

**Application Number:** DM/2019/02051

**Proposal:** Construction of 20no. affordable housing units, landscaping and associated works

**Address:** Land At Wern Gifford, Pandy, Abergavenny, NP7 8DL

**Applicant:** Mr. Tim Crooks

**Plans:** General 455 01A - , Site Plan LT1917 0402 - , All Proposed Plans LT 1917 04111 - , All Proposed Plans LT 1917 04112 - , Site Plan LT 1917 04 03 - , All Proposed Plans LT1917 04 04 - , Street Elevation LT1917 04 10 - , Site Layout LT1917 0401 - , Drainage LT3070 201 - , Site Sections LT3070210 - , Site Sections LT30700211 - , Drainage LT3070215 - , Drainage LT3070216 - ,

**RECOMMENDATION: APPROVE subject to a Unilateral Undertaking agreement**

Case Officer: Ms. Kate Bingham

Date Valid: 06.01.2020

**This application is presented to Planning Committee as there are five or more objections to the proposal**

**1.0 APPLICATION DETAILS**

1.1 The application is for the construction of 20no. affordable housing units, landscaping and associated works.

The area is identified in the current Local Development Plan (LDP) as being within the Wern Gifford (Pandy) development boundary. The proposed development of 20 no. dwellings comprises; 10 no 2 person one-bedroom houses, 5 no. 5 person three-bedroom houses , 4 no. 1 person one-bedroom flats and 1 no. 3 person two-bedroom bungalow.

1.2 The site is principally within an allocated main village site SAH11(xvi) which highlights some on site considerations i.e. a C2 flood zone, protection and enhancement of an adjoining scheduled ancient monument (SAM) and provision of community open space (play area / allotments).

1.3 The site is adjacent to a CADW listed SAM: Tramway embankment of Grosmont railway which also accommodates PROW 356/462/2 and ancient woodland. The field in which the proposed development is situated, and part of the SAM, also form part of a larger site of interest for nature conservation (SINC) site, a local designation valued for H4 neutral grassland & H2 veteran trees.

1.4 The proposed site is also immediately adjacent to a C2 Flood zone area. The principal access into the site would cross the flood zone area.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/02051	Construction of 20no. affordable housing units, landscaping and 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**

##### **Llanvihangel Crucorney Community Council - object:**

1. Contrary to policy already outlined by MCC, relating to its preference for mixed housing developments, it was observed that this was a development relating completely to social/affordable housing. The answer given was that this was because partial grant funding has been obtained from the Welsh Government.
2. Access to the development (both when under construction and afterwards) would have an enormous impact owing to increased traffic flow into Wern Gifford Estate especially around the Primary School entrance with the children's safety issues already a great concern. The question was raised as to whether access could be created from the Grosmont/While House Pitch road through an area owned by the existing landowner who had released the present plots south west

of Wern Gifford for development. It was observed that the land accessed from the White House Pitch Road was as yet only a candidate site and part of the review process under the 2018-2033 LDP without planning status. It was forcefully stated by local people present at the meeting that all 'traffic surveys' had taken place in holiday time when traffic flow was at its minimum because of school holidays and that the results of the computer modelling which had taken place under the auspices of the agent for the applicant following the surveys were therefore misleading and could not be trusted. It was felt that theoretical data is not enough and that local residents' every day experiences should be acknowledged, considered and taken into account in any assessment. There seems not to have been any mention of every day school traffic or other Wern Gifford site traffic at all.

3. It was observed that not all residents of Wern Gifford had been informed of the proposals at pre-application public consultation stage.

