Application Number:

DC/2017/01335

**Proposal:** Full planning application for demolition of existing buildings and residential

development with associated works

Address: Cross Ash Garage, B4521 Hill House to Trebella Farm, Cross Ash NP7 8PL

**Applicant:** Mr. Stephen Martin

Plans: Site Layout 1928-BK-01 - (SITE LAYOUT), Garage Plans 1928-GAR-01 - (SINGLE

GARAGE), All Drawings/Plans 1928-HF-01 - (HOUSE FINISHES), Location Plan

1928-LP-01 - (LOCATION PLAN), Site Layout 1928-TP-01 - (PLANNING

LAYOUT), Floor Plans - Proposed 1928/T1/01 - (TYPE 1), Floor Plans - Proposed 1928/T2/01 - (TYPE 2), Floor Plans - Proposed 1928/T3A/01 - (TYPE 3), Floor Plans - Proposed 1928/T3B/01 - (TYPE 4), Topographical Survey CD3699-01 - (TOPOGRAPHICAL SURVEY), Tree Survey E1884401 TREE SURVEYS

ADDENDUM REPORT - ,

# RECOMMENDATION: Approve subject to a unilateral undertaking

Case Officer: Ms. Kate Bingham

Date Valid: 23.12.2019

This application is presented to Planning Committee given the constrained deadlines for the delivery of the site having regard to Welsh Government funding arrangements for affordable housing

### 1.0 APPLICATION DETAILS

- 1.1 This application relates to a former garage site to the north of the B4521 in the village of Cross Ash. The site is partially within the settlement of Cross Ash and partially allocated as a 60/40 affordable housing site under Policy SAH11(i)(b) of the Local Development Plan (LDP). The site layout proposed two open market houses within the village Development Boundary with one additional open market house and three affordable houses within the housing allocation area.
- 1.2 The site measures approximately 0.1 hectares in area. The site was previously used as a petrol filling station and there are two buildings remaining from the previous use including a service workshop and main garage building with timber frame office extension.

### 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2017/01335	Full planning application for demolition of existing buildings and residential development with associated works	Pending Determination	

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision

S2 LDP Housing Provision

S4 LDP Affordable Housing Provision

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

SAH11 LDP Main Villages

### **Development Management Policies**

H2 LDP Residential Development in Main Villages

H7 LDP Affordable Housing Rural Exceptions

GI1 LDP Green Infrastructure

LC5 LDP Protection and Enhancement of Landscape Character

**DES1 LDP General Design Considerations** 

EP1 LDP Amenity and Environmental Protection

SD2 LDP Sustainable Construction and Energy Efficiency SD3 LDP Flood Risk

SD4 LDP Sustainable Drainage

**NE1 LDP Nature Conservation and Development** 

MV1 LDP Proposed Developments and Highway Considerations

MV2 LDP Sustainable Transport Access

MV3 LDP Public Rights of Way

**EP3 LDP Lighting** 

#### 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

**Llangattock Vibon Avel Community Council** - Councillors have examined the site and proposal, and recommend approval.

- 1. The removal of a derelict eyesore, clearance of contaminated ground, and the provision of affordable housing are welcome.
- 2. The provision of affordable housing should be a condition of any consent. Councillors would also prefer the detailed plans to specify that the outward appearance and materials of the buildings are more in keeping with other buildings in the village.

**NRW** - We note from the above report that recent surveys found lesser horseshoe, common pipistrelle and myotis species of bats using the buildings that are to be demolished for day roosting. A small maternity roost of common pipistrelle bats is also present. In addition, the above report states that 2015 surveys found evidence of use by brown long-eared and whiskered bats. We welcome the general mitigation and avoidance measures proposed. However, in our opinion, in order to be satisfied that the proposals will not lead to a detriment to the favourable conservation

status of the species in question, more information is required regarding the location and nature (size of the structure and the void, materials, access points, orientation etc.) of the replacement bat roosts, in particular the proposed structure containing the bat loft. We advise that the structure containing the void is designed in accordance with best practice guidelines ('Bat mitigation guidelines' by English Nature, 2004). Furthermore, we advise that architectural drawings illustrating the finalised proposals need to be submitted to your Authority for approval prior to the determination of this application. A lighting plan for the proposed development, which shows how illumination of bat roosts, access points and flight lines is avoided is also required. We will review our position and advise further when this further information has been submitted.

