pepper-potting' is not required:

"Given the particular circumstances of these 60% affordable housing sites, the Council will not apply its normal policy of requiring 'pepper-potting' of affordable housing throughout a development. It is recognised that the best way of developing these sites and enabling the market housing to achieve its full potential for achieving financial subsidy for the affordable housing element is to allow the market dwellings to be grouped together." (para vi, C.1, p11 of the SPG).

As such, the development accords with the adopted SPG.

6.2.4 Negotiations were undertaken during the course of the application to improve the design of the dwellings so that they are more rural in appearance and appropriate for this edge of village setting. Finishes are predominantly render, which reflects the local area and details such as the inclusion of chimneys, arched entrances, horizontal window bars and stone cills have sought to incorporate rural features within the design. A condition will be imposed requiring specific details

and samples of proposed finishes, particularly in terms of window colours, roofing materials and brick colour to ensure heritage or muted shades are used to assist in delivering a rural appearance.

6.2.5 The proposed dwellings are considered to be of an appropriate design for the edge of village setting and would be sympathetic to the character and appearance of the rural landscape. The proposed development is in keeping with the scale and design of the local vernacular and respects its setting in accordance with LDP Policies S17 and DES1. The proposed development is considered to be of a good standard of design that would be an attractive and pleasant place to live.

### 6.3 Impact upon Amenity

6.3.1 The properties have been orientated as such to not give rise to any unacceptable overlooking or overbearing impact on the properties to the north of Well Lane. Properties along Well Lane are set back within their plots (at a slightly higher level to Well Lane) with the majority being partially screened by high hedgerows to the front boundaries.

6.3.2 It is noted that the pedestrianised entrance into Well Lane will have an impact upon the occupiers of Well Lane, particularly Cefn Coed, Whitecroft and Brambles, as they will have further to travel to reach the B4293 than currently experienced. However, it is not considered that is a reason for refusal and will assist in improving the current pedestrian situation. Moreover, as there will only be vehicular access into the above mentioned properties in this location, the level of traffic passing their properties will be significantly reduced.

6.3.3 The scale and massing of the development is not considered to have a detrimental impact upon the neighbouring amenity or privacy of the existing residential properties. Privacy distances between the proposed new dwellings are considered to be acceptable, thus preventing any undue overlooking or overbearing impact upon each other. The development is therefore in accordance with LDP Policy EP1.

### 6.4 Transport/ Access

6.4.1 It is acknowledged that the development is unable to prioritise walking and cycling in line with the sustainable transport hierarchy as specified in Planning Policy Wales edition 10, introduced in December 2018. However, as identified in para. 4.1.16 of PPW, different approaches to sustainable transport will be required in different parts of Wales, particularly in rural areas. It is therefore recognised that new development will need to reflect local circumstances.

6.4.2 The existing Well Lane / Devauden Road B4293 / Village Green staggered junction is an impediment to pedestrian movement and promotes conflicting vehicle movements through the junction. The proposed relocation of the Well Lane junction and closure of the existing junction is considered a positive improvement to both the highway arrangement and pedestrian movements in that;

- It removes vehicle and pedestrian conflict through the staggered junction, improving safety and capacity;
- The closure of Well Lane creates positive pedestrian links to and from the proposed development junction, the allotments and existing properties in Well Lane;
- Provides the opportunity for pedestrians to cross the B4293;
- Opportunities exist to provide further measures to improve facilities to cross the B4293 and link with existing footways
- Closes the sub-standard Well Lane junction in terms of approach gradient, width and very poor junction visibility;
- The construction of new junction to current standards with appropriate junction visibility is capable of accommodating all vehicles;
- Introduces dedicated parking for the allotments;

6.4.3 The highway authority have advised that is not appropriate to implement excessive and onerous measures on the B4293 to accommodate an additional 15 dwellings. The development can be safely accessed via the new proposed access onto the B4293 and it improves pedestrian links

along Well Lane and provides access for people to access the open space and community orchard within this development. The closing of Well Lane would improve highway safety, as this junction is not to current standards.

