

Application Number: DM/2018/01899

Proposal: New parking area with new footpaths, sitting and clothes drying areas

Address: The Lawns, West End, Magor

Applicant: MHA

Plans: All Proposed Plans 18026-02 - B,

RECOMMENDATION: APPROVE

Case Officer: Mrs. Helen Hinton

Date Valid: 13.12.2018

This application is presented to Planning Committee at the request of the Ward Member and following the receipt of objections

1.0 APPLICATION DETAILS

1.1 The application seeks full planning permission for the development of a car park, footpaths, seating and clothes drying areas within the boundary of The Lawns, Magor.

1.2 The plans submitted detail the development of a seven space parking area within the northern part of the site with a new vehicular access drawn from Redwick Road to the north-east, which is an adopted, category 3C highway. The spaces would be for use by existing residents and their visitors. The plans also indicate the development of new 1.2m wide resin bond paths within the complex, the creation of seating areas and the installation of the new and additional rotary clothes lines.

1.3 The application originally sought consent for a much larger car parking area (15 spaces), scooter stores, bike racks and a semi-enclosed quiet seating area. However, following objections to the proposal and discussions with the applicant, these elements have been removed from the application and the parking reduced in scale. The amended plans have been the subject of a further round of public consultation.

Site Appraisal

1.4 The Lawns is a sheltered housing complex of 30 one-bedroom units built in the early 1970s. The site is owned and maintained by Monmouthshire Housing Association. The complex as a whole is located within the development limits of Magor, to the west of the designated central shopping area and is outside of but immediately adjacent to the Magor Conservation Area boundary. The site is also located within C1 flood zone as defined by the Development Advice Maps of Technical Advice Note (TAN) 15: Development and Flood Risk.

1.5 The land in the northern part of the site is currently laid to lawn with a number of mature trees. Existing off-street parking facilities are provided within the southern part of the site, accessed from West End.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2018/01899	New parking area with new footpaths, sitting and clothes drying areas	Pending Determination
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

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 well being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Original proposal

Magor and Undy Community Council- Requested that determination of the application be deferred (no further response received).

MCC Highways - No objection subject to conditions requiring alterations to indicate a footway vehicular crossing as opposed to a junction, thus ensuring that pedestrians have priority and that the car park access and egress is secondary and clearly defined as a private area; and the provision of permeable paving.

MCC Heritage - The proposal is outside of Magor Conservation Area; the buffer boundary is not part of the scheme. No heritage concerns.

Glamorgan Gwent Archaeological Trust - It is our opinion that the proposal is unlikely to encounter significant buried archaeological remains. Therefore it is our opinion that there will not be a requirement for archaeological mitigation works

Amended Application

MCC Highways - the proposed amendments to reduce the level of on site parking do not affect the Highway Authority's opinion on the application and we offer no objection to the proposal as re-submitted.

5.2 Neighbour Notification

The original application has been advertised by direct neighbour notification and erection of a site notice. Eleven letters of representation were received and are summarised as follows:

Affect local ecology

General dislike of proposal

Increase danger of flooding

Increase in traffic

Loss of privacy

Noise nuisance

Existing car parking provision is sufficient.

Proposal is excessive and seems to predominantly benefit staff, visitors and maintenance personnel.

The entrance onto a main road with cars, lorries and buses speeding past around the two corners.

Car park will increase noise, pollution and traffic onto a very busy road.

Parking area needs to be marked as private to prevent wider village use.

Additional parking and raised flower beds are required.

The proposal would be dangerous to users of the existing path and gate that allow residents easy access to bus stop etc., and allow residents to walk around the complex with wheelies and sticks, Will result in the loss of the green open space, residents footpath and light to the detriment of residents amenity.

Scooter storage unnecessary, people need their scooters outside their houses. Would also block light into homes

For the EPV (electric personal vehicle) garages to be used they would require a charging point. If this is to be provided a charge point for an electric car should also be provided in the car park with debit/credit payment facilities.

Bicycle storage is unnecessary.

Question the need for a quiet corner in the back end of flats. Would result in people looking at a fence and may be used for anti-social behaviour.

Amended plans

The amended plans have been advertised by direct neighbour notification.