\*\*This information has been submitted by the applicant and MCC is awaiting a further response from NRW at the time of writing this report\*\*

NRW note the site's historic use as a petrol station and its environmental sensitivity, due to directly overlying a Secondary aquifer and bordering surface waters. Therefore, we recommend conditions are included in any planning permission granted.

**DC-WW** - No objections. Note that foul drainage will by private means. Also note that the site is crossed by an abandoned water main which DCWW must retain access to at all times unless it is diverted.

**MCC Environmental Health** - Having considered the information available in relation to this application I am of the opinion that I am unable to substantiate an objection to the proposal. I

would however recommend that conditions in relation to contaminated land and lighting form part of any planning consent granted for the development.

**MCC Biodiversity** – final response awaited.

MCC Highways – response awaited.

MCC Tree Officer - Satisfied that there is enough evidence on aerial photography to show that further arboricultural information to support this application is not required.

MCC SAB - The applicant will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

MCC Housing Officer - We have been working with Monmouthshire Housing Association and the landowner to bring this site forward for development. As you are aware it is allocated under policy SAH11 (i) and there has been a planning history with this site.

Through working with MHA we are in a position to bring forward six units of accommodation three of which will be affordable, two will be built for the open market by MHA/ Capsel and the landowner will build his own property on the site. To assist with viability and other issues, I have agreed to support the affordable housing through the Social Housing Grant programme and have committed £368,000 of SHG in this financial year.

There is a need for affordable housing in this area, and the proposed 3 x 2 bedroom houses best meet the identified need. I am in full support of the application and affordable units are much needed in the village, they will be administered through a rural allocations policy to ensure those with a local connection are allocated a property (assuming the application is successful).

#### 5.2 **Neighbour Notification**

Two representations received. Object on the following grounds:

Affect local ecology Close to adjoining properties Inadequate access Inadequate parking provision Inadequate public transport provisions Increase danger of flooding Increase in traffic Increase of pollution Loss of light Loss of privacy Noise nuisance Out of keeping with character of area

Over-development

Potentially contaminated land

Strain on existing community facilities

Cross Ash is a Hamlet not a Village. Why is it classified in the MCC LDP as a Major Village (Policy S1, page 52) when places such as Llantilio Crossenny, Mitchell Troy are classified as Minor Villages. Cross Ash has no amenities (except a Hall), no Church, no public transport. The proposal also increases the population in the hamlet with the resulting effect of:

- i. Increase the Carbon Footprint
- ii. Increase noise pollution
- iii. Increase light pollution

Storm water etc., will be drained via the culvert opposite the old garage but this feeds into the stream across our land and has already caused erosion of the bank plus there has been no public consultation with us.

We have concerns over where the discharge will end up as there are several water courses which feed into our fish/wildlife ponds which support a great deal of wildlife: otter, heron, white egret, duck, goose and kingfisher and are also spawning sites for toad, frog and newt.

The following is also, if this proposal went ahead:

- a. How long the building works would take and how would this be managed by the contractor to not impact the current inhabitants (noise, dust, large machinery etc.)?
- b. How the demolition of the workshop and associated asbestos roofing would be handled to ensure that there would be no asbestos ingress or threat to the current inhabitants and wildlife?
- c. How, exactly, would the proposal ensure that the build would be in keeping with the current hamlet?
- d. How the proposal would not impact current skyline, as the existing building is single storey and the proposal suggests that the houses would be 2 storey with roofs?
- e. Where will the water supply come from rising main or reservoir?