4. Residents were extremely concerned that DCWW felt that the sewerage/drainage system serving Llanvihangel Crucorney and Pandy was capable of taking a sizeable development of this nature. The planning agent informed the community council that they had received a pre-consultation letter from DCWW which had replied in a positive manner when referring to the present system's ability to cope with any extra input. The latter statement was particularly infuriating to local residents and councillors who had suffered numerous sewerage and flooding disasters over the years especially since Wern Gifford and other more recent housing developments had taken place. Ongoing at the moment there are 2 housing developments which when finished will add another 24 properties to the already overloaded system in addition to the 20 properties proposed in the current social housing application. Moreover, DCWW's latest response would seem to be in complete contradiction to its statement in a letter to the community council dated 13 September 2013 in which it stated that "the findings of the HMA indicate that our 150mm diameter gravity foul sewer serving Pandy is hydraulically overloaded at present. The HMA confirmed that there is an amount of storm flows entering the bottom end of the catchment, which exceeds the design capacity of the sewers in this area in times of heavy rainfall". In this letter it is further mentioned that "land adjacent to Wern Gifford has a separate sewer system with no discernible storm response" and that there were a number of sections that had root ingress which required scheduled maintenance and patch lining. It also mentioned that there was a lot of surface water entering the public sewerage system upstream of the Rising Sun Public House. As far as the community council is aware, no major improvements or surveys have taken place to ameliorate these findings in recent years. The applicant's agent's stance on this matter was that a separate sewerage pipe would be installed in the new development and that an 'attenuation system' for surface water drainage would be installed and the problem would be solved. Recent legal requirements that no development be allowed which would increase the risk of flooding was disputed in this case by all local people as the community had suffered serious flooding in the past and the area in the vicinity of this development was in fact on the flood plain. It is not clear either as to how extra surface water from the proposed tarmacked access road will be accommodated as the ditch which seems to run alongside it on the plans does not lead anywhere. There does not seem to be a bridge planned over the nearby stream either and there is no mention of design, levels or clearance between the stream and the underside of any bridge which may materialise. Re: all discussions about drainage and sewage, it was pointed out by the various people at the meeting that the overriding problem lay with the main sewerage pipe into which all the lateral pipes ran insofar as it was insufficient for the needs of the community, This was the most important point to be addressed but none of the authorities were taking any notice. DCWW's favoured approach to problems seems to be purely reactive in dealing with each incident as it occurs on an ad hoc basis rather than being proactive when a recurring problem manifests itself and upgrade a failing system, despite great anxiety and distress that flooding and sewage disasters cause local residents.

5. Linked to no.2 above, is the intake capacity of the local Primary School. Councillors have it on good authority that the intake capacity will never change and no further accommodation will be built by the County Council. As the school is virtually always at full capacity, this will result in any extra children from this development being transported into Abergavenny. Once again it seems that little thought has been put into this aspect of the development by the planners.

6. The full site plan suggests that the area is landlocked in very close vicinity to the flood plain.

7. It was strongly felt that until DCWW had met with the community council and local residents that no final decision should be made with regards to this application by MCC.

8. It was observed that other matters relating to these proposals include planning statements regarding transport links and other aspects of infrastructure which contain inaccuracies as follows:

(a) the bus service X3 is every two hours, not one and there is no direct service to Abergavenny train station and parking there is inadequate;

(b) information re hotel accommodation as there is no longer a hotel in Pandy.

9. The following policies/guidelines mentioned in the LDP seem to have been breached and at the very least need further clarification/action before this latest application is progressed: Policies EP1, EP2 and EP5.

Councillors feel that, as well as all the other matters commented on, it is absolutely vital that Dwr Cymru/Welsh Water is closely quizzed about its opinion that the sewerage/drainage system in the area is fit for purpose as residents' experience suggests exactly the opposite; especially as housing development after housing development seems to be nodded through despite evidence to the contrary re the above. Dwr Cymru/Welsh Water will be attending the Community Council's next meeting on the 18 February at Pandy Hall. Councillors feel that no planning permission should be progressed until the sewage/drainage situation is fully clarified.

**Dwr Cymru-Welsh Water** - No objections:

Sewerage Treatment - No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharged from this site.

Water Supply - A water supply can be made available to serve this proposed development.