6.4.4 When this site was allocated within the LDP as a 60/40 housing site it was envisaged that a pedestrian link could be created to connect the site to the village's facilities. Owing to on site constraints, however, an appropriate narrowing of the road and acceptable pedestrian link cannot be achieved to an acceptable standard. The narrowing of the road to a single carriageway is not considered appropriate for the scale of development (15 houses) and the Highways Officer has expressed that the proposed scheme is the most appropriate way to proceed. It is highly regrettable that the proposed development is unable to provide a clear pedestrian link and is unable to actively promote pedestrian links to the village as encouraged within PPW10. However, as outlined in section 6.4.1 of PPW10 it is recognised that sustainable forms of transport need to reflect local circumstances particularly in rural areas. The applicant would enter into a Section 278 agreement with the Highways Authority to ensure appropriate highway engineering such as change of materials and surface colour within this part of the B4293 to emphasise to drivers the potential for pedestrians (at their own risk) to be using the road. On balance, it is considered that this approach is acceptable given the existing arrangement of people traveling in this manner to the allotments, the proposed improvements to access to the B4293, the improved pedestrian links along Well Lane and the closing of the junction on Well Lane. Overall, highway safety would be improved as a result of this development. The proposed scheme would provide much needed affordable housing and on balance, the lack of this direct pedestrian link would not warrant refusing the proposed development.

## 6.5 Visual Impact

6.5.1 It is acknowledged that the proposed houses would be visible from parts of the AONB and from Well Lane. However, as an allocated site for housing development, any residential development in this location would have some visual impact. That said, the views will be softened with the provision of the community orchard and tree planting to the south and west together with the existing allotment which separates the dwellings from the main B4293. Furthermore, the layout is such that it will allow for direct views through the site at the points of the access.

6.5.2 The Urban Landscape Officer has further confirmed that due to the proximity of existing housing bounding Well Lane and within the AONB boundary, the integrity of the AONB boundary and its setting at this particular specific location would not be adversely affected subject to adequate landscape treatments and mitigation being undertaken, which can be secured through conditions.

6.5.3 Landscape engineering will be used to pedestrianize the existing Well Lane access, reducing the need for hard landscaping and thus minimising any detrimental visual impact. It will also physically prevent vehicles from pulling in to use the existing allotment access.

6.5.4 Native hedgerow planting will be used to the boundaries fronting Well Lane, with the existing hedge to the north of plots 10-15 being translocated to the community orchard boundaries to the west of the site. It is noted from the plans that the existing hedge to the north of plots 1, 2 and 5 will be removed and replaced with native hedgerow and 1.8m high closed boarded timber fencing (rear gardens of plots 1 and 2 and the rear side boundary of plot 5), all fronting Well Lane. The site plan indicates that the proposed fence runs through the proposed hedgerow. The agent has been previously advised that 1.8m high timber fencing will not be visually acceptable fronting Well Lane and as such, a condition will be imposed requiring boundary treatments to this part of the site. If a solid boundary treatment is considered absolutely necessary, the developer would be required to plant a more mature hedgerow than would usually be expected from the outset in order to provide a higher level of screening from Well Lane.

6.5.5 Subject to conditions, it is considered that the visual impact upon the rural character of the area, the AONB and wider landscape is not so adverse to warrant refusal and accords with LDP Policies DES1 and LC4.

## 6.6 Green Infrastructure

6.6.1 The development includes provision for green infrastructure through the incorporation of a community and wildflower orchard (which includes a pond to the south-west corner) and a 'green link' pedestrian footpath providing access into the orchard. The existing allotments will be retained and enhanced with on-site parking (materials of which will be reinforced grass and will include additional boundary hedge planting). Soft landscaping features to the new pedestrianised area (existing Well Lane junction) together with new hedgerow planting along the northern boundary as well as to individual plot frontages. It is therefore considered that the development meets the requirements of LDP Policy GI1 and CRF1 and CRF2.

6.6.2 Furthermore, as confirmed in PPW:10 "Allotments and community growing spaces have many social, environmental, economic and health benefits. They can contribute to a place's identity and its sense of community, and can help to regenerate open spaces. Local authorities should retain and protect existing allotment sites..." (para 4.4.3, P.70, PPW10).