### 6.0 EVALUATION

### 6.1 Strategic & Spatial Choices

# 6.1.1 Principle of Development

Part of the site is allocated for around five dwellings in Policy SAH11. Policy S4 relates to affordable housing provision and states that in Minor Villages there is a requirement for at least 60% of the dwellings to be affordable. In this case, on the allocated part of the site, three dwellings are affordable and one is open market, which equates to 75%. Therefore, this part of the proposed development meets the requirements of this policy. On the area of the site within the Development Boundary of the village, in accordance with Policy S4 an additional financial contribution would be required for these open market dwellings. However, after pre-application discussions with planning officers relating to economic viability, it was agreed that this could be waived due to the fact that this site is a brownfield allocation and the additional market dwellings would help with remediation costs to bring the overall site forward.

### 6.1.2 Good Design/ Place making

The site is a currently vacant and partially derelict petrol filling station and the redevelopment of the site for residential purposes will have a betterment to area in terms of character and appearance.

The existing residential vernacular in proximity to the site comprises of traditional stone and rendered houses with slate roofs.

The proposed new dwellings are traditional in form and scale being two storey with pitched roofs but include more contemporary features such as non-symmetrical windows, vertical timber cladding and zinc roofs.

Three types of houses are proposed. Types 1 and 2 are the open market housing and will be detached and front the main road. Type 3A is the affordable housing, which will comprise three two-bedroom dwellings in a terrace side on to the road.

House type 1 is a four bedroom dwelling and very traditional in appearance with symmetrical double frontage around a central front door and porch. It will be finished in stone with a slate roof.

House Type 2 is also four bedroom but includes a steep gable on the front and rear elevation which forms an overhang for the front door. It also includes vertical timber cladding on the gables with smaller more contemporary fenestration in this area as well as a zinc roof.

House Type 3A which is the affordable housing will be similar in its appearance and external finishes to House Type 2. This house type also includes a feature first floor rectangular bay window.

Other materials proposed will be a mix of multi coloured brickwork for the terrace and reconstituted stone walls for the detached dwellings. Grey uPVC is proposed for the windows and timber or timber effect doors and garage doors.

The introduction of more contemporary design features in the proposed development is considered to be appropriate in the context of the existing village which has a mix of house types and styles. However, to ensure that the proposed development blends well with the surrounding street scene, it is considered that the finishing materials should be controlled by condition with samples being required prior to construction, as good quality materials will be key to the success of the more contemporary design aspects of the proposal.

Overall, it is considered that the scale, form and design of the proposed dwellings will not harm the overall appearance or character of the area and the application therefore meets the requirements of LDP Policy DES1.

# 6.1.3 Impact on Amenity/ Promoting Healthier Places

The houses have been designed with no habitable room windows on the side elevations that would cause overlooking either between them or over the gardens of the existing properties to the west. All rear gardens will also benefit from relatively high degrees of privacy due to the layout of the proposal. As such, it is not considered that the proposed development will harm residential amenity and does not conflict with LDP Policy EP1.

### 6.2 Active and Social Places

# 6.2.1 <u>Sustainable transport issues (Sustainable Transport Hierarchy)</u>

Cross Ash is designated as a Main Village in the LDP. The Council's methodology for assessing a settlement's sustainability centred on access to facilities and services, including public transport. Although the bus service is not particularly frequent, there are opportunities to get to Abergavenny and further transport links from the site.

### 6.2.2 Access / Highway Safety

Access to the dwellings is proposed via the formation of two new accesses off the B4521. Visibility is relatively good in both directions from each of the access points and there is space within the site for all traffic to enter and leave in a forward gear. Given the small scale of development, the use of these access points is unlikely to adversely affect highway safety in the area or have any impact on the wider highway network.

Parking has been provided at a rate of one space per bedroom for each dwelling (up to a maximum of 3) which meets the Monmouthshire Parking Guidelines standard.