**Cadw** - Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments or registered historic parks and gardens.

The consultation includes an archaeological and heritage desk-based assessment prepared by EDP. This work considers that the proposed development will not have any impact on the above designated heritage assets and their settings apart from scheduled monument MM199 Tramway Embankment of Grosmont Railway.

The assessment considers that development in the application area will have an adverse impact on the setting of the scheduled monument. However, a buffer zone alongside the scheduled monument has been incorporated into the design of the development along with the retention of existing vegetation, which will be augmented by additional planting. These measures will reduce the impact of the proposed development on the setting of the scheduled monument to slight adverse, a level of impact that will not be significant.

**Glamorgan Gwent Archaeological Trust** - The area is adjacent to the Scheduled Monument MM199 Tramway Embankment of Grosmont Railway. The supporting documentation includes an Archaeology and Heritage Assessment from EDP (reference edp5440\_r001b, December 2019). This document does not meet current professional standards and the report cannot be deposited in the Historic Environment Record by the archaeologist. The assessment is missing information on which the consideration of the impact of the proposal is based. These include:

1. It was not undertaken to an agreed methodology with the archaeological advisor and therefore -
2. No study area was agreed
3. No bilingual summary or site walkover details are in the report
4. No details of aerial sorties examined
5. No historic mapping (apart from Tithe).

As the report cannot be accepted in its current form, please could you request that these changes are made and that the report is resubmitted. (This has been requested and is pending at the time of writing this report).

**MCC Landscape/GI/Urban Design** - No objections subject to conditions.

**MCC Highways** - There are no highway grounds to sustain an objection to the application subject to conditions relating to the construction of the roads.

**MCC Biodiversity** - Holding objection. Further information received. Awaiting revised comments.

**MCC Education** - The catchment school for the proposed development is Llanvihangel Crucorney Primary School. The total school capacity is suitable for 77 children and we currently have 68 on the roll, leaving nine surplus places. Four of the seven year groups have met its capacity. Our formula advises us that approximately four children would be generated from 20 dwellings. If any children arising from the development fall within a year group that is currently at capacity, the next nearest school with capacity is likely to be Deri View Primary at 4.5 miles. The capacity for Welsh Medium provision is currently pressured although we are looking at options to relieve this pressure.

**MCC Lead Local Flood Authority** - No objections. Notes to applicant:

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. The SAB is granted a period of at least seven weeks to determine applications.

The applicant will need to apply for Ordinary Watercourse Consent for the works over the watercourse.

SEWBRc Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

Seven representations received objecting on the following grounds:

1. The existing primary school, is heavily congested with school traffic. As it stands this already is hazardous because of the parking around the school by parents who pick their children up from the school.
2. Traffic coming north on the A465 have to turn right into the estate on a busy main road which in itself is not without danger. There has already been one fatal accident here in the past.
3. Increasing the amount of traffic coming into the estate by at least forty cars (assuming the new dwellings will probably need two vehicles), plus delivery vehicles, will make this turning more dangerous and the traffic flow around the school even worse.
2. The proposed new road to be constructed through the now cul-de-sac will be no more than a single track and together with the current residents' parking will cause more congestion.
3. At a time when we are being asked to cut down global warming you are encouraging development at a site where residents will have no alternative but to rely on their own cars.
4. The proposed site is metres from a stream that has always been prone to flooding. In fact the whole area suffers from sudden flooding (e.g. the 26th October 2019) . The residents around this area of the estate have suffered from flooding in the past.
5. The sewage and drainage infrastructure is already inadequate on Wern Gifford, with reports of sewage backing up in toilets in some parts of the estate.
6. Whilst we are aware of the need for new housing, because of the above points this development is in our opinion as Wern Gifford residents, totally unsuitable. However should the access to the new development be other than through Wern Gifford, it might then be more acceptable.
7. The school is already full, with no ability to add more children to existing classes, or to expand the site to create further classroom space. This would likely mean any additional families moving to these new houses being forced to take or send their children to the schools in Grosmont or Abergavenny, which would increase traffic to and from the development. .
8. There is a lack of any local infrastructure in the form of grocery retail, or service professionals such as doctors, dentists, etc. For these services, any resident is required to travel to Abergavenny or Hereford, and this will increase traffic and general car use.
9. You note the requirement from the PPW for developments to be located within existing urban areas, and to be well served by existing public transport. One bus an hour in each direction could hardly be termed 'well served', especially given that the bus is full of older children going to school in Abergavenny at the same time that any commuter wishing to brave public transport might want to use it, the buses do not go to the railway station in Abergavenny, and the last bus from Abergavenny to Hereford leaves at 5pm, which would make it unusable as a means of transport