Six letters of representation have been received and are summarised as follows:

The car park is too dangerous and there will be more non-residents than residents using it.

The access would lead onto a very busy road. Cars are often parked on the side of the road, sometimes on both sides and visibility of oncoming traffic in both directions is decreased.

Area needs to be fenced off for the security of residents.

The revised plans seem to be a sensible compromise. Unwanted features have been removed and a further six parking places in addition to the existing six provided. There is insufficient parking for residents at the Lawns.

A remote-controlled barrier should be provided for both the new and existing residents parking so that trade vehicles and visits can be restricted and will reduce opportunities for accidents with

illegally parked trade vehicles and will allay fears with regards to unauthorised use of the parking to access village facilities.

5.3 Local Member Representations

The Ward Member was notified of the original application on 27th November 2018 and has provided the following response:

I note the current level of dissatisfaction from numerous residents at The Lawns. There is a view that MHA the applicant ought to have thoroughly consulted all residents prior to lodging an application of this nature.

The level of car ownership among residents is variable and current parking appears sufficient for residents' needs. The proposal seems more aimed at benefiting MHA contractors and visitors. There is on road parking and this ought to be sufficient for contractors, carers and visitors.

The parking areas effectively destroy all the current open space/green infrastructure and mature trees which are currently enjoyed by residents and adds greatly to the residential amenity.

The current parking areas at The Lawns / tarmac areas are expansive and leave little green space at the front of the complex to absorb surface water. Due to positioning and the consistent erosion of green space- West End is subject to flooding in heavy rain and I would be concerned that this would add further to the issues experienced by residents.

I am also extremely concerned by the proposal for an additional access off Redwick Road. This is a busy road and a main route to the primary schools and Magor Square. There is no need for an additional vehicle exit and removal of the green space and the footpath indeed will greatly affect residents' (of The Lawns) safe passage across the complex to The Square and bus stop.

I can see no evidence that residents have requested scooter stores and again these seem intrusive and of limited value.

The bicycle racks seem a good idea in principle but again are not felt to be required by residents.

In terms of street scene and visual amenity on the edge of the conservation area, I feel the proposal is damaging and adds nothing to the integrity and long term preservation of our local heritage and wider environment. The loss of the green space is particularly damaging.

Following consultation with regards to the amended scheme, no written response has been received to date.

6.1 EVALUATION

6.2 Strategic & Spatial Choices

6.2.1 Principle of Development

The application seeks full planning permission to provide a seven bay car park, new point of access and various internal site works at The Lawns, Magor. Being mindful that the complex is an established residential development, within the village's development limits and that the facilities proposed would be used by residents and their visitors, the principle of development is considered acceptable subject to the application satisfying a number of material considerations.

6.2.2 Good Design

The proposed parking area would be developed on an area of lawn and soft landscaping to the north of the main complex of dwellings. It is considered that the revised plans indicate a development of an appropriate and acceptable scale relative to the number of dwellings on site,

would maintain all existing mature trees where possible and would benefit from good natural surveillance from residents and passers by.

Although the loss of part of the lawned area is regrettable, in this instance it is considered that the provision of additional facilities for the benefit of existing residents would not be so detrimental to the character and visual amenity of the area to warrant refusal of the application. The application is therefore considered compliant with the requirements of policies S17 and DES1 of the LDP.

6.2.3 Impact on Amenity

As part of the original application concerns were raised with regards to the impact of the proposal on the amenity of existing residents as a result of the loss of the landscape/ amenity area, increased and overshadowing generated by the proposed scooter store; increased light pollution and light spill from proposed lighting columns and the removal of a pathway leading from the dwellings to the northern corner of the site, which provides access to Redwick Road.

Following discussions with residents, MHA have removed a number of features and provided amendments to the application to overcome concerns and to ensure that pedestrian access remains the priority.

Although the loss of the lawned area could be considered detrimental to residents' amenity, on balance it is considered that the amended plans detail an acceptable compromise that would provide additional facilities without having a significantly detrimental impact on the amenity of those living within or adjacent to the site.

On the basis of the above, the application is considered compliant with the requirements of policies S17 and EP1 of the LDP.