### 6.3 Distinctive & Natural Places

### 6.3.1 Landscape/ Visual Impact

The site is a currently vacant and partially derelict petrol filling station and the redevelopment of the site for residential purposes will have a betterment to the area in terms of the character and appearance of the wider landscape. The relatively small site will be a redevelopment of an existing site with limited loss of green areas and the landscaping plan submitted with the application shows additional tree planting which is welcomed. Furthermore, the site is located on the edge of the existing settlement meaning that the wider landscape impact of the proposed new dwellings will be limited.

### 6.4.4 Green Infrastructure

Given the small scale of the proposed development, there are limited opportunities for new Green Infrastructure as part of this development. However, there are areas of landscaping outside the boundaries of individual dwellings that will have to be managed. The detail of who will be responsible for the management of the retained/mitigation habitats and strategic GI areas needs to be provided. A GI Management plan will be sought for these areas to ensure they are appropriately managed for biodiversity and provide net benefit on the site. This will be conditioned.

# 6.4.5 Biodiversity

There are no statutory or non-statutory designated nature conservation sites on the survey site; however, there are three non-statutory sites (the closest is 360m away) within the 1km study area. No rare habitats were recorded. Protected species recorded on the site are common toad, roosting and foraging bats and nesting birds (including swallow). No reptiles were recorded during specific surveys. The site provides potential amphibian and reptile cover and sheltering habitat, badger sett building and foraging habitat and hazel dormouse habitat. Previous records for the 1km study area include bluebell, bats and birds.

During the bat scoping survey bats were seen roosting behind the boarded window areas along with several hundred fresh bat droppings in the same areas. Throughout the survey season, six common pipistrelle bats, a single myotis bat and a maximum of four lesser horseshoe bats were seen roosting either behind the boarded windows and within the building itself. No lesser horseshoe bats or any other bat species were seen hibernating within the buildings during the two hibernation checks. During the bat dusk surveys a maximum of six common pipistrelle bats and three lesser horseshoe bats were seen emerging from the building. Noctule bats, Leisler's bat, serotine bat, soprano pipistrelle bat, brown long-eared bat and myotis bat species were also recorded foraging and commuting on the site.

The main potential ecological constraints associated with the proposed development are (i) loss/disturbance to habitats, (ii) harm and injury to roosting bats, (iii) loss of bat roosting habitat, (iv) harm to nesting birds, (v) loss of nesting bird habitat and (vi) harm and injury to hazel dormouse. There are ecological opportunities through habitat creation, native planting/sowing and enhancements for faunal species. Evidence has shown that bats are currently using the buildings as day-time bat roost sites, including a small maternity roost. An EPS mitigation licence for roosting bats from Natural Resources Wales will be required for building demolition works. A Hazel dormouse survey will also be required if any hedgerows/scrub are to be removed.

Any works must be implemented in accordance with the mitigation measures detailed in the ecological survey accompanying the application. This has been conditioned. Enhancement measures include landscaping areas to include native species, species-rich hedgerow planting on any fence lines/site boundaries, house sparrow nest boxes on the new houses on the site, insect boxes in the retained hedgerows/scrub and hedgehog boxes in the bases of retained hedgerows/scrub. Grassland loss will be compensated by sowing a native flowering lawn mixture in new gardens (suitable for more frequent mowing).

The application also proposes native tree, shrub and hedgerow planting to equal or preferably exceed the number/length lost due to the development and a new purpose-built bat void in a stand-alone structure such as a garage or bin store for lesser horseshoe bats. The proposed new dwellings themselves will include ridge tunnels for bats and bat tiles in the roofs for common pipistrelle bat and myotis bat species, use of bituminous (bat friendly) roof liner in the roofs of the new houses and new bat void and also bat friendly timber treatments. Swallow and other general bird nest boxes are also proposed to be installed on the new houses and trees on the site.

The boundaries of the development site (currently close-boarded fencing) should also look to provide a buffer to this area and could be planted with hedgerow and/or native species planting and the existing hedgerow to the north noted as defunct should be enhanced through additional planting. The grassland should be managed to encourage its floral diversity and provide compensatory priority habitats. Management of this area could also include retention of some of the scrub habitats and inclusion of reptile hibernacula. This will be controlled through the submission of a GI Management Plan (conditioned).