for anyone working in the town, or returning to the town by train from working further afield. While the PPW acknowledges that increased car use as a side-effect of a development is possible, it is disingenuous to suggest that the increased car use would be a side-effect in this case; the schedules of the various forms of public transport make it certain that car use would be preferred over public transport.

10. Given the amount of land available for use in and around the proposed development, and the repeated mention in various proposal documents of the need to build within existing developed areas to concentrate around existing transport and other infrastructure, it is easy to see that this development could be used to provide justification for future development proposals within the same area; such proposals could only increase the difficulties already mentioned, and it would surely be desirable to ensure that any existing problems of access to schools or services, driven partially by public transport availability.

11. The affordable housing allowed by BBNP in Llanvihangel Crucorney should be completed before any other houses or flats are considered anywhere near Wern Gifford.

12. Question what steps will be taken to protect local residents during the construction phase.

### 5.3 Other Representations

Coed Cadw Woodland Trust - The Woodland Trust Objects to the proposals on the basis of the potential damage to the ancient woodland which is designated on NRW's Ancient Woodland Inventory (AWI) as Ancient Semi-natural Woodland (ASNW). ASNW are areas of broadleaf woodlands comprising mainly native tree and shrub species which are believed to have been in existence for over 400 years. By definition these sites are irreplaceable.

The application indicates the proposed development within 10m from the ancient woodland. Where such development is sited in close proximity to ancient woodland it is important that a buffer zone is maintained between the development and woodland to ameliorate harmful impacts. In this instance the Trust considers that the applicant should implement a buffer zone of at least 15m between the development and the ancient woodland. The buffer zone should be planted before construction commences on site and a fence should be put up in place during construction to ensure that the buffer does not suffer from encroachment of construction vehicles/stockpiles.

### 5.4 Local Member Representations

Supports the comments of the Community Council.

## **6.1 EVALUATION**

### **6.2 Strategic & Spatial Choices**

#### 6.2.1 Strategic Planning/ Development Plan context/ Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning application decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for the site comprises the Monmouthshire County Council Local Development Plan (LDP), which was adopted in February 2014 and covers the period 2011-2021.

This site is allocated for residential development under policy SAH11(xvi) of the LDP for 15 dwellings. It is proposed to bring forward the remaining part of the site, which lies outside of the LDP allocation boundary as affordable housing provision under Policy H7 of the LDP, to accommodate a further 5 dwellings.

Policy H7 states that favourable consideration will be given to the siting of small affordable housing sites in rural areas adjoining the Rural Secondary Settlements, Main Villages and Minor Villages identified in Policy S1 that would not otherwise be released for residential development provided that all the following criteria are met:

- a) The scheme would meet a genuine local need (evidenced by a properly conducted survey or by reference to alternative housing need data) which could not otherwise be met in the locality (housing needs sub-area);
- b) Where a registered social landlord is not involved, there are clear and adequate arrangements to ensure that the benefits of affordable housing will be secured for initial and subsequent occupiers;
- c) The proposal would have no significant adverse impact on village form and character and

surrounding landscape or create additional traffic or access problems.