6.32 Active and Social Places

6.2.1 Access/ Highway Safety

Access to the development would be gained via a new entrance leading from Redwick Road to the north-east of the site, opposite a junction serving Withy Close. Following consultation, public concerns have been raised with regards to the safety for junction users and those passing the site in terms of pedestrians and vehicles.

Following consultation with regards to the original scheme, the Highways Team raised no objection to the increase in on site parking provision and the creation of a new and independent means of access off the adjacent public highway known as Redwick Road, subject to conditions requiring the proposed means of access to traverse the footway as opposed to being a junction design, thereby ensuring that pedestrians have priority, and that the car park access and egress become secondary and clearly defined as private; and the submission of details with regards to permeable paving.

Following re-consultation with regards to the amended plans, it has been confirmed that the alterations do not alter the Highway Authority's response to the scheme.

Whilst residents' concerns with regard to highway safety are acknowledged, following a site visit it has been confirmed that the proposed access would benefit from sufficient visibility either side to prevent use being detrimental to highway safety. Although positioned opposite an existing junction, it is considered that the level of use generated by the proposal would not be so great to be detrimental to the existing highway safety and free flow of traffic. Subject to conditions the application is considered compliant with the requirements of policy S17 and MV1 of the LDP.

6.3 Distinctive & Natural Places

6.3.1 Landscape/ Visual Impact

The proposed parking area would be visible from the pavement and highway to the east of the site. Although the loss of part of the lawned area is regrettable, being mindful of the position of the proposal within the defined curtilage boundary and the number of dwellings on site, it is considered that the area would appear proportionate in scale and ancillary to the dwellings. Relative to the residential context of the site where the provision of off road parking and hardstandings is not uncommon, the proposal would not be out of keeping so as to be considered detrimental to the visual amenity or landscape value of the area. The application is therefore considered compliant with the requirements of policies S13 and DES1 of the LDP

6.3.2 Historic Environment

Following consultation with regards to the original (larger) proposal, the Council's Heritage Team noted that the site is outside of Magor Conservation Area and the boundary buffer. As a result no concerns were raised.

Following consultation the following information has been received from Glamorgan Gwent Archaeological Trust:

"The development area is located within the Gwent Level Archaeologically Sensitive Area, on the raised land and solid geology north of the Levels, although outside the Gwent Levels Registered Landscape of Outstanding Historic interest. It is c40m from the Scheduled Ancient Monument of the Medieval Procurator's House, Cadw reference MM180, which adjoins the churchyard of St Mary. This area was the focus of the Medieval settlement, the extent of which is not certain, However, archaeological work undertaken nearby in relation to development area has not encountered significant archaeological deposits. No archaeological features are recorded within the development area itself; and the area would have been disturbed during the creation of the current housing.

Given our understanding of the current archaeological and historic environment resource, and the nature of the proposal, it is our opinion that the proposal is unlikely to encounter significant buries archaeological remains, and given the current information, therefore, it is our opinion that there will not be a requirements for archaeological mitigation works and we therefore have no archaeological objection to this application."

On the basis of the above, subject to the imposition of advisory notes with regards to archaeology, it is considered that the development proposed would not have a detrimental impact on the historic environment and is compliant with the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017).

6.3.3 Green Infrastructure and Biodiversity

The proposed parking area currently forms part of the maintained and improved amenity area of the wider site. Being mindful of the area of lawn and mature trees to be maintained, it is considered that the proposal would not have detrimental impact on the green infrastructure or biodiversity value of the site or wider area.

The plans submitted detail the provision of new lighting columns within the site. However, the details have not been submitted for consideration and will need to be sought by condition to ensure that light spill is not detrimental to both residential amenity and the foraging and roosting activities of species of conservation concern within the area. Subject to the imposition of conditions the application is considered compliant with the requirements of policies S13, GI1 and NE1 of the LDP.

6.3.4 Flooding

Although the dwellings in The Lawns are located within the C1 Flood zone as defined by the Development Advice Maps of Technical Advice Note (TAN) 15: Development and Flood Risk (2004), the proposed parking and access point is outside of the designation. As the proposal

would provide a secondary means of escape from the site in the occurrence of an extreme flood event, the scheme is considered compliant with the requirements of TAN 15.