### 6.4.6 Flooding

The site is not within any designated flood plain and therefore issues of this type are not anticipated.

## 6.4.7 Water (including foul drainage / SuDS), Air, Soundscape & Light

The applicant is proposing to discharge the development's surface water run-off to ground via soakaway/infiltration methods. Validation of this approach remains subject to site investigation and should the ground be unsuitable then they will explore alternative disposal methods in accordance with the SuDS hierarchy.

The existing culvert is too high to make a gravity connection to serve as a site wide solution and so if any connection to the watercourse were to be sought it would be downstream of the culvert and its outlet to the open stream to avoid pumping. Given the brownfield nature of the site, there are comparative hardstanding areas, generating similar run-off profiles, between the existing and proposed scenarios. Should a positive outfall (to watercourse/sewer) be sought then this would be restricted to an appropriate discharge rate, which would provide significant betterment in terms of reducing loadings and downstream flood risk.

In terms of foul drainage, with no existing mains sewerage, the application proposes package treatment solution(s). Again, whether the treated 'clean' effluent then discharges to ground or a positive discharge point will be governed by the ground conditions and the same testing referenced above. NRW environmental permits and/or exemption licences will be pursued if required in the detailed design stages.

All drainage will have to be a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

### 6.4.8 De-risking (contamination issues)

Having reviewed historical mapping, the Council's land contamination database, and petroleum license files, Environmental Health advise that there is a potential for contamination to be present on the site due to the former use as petrol station/garage.

The most up to date information Environmental Health hold is from October 2015. This information identified that the underground storage tanks (and the pumps and pipework) were still in place and that contamination of the surrounding soil had been identified. There was also a significant amount of perched/groundwater located up against the tanks which was also contaminated. As such, conditions requiring site investigation/risk assessment procedure be undertaken by the developer have been included below. This will ensure that any contamination is identified and mitigated.

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

6.5.1 A local resident queried why Cross Ash is designated as a Main Village in the LDP. The Council's methodology for assessing a settlement's sustainability centred on access to facilities and services, including public transport. Villages which scored 5 or more, and were then ranked in the third tier or above, had the potential to be designated as Main Villages and suitable for a housing allocation. The results of the ranking exercise were modified by the consideration of additional factors such as the size of the village, its landscape setting and, crucially, a suitable supply of land. Although not weighted in the original assessment the types of facilities available were also taken into account. Cross Ash is a fourth tier village but designated as a Main Village by reason of a having school.

6.5.2 In terms of noise, disturbance, safety and protection of wildlife during construction works, a Construction Environmental Management Plan (CEMP) will be required to be submitted to and approved in writing prior to development commencing. This plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise (including proposed hours of on-site working), vibration, dust, and waste disposal (including asbestos) resulting from the site preparation, groundwork and construction phases of the development and the management of Heavy Goods Vehicle (HGV) access to the site. This will be secured via condition.

Other issues raised by local residents are addressed earlier in this report.

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

6.6.1 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 Unilateral Undertaking requiring the following:

## **Heads of Terms**

The three affordable housing units referred to on the plans shall remain as affordable homes in perpetuity.

### 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.

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.

Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise (including proposed hours of on site working), vibration, dust and waste disposal (including asbestos) resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with LDP Policy EP1.

4 Prior to the commencement of development, a written scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be implemented and maintained for the lifetime of the approved development.

REASON: To protect the amenity of the locality, in terms of light pollution to ensure compliance with LDP Policy EP1.

- No part of the development hereby permitted shall commence until:
- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

- d) Following remediation a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
- e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

REASON: To ensure that any potential risks to human health or the wider environment which may

arise as a result of potential land contamination are satisfactorily addressed in accordance with LDP Policy EP1 and EP2.

Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed in accordance with LDP Policies EP1 and EP2.

### **INFORMATIVES**

- O Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.
- The applicant will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the

SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at https://www.monmouthshire.gov.uk/sustainable-drainage-approving-bodysab.

O The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.