In terms of the three criteria, as of January 2019 there was a waiting list of 2021 affordable homes (Bands 1-4) in the County and in allocating this site for affordable housing the Inspector's Report on the LDP agreed that the overall scale, type and distribution (of the affordable housing sites) achieves the relevant objectives of the LDP in a sustainable manner consistent with the Wales Spatial Plan and national policy. Criterion b) is not applicable as this application is being made on behalf of Monmouthshire Housing Association and will not come forward without their involvement and funding. Criterion c) will be considered below.

#### 6.2.2 Use of Best and Most Versatile (BMV) Agricultural Land

Agricultural land in England and Wales is graded between 1 and 5, depending on the extent to which physical or chemical characteristics impose long-term limitations on agricultural use. Grade 1 land is excellent quality agricultural land with very minor or no limitations to agricultural use, and Grade 5 is very poor quality land, with severe limitations. Grade 3 land is subdivided into Subgrade 3a (good quality land) and Subgrade 3b (moderate quality land). Land which is classified as Grades 1, 2 and 3a in the ALC system is defined as best and most versatile agricultural land.

There is no detailed ALC data available for the site or locality but provisional mapping shows the site as Grade 2. The soils mapped as being present are generally well drained and medium loamy or coarse loamy throughout. The limitation to agricultural land quality is likely to be slight, to Grade 2, other than in the east of the site where flood risk may represent a more severe limitation to Subgrade 3a.

Paragraph 3.55 of Planning Policy Wales outlines that Grades 1, 2 and 3a agricultural land should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable.

In this instance there is a need for housing in the Wern Gifford area as evidenced by the LDP allocation for residential development, from which the majority of the site benefits. In addition, the surrounding area comprises similar grade land to that of the application site, and there are no alternative sites available for development. The development of the site for residential use is therefore consistent with paragraph 3.55 of Planning Policy Wales.

#### 6.2.3 Good Design/ Place making

The existing surrounding urban development is a typical low-rise housing with no structures raising higher than two storey. The school is a single storey building. The existing vernacular of the properties at Wern Gifford is consistent with a 1960's typical material palette of light facing brickwork, concrete roofing tiles and feature tile hanging dormers of gables. The majority of properties have upgraded their original windows and doors to white UPVC. The street layout is also typical of an urban housing estate road with adoptable standard roads and footways with off road parking.

It is difficult for the materials palette of the proposed development to incorporate many features of the surrounding properties as these were constructed in the 1960's and are somewhat outdated. However, a variety of different materials have been included which is similar to the surrounding area. A mix of stone, facing brickwork and render with grey reconstituted slates and uPVC windows with simple glazing patterns is proposed.

The development will have a standard two-storey height with the exception of one bungalow which is compatible with the adjoining development in the area. Being affordable homes, all of the proposed dwellings have been designed to ensure that they comply with the Welsh Government's Design Quality Requirements 2016.

On balance, therefore it is considered that proposed that the development will not have an adverse impact on the existing character of the surrounding area as the proposed development reflects local context and the existing settlement pattern. The proposed housing therefore meets the requirements of LDP Policy DES1.

#### 6.2.4 Impact on Amenity/ Promoting Healthier Places

It is generally accepted that development densities of 30-50 dwellings per hectare (dph) are

appropriate to make best use of identified development land and to protect the countryside from urban sprawl. The proposed development for the site of 20 units is considered to be an appropriate density (46dph) which balances the need to make the best use of the site whilst having due consideration to local densities and ensuring the provision of appropriate amenity and privacy standards.

The proposed dwellings are therefore limited to one and two storey with no additional accommodation in the roof spaces. This will ensure that they are not out of keeping with the existing properties. Furthermore, all overlooking and privacy distances (21m between habitable room windows and 11m between elevations and neighbouring boundaries) are considered to have been met in the proposed layout. In addition, boundary treatments and the general topography of the site will not only safeguard the privacy of the future occupiers of the site but also existing residents'.

On this basis, it is considered that the proposed development meets the requirements of LDP Policy EP1.

### 6.2.5 The Welsh Language

The properties are to be affordable houses for local people. As such the relatively small development is unlikely to have any impact on the use of the Welsh language in the area.