However, the replacement of an existing soft landscaped area with hard surface could lead to increased surface water run off that could exacerbate flooding issues within the wider area. As the application was submitted prior to 7th January 2019, there is no requirement for the developers to apply for sustainable urban drainage consent. However, being mindful of the adjacent C1 allocation, the potential increased surface water outfall and Welsh Water's direction to remove or prevent surface water from entering foul or combined sewers, it is considered necessary to condition drainage details of the development to be submitted to and approved in writing. Subject to the imposition of such a condition the application is considered compliant with the requirements of policies S12 and SD4 of the LDP

6.4 Response to the Representations of Third Parties

6.4.1 It is considered that the amended plans submitted have helped to alleviate the concerns and objections raised during the first round of consultation.

In response to the comments received as part of the amended plans the following comments are offered:

Safety and use of the car park

It is considered that the internal layout of the amended scheme and the access with the county highway helps to ensure that pedestrians retain priority within and on the county highway network adjacent to the site, with sufficiently wide, appropriately lit pathways developed along principal desire lines and the maintenance of the pavement as opposed to a junction development with the county network. Use of the site by persons not connected to the site would be a matter for the landlord to control and enforce. It is considered that the use of parking spaces by delivery vehicles, carers, visitors and maintenance personnel visiting and assisting residents on site, would have a beneficial impact on the wider area by reducing demand for on-street parking.

Access onto a busy road

It is acknowledged that the category C highway (Redwick Road) to the east of the site is busy and suffers from congestion as a result of on-street parking. Although the proposed access would be developed opposite the junction serving Withy Close, it is considered that the development would benefit from sufficient visibility in both directions and would not generate such an increased number of vehicle movements to cause conflict to highway safety and the free flow of traffic. The provision of additional on site parking may help reduce on-street parking demand to the benefit of highway safety.

Area needs to be fenced off for the security of residents

The plans submitted in support of the application indicate that the perimeter fence would be maintained. Whilst no fencing is provided within the site between the pathways, parking and manoeuvring areas, it is considered that the use of appropriately coloured and contrasting surfacing materials would provide sufficient contrast to allow for the differing area use to be identified and therefore help prevent conflict between pedestrians and drivers. Details of the materials to be used could be sought by condition. Concerns are raised that the provision of fencing between the car park and existing amenity area may result in the spaces being disassociated with The Lawns and make them more susceptible to use by the general public.

Barrier provision

Although the provision of a barrier at the entrance to the site would inhibit unauthorised use and would help alleviate residents' fears with regard to abuse, this is not currently proposed and could not be reasonably sought by planning condition. The use and management of the parking spaces will need to be controlled and regulated by the landlord.

6.5 Well-Being of Future Generations (Wales) Act 2015

6.5.1 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.

6.6 Conclusion

6.6.1 On the basis of the above report, whilst the loss of part of the existing lawned area is regrettable, it is considered that the amended development proposed would not a significantly detrimental impact on the character and appearance of the area, residential amenity, highway safety, green infrastructure and biodiversity or the archaeological value of the area. Subject to the imposition of conditions it is considered that the development is compliant with the relevant policies of the Monmouthshire County Council Local Development Plan and is recommended for approval subject to conditions.

7.0 RECOMMENDATION: APPROVE

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 Notwithstanding the details of the approved plans, prior to the commencement of development, detailed design of the proposed access with the county highway network shall be submitted to and approved in writing by the Local Planning. The development shall only proceed in accordance with the approved plans and shall be maintained as such thereafter. No development hereby approved other than that associated with the proposed accesses shall commence until the access has been constructed in accordance with the approved plans.

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

4 No development shall take place until a scheme of surface water drainage has been submitted to, and approved by, the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be completed before the first beneficial use of the development.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy SD4.

5 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the

agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

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

6 Prior to the commencement of development, details of the external lighting to be used to include design and levels of illumination, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be retained as such thereafter.

REASON: In the interest of the residential amenity and to prevent detrimental impact on the foraging and roosting activities on species of conservation concern within the area, in compliance with the requirements of policies S13, S17, NE1 and EP1 of the LDP.