## 6.7 Biodiversity

6.7.1 The Council's Ecologist has carried out a Habitats Regulations Assessment and concludes that the scheme will not have a significant effect on the Interest Features of the SAC.

Paragraph 6.4.21 of PPW 10 states that the first priority for planning authorities is to avoid damage to biodiversity and ecosystem functioning. Whilst it would be preferable to maintain and enhance the hedgerow along Well Lane it is acknowledged that the ecological functionality of this will be much reduced as it becomes surrounded by housing and fragmented to allow access on this allocated site where the principle of development has already been established. However, in order to compensate for the loss of this hedgerow the Council's Ecologist has confirmed that translocating sections elsewhere on the site, together with additional robust landscaping would be considered acceptable as indicated on the revised plans. However, a detailed scheme for the translocation of the hedgerow will be secured by condition together with a GI Management Plan which includes the long term management of habitats. Subject to such conditions, the scheme is considered to accord with LDP Policy NE1.

### 6.7.2 European Protected Species - Three Tests

Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests have been considered in consultation with NRW / the Council's Biodiversity and Ecology Officers as follows:

(i) The derogation is in the interests of public health and public 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.

Development Management Comment: The primary reason for the development is provide much needed housing within Monmouthshire on what is an allocated site within the Local Development Plan. The development would add to the economic value of the land. This would give rise, albeit indirectly, to some local social and economic benefit by further enhancing the fabric of the surrounding area.

(ii) There is no satisfactory alternative

Development Management Comment: The 'do nothing' scenario has been considered and rejected as it leaves the application with a vacant allocated site and a shortage of affordable housing within the area.



(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Development Management Comment: There are no outstanding objections relating to dormice from NRW subject to conditions.

In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard for the advice of the Council's own Biodiversity Officers, it is recommended that planning conditions are used to secure the following:

- conditions for a lighting plan and GI management plan together with the implementation of mitigation as outlined in the revised ecology report.

The proposed development would not have an acceptable impact on wildlife interests and the development would be in accordance with Policy NE1 of the LDP.

## 6.9 Drainage

6.9.1 A comprehensive Drainage Strategy has been submitted in support of the application. The report confirms that separate foul and surface water systems are to be provided and that the proposed drainage systems will be designed in accordance with recommended non-statutory standards for sustainable drainage (SuDs) in Wales - designing, constructing, operating and maintaining surface water systems published by the Welsh Assembly Government in January 2016, Building Regulations Document H 2002, Sewers for Adoption 7th Edition, BRE Digest 365 and CIRIA's SUDs Manual. As part of this, above ground attenuation in the form of a pond is proposed within the community orchard. The drainage strategy identifies that the pond can provide the storage volumes required for the surface water. In addition, soakaways will be provided (subject to percolation tests) together with water butts to individual houses. Dwr Cymru-Welsh Water have confirmed that they are satisfied with the proposed disposal of foul water and thus this element is considered acceptable.

## 6.10 Response to the Representations of Third Parties and Community Council

6.10.1 The site was subject to examination at the LDP stage and was subsequently included as an allocated site for residential development in the adopted LDP in 2011. The principle of development on this site has therefore already been established and any comments in relation to this are thus academic. As explained in section 6.1 earlier in this report, the additional land included in the red line boundary is primarily for green infrastructure, the inclusion of which is encouraged in the newly adopted PPW:10 (December 2018). This additional land (approximately 20.5m at its widest point) is not for development and thus it is not considered to undermine the original LDP allocation nor does it require the site to be removed from the LDP. In the event that this development is not approved, the site would still remain an allocated site for residential development, albeit a future application may not provide for the same level of open space to enhance the development. Furthermore, as an allocated site, the development is assessed against Policy SAH11 (ii) and is not a 'rural exception site' under Policy H7. With regards to density, as an allocated site, Policy SAH11 (ii) specifies that the development is for a maximum of 15 dwellings. This is to ensure that the development retains a low density that is characteristic of a village setting. Thus the 30 dwellings per hectare under Policy DES1 would not be applicable to this site.