There is some pressure on Welsh Medium school places but that is an issue that the Council's Education Department is working to address.

## **6.2 Active and Social Places**

### 6.2.1 Sustainable transport issues

The site is accessible by walking and public transport at a local level as it is within walking distance to a number of local facilities including Llanvihangel Crucorney Primary School, Llanvihangel Crucorney convenience store and local pubs. The site is located within 500m walking distance from the nearest local public transport network on the A465. Here a bus service provides a two hourly connection to Hereford to the north and Abergavenny and Cardiff to the south. Given the infrequency of the current buses, it is likely that driving will be the preferred mode of transport, contributing to 81% of all daily movements, with walking and public transport contributing to 19% of all movements throughout the day. Notwithstanding this, existing footway facilities within the local area are generally good and provide reasonable access to local facilities. The site is also within reasonable distance from the national cycle network. The site is therefore considered to have reasonable links to promote active and sustainable travel from the site.

### 6.2.2 Access / Highway Safety

The main access to the development for both pedestrians and vehicles will be via the existing Wern Gifford residential estate to the east of the site, which links the site with the A465 to the north of the primary school. Access to the site is proposed at the most southern part of the Wern Gifford Estate. Access will be directly from the existing turning head and lead west into the site. The access road has been designed as a continuation of the existing Wern Gifford estate road.

From the traffic data outlined in the submitted Transport Statement, prepared by Lime Transport, the proposed development of 20 dwelling units will generate approximately 145 two-way vehicular movements throughout the day with a total of 20 trips in the AM peak and 12 in the PM peak. Based on this it is accepted that the proposed daily vehicular movements from the site will have minimal impact on the local highway network, as there is sufficient capacity along the existing network and at existing junctions within the vicinity to the development site.

The access road has been designed as a conventional 5.5m wide access road with a 2m footway on the northern side which connects to the existing footway at Wern Gifford. At the entrance from Wern Gifford a road narrowing and raised table is shown to act as a traffic calming feature to reduce vehicle speeds to a required design speed of 20mph. Where the proposed access road leads into the residential area there is an additional narrowing and raised table which leads into a 4.8m wide access road with 2m wide footways and 1.5m wide marginal strips. There are two access roads which serve the residential area, one which leads northwards with a turning area suitable to accommodate the turning movements of a refuse vehicle and one which leads further



west.

A small turning area is shown at the western estate road however, has not been designed to typical turning head standards. Based on this it is recommended that the small turning area be removed and the 1.5m strip be continued straight through. In addition it is recommended that the narrowing and table within the residential area be moved further east near to the proposed culvert so as to incorporate all of the residential area. The road could ramp up at this point and lead into a raised shared space area. The aforementioned revisions may be considered further through a condition, as outlined below.

Pedestrian access will be gained via an extension to Wern Gifford to the east of the site. As part of the development it is proposed to provide a 2m footway along the northern side of the proposed site access. This will form part of the existing footway at Wern Gifford, which has pedestrian footways on either one or both sides of the carriageway, connecting to the A465. The A465 itself has a 2.8m wide footway to the south of the existing Wern Gifford priority junction, providing connections to a local facilities and bus routes. Furthermore, as part of the development, it is proposed to provide a footpath to the north of the site which will provide direct connections to the A465 for pedestrians.

It is proposed to provide a total of 45 car parking spaces together with cycle parking (the latter to be within the shed of each house and bungalow and within a secure cycle storage facility within the curtilage of the proposed flats). The requirements of the Monmouthshire Parking Standards 2012 are 1 parking space per bedroom (maximum of 3). Having assessed the proposed parking provision it is accepted that each individual unit has the requisite number of parking spaces and therefore satisfies the Monmouthshire Parking Standards 2012.

### **6.3 Distinctive & Natural Places**

#### **6.3.1 Landscape/ Visual Impact**

The immediate site is identified in LANDMAP as being of various values for Visual and Sensory landscape quality: (Monnow valley) open lowlands valley of a HIGH value; Historical (East Abergavenny) irregular landscapes OUTSTANDING; Cultural landscape (Upper Gwent) HIGH value for Sense of Place; Landscape habitat (Llanvihangel Crucorney and surrounds ) mosaic MODERATE value and Geological (Stanton) MODERATE value.

The development proposes small pockets of landscaping comprising a buffer along the boundary and frontage of each dwelling. The site also proposes to introduce small, but intensively planted areas between the frontage of house and the road that will break up hard surfacing along the street frontage.

Additional planting on the western boundary of the site would also be secured to make the transition between the open countryside and the built up area softer. This will also protect the setting of the SAM.

Subject to this additional landscaping, it is considered that the proposed development will not have a significantly adverse impact on the wider landscape and accords with Policy LC5 of the LDP.

#### **6.3.2 Historic Environment**

To the west of the site there is a Scheduled Ancient Monument (SAM) which is the Grosmont railway line and embankment. These stand 3m above the site. The western field boundary is dominated with a mature tree belt that rises slightly towards the embankment.

The railway embankment can be viewed from both north and westward views and is currently overgrown by mature trees and scrub on both embankments. The top of the embankment hosts the remains of the Grosmont Railway line and is considered an important monument in the progression and understanding of transportation of the 18 / 19th Century. In light of this, the siting of plots 1-8 take into consideration the topography of the embankment, the need for maintenance (of both the bank and the trees), the need for a continued view of the monument and the need to control unwanted tipping from the proposed dwellings. To this end a green buffer zone has therefore been allowed for to the rear of plots 1-8, with no development being undertaken with the tree canopy and maintaining a 4m ecological green buffer zone between the rear fences and the embankment. This is considered acceptable in this respect and Cadw's comment offering no

objection is noted.

### 6.3.3 Green Infrastructure

Under LDP Policy GI1, all development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network by: a) Ensuring that individual green assets are retained wherever possible and integrated into new development. Where loss of green infrastructure is unavoidable in order to secure sustainable development appropriate mitigation and/or compensation of the lost assets will be required; b) Incorporating new and /or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off-site.

The tree retention and removal plan indicate approximately 25 trees to be removed. The planting plan indicates 27 new trees to be planted. The inclusion of rain gardens, swales and appropriate planting are all welcome.

A range of wider functions have been identified through the GI assets assessment, LVIA and DAS. The applicant seeks to provide further connectivity to the wider PROW network via a mown path connecting from the vicinity of plot 16. This has been agreed with the landowner and will be secured via a Unilateral Undertaking.

The GI management plan that has been submitted is broadly acceptable but may need to be updated to reflect any subsequent amendments due to changes in ecological and or landscape prescriptions. This will be a condition of any consent. The plans should also include in its appendix reference to the GI assets and opportunities assessment, landscape schedules, a chart showing timescales of activity and the location of the site.

The GI management plan should also include management prescriptions for the proposed swales and rain gardens inclusive of construction, cross section details and associated planting. Subject to the agreed GI Management Plan, the development is considered to meet the requirements of LDP Policy GI1.

### 6.3.4 Biodiversity

In accordance with PPW 10, the protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision, and LDP Policy NE1. This should be informed by relevant ecological assessments, included as GI opportunities for the site and subsequently to ensure long-term functionality detailed management prescriptions will need to be provided as part of a GI management plan.

The site that was allocated in the adopted LDP sits within a SINC (Wern Gifford SINC) which was identified & designated during the LDP process for its valuable Neutral Grassland and Veteran Tree habitats.

Development proposals that would have a significant adverse effect on a locally designated site of biodiversity and / or geological importance, or a site that satisfies the relevant designation criteria, or on the continued viability of priority habitats and species, as identified in the UK or Local Biodiversity Action Plans or Section 42\* list of species and habitats of importance for conservation of biological diversity in Wales, will only be permitted where:

- a) the need for the development clearly outweighs the nature conservation or geological importance of the site; and
- b) it can be demonstrated that the development cannot reasonably be located elsewhere.