6.10.2 As mentioned in para 6.1.3 above, there is shortage of affordable homes within Wales. Furthermore, the Strategy and Policy Officer has confirmed that there are currently 214 households in housing need waiting for accommodation in the Devauden area. This demonstrates there is a clear local need and shortage of affordable housing within this area. This application seeks to contribute to reducing this deficit.

6.10.3 It is acknowledged that the removal of the bridge toll could encourage commuters to purchase properties this side of the border. However, this is not a reason to refuse this development and the work location of any prospective purchasers cannot be controlled by the Local Planning Authority.

6.10.4 As explained in paragraph 6.2.3 above, the SPG outlines that 60:40 sites allow for the grouping of market houses in order to financially facilitate the high number of affordable units on the site. The development is considered to be compliant with the SPG. Similarly, the orientation of the plots and design of dwellings has been discussed in section 6.2 above and have been the subject of negotiation throughout the application.

6.10.5 It is suggested that the site is prone to flooding. However, it is not recorded as being within any flood zone (as defined by Natural Resource Wales maps) and as such is not considered as being a 'high risk' site where residential development should be avoided. As discussed in section 6.9 above, a drainage strategy has been proposed to deal with drainage, in line with Welsh Government guidance and Building Regulations. The regulation of this falls under the remit of Building Regulations and is not a reason for refusal. As highlighted at the beginning of this report, the application was submitted prior to the 7th January 2019 and is therefore not subject to SAB (Sustainable Drainage Approval Body).

6.10.6 In response to concerns regarding the number to tankers to and from the development to service the treatment works, Dwr Cymru-Welsh Water have confirmed that the addition of 15 dwellings' worth of foul flows to the treatment will cause an increase in sludge. This will not result in a substantial increase in the amount of tanker visits to this site, however, and they currently send one of the smallest tankers available to minimise disruption to the residents of Devauden.

6.10.7 Highway and ecology issues have been discussed in sections 6.4 and 6.6 - 6.7 above. In terms of the erection of road signs, this does not fall within the remit of the Local Planning Authority, but is a matter for consideration by the Highway Authority.

#### 6.11 S106 Contributions

6.111 The agent has agreed to enter a Section 106 in relation to the affordable housing element. 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. Nine of the fifteen dwellings will be offered up as affordable housing and therefore the development complies with both policies S4 and SAH11 of the LDP. The plots identified as being affordable are Plots 1-9.

#### 6.12 Conclusion

In conclusion, it is considered that the development is acceptable in terms of form, scale and design and will not have an adverse impact upon the residential amenity of existing neighbouring properties or the wider rural landscape, in accordance with LDP Policies DES 1 and EP1. Indeed, the development would make efficient use of the land whilst making a contribution to improve the housing shortage and providing a community orchard for the village to enjoy. Despite the omission of a pedestrian footpath along the B4293, the highway proposals are considered to be a positive improvement to the existing arrangements for residents of Well Lane. The proposed new access onto the B4293 would improve highway safety given it would be constructed to meet current standards there would be improved pedestrian links for residents on Well Lane and other residents in the village to the allotments. Translocation of parts of the existing hedgerow will be secured by condition, together with a GI Management Plan and drainage proposals for the site. On balance, it is considered that the proposed development complies with LDP Policies SAH11 (ii), NE1, GI1, DES 1, EP1, S4, CRF2, MV1 and is recommended for approval subject to conditions.

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

6.13.1 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.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

9 dwellings as affordable units - Plots 1-9.

Plots 1, 2, 4 and 5 as 2-bed DQR

Plot 3 as 3-bed DQR

Plot 6 as 3-bed Low Cost Home Ownership (LCHO)

Plots 7, 8 and 9 as 2-bed Low Cost Home Ownership

### S106 Heads of Terms

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

### **Conditions:**

- 1 This development shall be begun within 5 years from the date of this permission.  
  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development shall be carried out in accordance with the list of approved plans set out in the table below.  
  
REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
- 3 Before the approved development is first occupied the footpaths and the closing of Well Lane shall be fully constructed in accordance with the approved plan.  
  
REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping including the community orchard and details approved as part of the Green Infrastructure Management Plan shall be carried out in the first planting and seeding season following the occupation of the buildings 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 safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.
- 5 No operations of any description (including all forms of development, tree felling, tree pruning) shall commence on site until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full compliance with the Arboricultural Method Statement.  
  
REASON: To protect important landscape features within the site and to ensure compliance with LDP Policy G11.
- 6 Prior to commencement of development root protection details, in accordance with British Standard 5837:2012 - Trees in relation to Design, Demolition and Construction Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) The type of protection barriers to be used.
- b) A scaled drawing of the proposed site layout showing the positioning of the protection barriers.

REASON: To protect important landscape features within the site and to ensure compliance with LDP Policy G11.

- 7 Prior to construction of the first dwelling hereby approved, samples of the proposed external finishes shall be agreed in writing with the Local Planning Authority. 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.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

- 8 Notwithstanding the details on the approved plans, prior to occupation of the first dwelling hereby approved, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected to plots 1-5 inclusive shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed as approved prior to occupation of any of the plots 1-5 and retained in perpetuity, unless otherwise agreed with the Local Planning Authority.

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

- 9 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly authorised by this permission) shall be erected or constructed without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1.

- 10 All screen walls and/or fences relating to the dwelling(s) shall be erected before the dwelling(s) is/are occupied or completed whichever is the sooner and retained in perpetuity.

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

- 11 Before any of the dwellings are first occupied provision shall be made within each curtilage for the parking and/or garaging for cars as outlined in the approved plans. Garages shall be used for the parking of motor vehicles and domestic storage only.

REASON: To ensure provision is made for the parking of vehicles and to ensure compliance with LDP Policy MV1.

- 12 Prior to the occupation of the first dwelling, details of the proposed 'green link' access path (between plots 11 and 12) and the informal path shall be submitted to and approved in writing by the Local Planning Authority. The details shall include proposed materials, access points, waymarking and aftercare management plans. The link shall then be constructed in accordance with the approved details prior to the occupation of the first dwelling.

REASON: To ensure the proposed pathway is accessible for all and to accord with LDP Policy G11.

- 13 The development shall be carried out in strict accordance with section 5 of the report titled 'Land at Well Lane, Devauden, Monmouthshire NP16 6PE - Ecological Assessment' by Pure Ecology dated 1 February 2019.

REASON: To safeguard habitat of Protected Species in accordance with the conservation of Habitats and Species Regulations 2017 and Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policy NE1.

14 Prior to the installation of external lighting a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and dormice that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, lux levels and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

15 A 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 managed together with desired condition of GI assets.
- b) Trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) 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. 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 safeguard all Green Infrastructure Assets at the site and to continue to provide habitat for dormice in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4.

16 No vegetation removal shall take place until a scheme for the translocation of hedgerows is submitted to the LPA for approval. The approved scheme shall be implemented in full.

REASON: To safeguard priority habitat and foraging/commuting/nesting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

- 17 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP.

REASON: To protect the neighbouring amenity in compliance with LDP Policy EP1.

- 18 No development shall commence until detailed design, safety audits and technical approval for the re-location of the Well Lane junction and associated works on the B4293 have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance the approved details.

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

- 19 No development shall commence until the applicant has entered into a Section 278 agreement, Highways Act 1980 with the Council for the works associated with the re-location of the Well Lane junction and associated works on the B4293 & Well Lane as, but not limited to the details as indicated on Drawing No.1810 (04) Rev N - Proposed Site Layout.

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

- 20 No dwelling shall be occupied until the proposed re-location of the Well Lane Junction and associated works on the B4293 and Well Lane have been constructed in accordance with approved details.

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

- 21 No building shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy EP5.

## **INFORMATIVES**

- 1 The proposed development site is crossed by public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The positions shall be accurately located, marked out on site before works commence and no operational development shall be carried out within a specified easement zone either side of the centreline of the public sewers. The applicant is advised to contact Welsh Water to discuss.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition.

Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 2 This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>.

We may wish to discuss aspects of the proposed dormouse mitigation with the applicant in more detail at the EPS licence application stage. Please note, any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.

- 3 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
- 4 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.
- 5 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.