The decision that the benefit of the development (affordable housing) would outweigh the harm to nature conservation was made at the time of allocation. Therefore parts a) and b) of the policy have been addressed. The policy goes on to state that:

Where development is permitted, it will be expected that any unavoidable harm is minimised by effective avoidance measures and mitigation. Where this is not feasible appropriate provision for compensatory habitats and features of equal or greater quality and quantity must be provided.

In this instance, two areas of land have been secured for management by the applicant adjacent to

the site. The hedgerows around the site and wider field boundaries have also been secured as part of a Dormice Conservation Strategy. It is important to note that Policy NE1 requires compensatory habitats to be of equal or greater quality and quantity. Notwithstanding this requirement, in terms of quantity, the proposed development is providing mitigation habitat for both the loss of priority habitat and in respect of Dormice, this equates to a total area which is in excess of the area required to facilitate the proposed development. In addition, in terms of quality, the management of these areas through a structured management plan will support and promote the long-term resilience of the habitat and secure its future use.

Further to the management of these areas, the proposed development also incorporates a comprehensive SuDs scheme, including the use of swales and other green features, which will in turn promote biodiversity. The water within SuDs components is vital for the growth and development of plants and animals to provide food and breeding opportunities. In addition SuDS features can provide shelter and foraging opportunities. SuDS also promote water quality by treating water runoff, which is also beneficial in terms of biodiversity, preventing harm from chemicals.

Finally the proposed layout also includes a comprehensive planting scheme, including hedgerows and tree planting around the periphery of the site, this provides additional habitat creation over and above the offsite areas. As such, the proposed development is considered to accord with the provisions of PPW and Policy NE1 of the LDP.

The future management of areas both within and outside the site will be secured through a Unilateral Undertaking.

#### 6.3.5 Flooding

The issue of flood risk is a valid material consideration in determining planning applications. The access to the site lies partially within a Zone C2 flood plain which is identified as being at a high risk of either tidal or fluvial (rivers/streams) flooding. As such a Flood Consequence Assessment (FCA) has been submitted which includes a levels survey (related to Ordnance Datum) to demonstrate the current extent of flood risk. This is necessary in order to determine what degree of mitigation measures would be required to meet the required standard of protection, and that suitable access can still be achieved in an extreme flood event.

The flood map (taken from NRW flood maps) has been considered within the site layout design, to ensure all dwellings are located outside of the areas that are likely to flood. The FCA concludes that the proposed development site is at low risk from all sources of flooding, including rivers, groundwater, surface water, reservoirs, sewers and overland flows as according to the calculated flood levels, there is more than 600mm freeboard provided between the 1 in 1000yr flood level and the finished floor level of the proposed houses. However, the proposed access road will pass through the floodplain as indicated by the NRW Flood Map. The results of the proposed flood modelling have the eastern part of the access road past the eastern bank of the stream as being in the floodplain and according to the calculated velocity and depth of flow, the Hazard Rating is 'Danger to Most' but not 'Danger for the Emergency Services'. In conclusion therefore, most of the access road is not going to be liable to flooding and the remainder of the site is not at risk of flooding at all. The Hazard Rating as calculated allows for access to the Emergency Services making the new access road a safe access and egress in the case of an emergency even when flooding is taking place.

Given the above, it is considered likely that planning consent should not be withheld on flood risk grounds. NRW are currently considering the flood modelling provided and will respond once this work has been completed. No issues that would preclude development are however anticipated and it is proposed that an 'in principle' decision on the application can be made by Members of Planning Committee subject to the final comments from NRW.

#### 6.3.6 Water (including foul drainage / SuDS) and Air Quality

Following implementation of Schedule 3 of the Flood and Water Management Act which came into full effect on 7th January 2019, all construction works with drainage implications with a construction area greater than 100 m<sup>2</sup> must be drained using sustainable drainage systems (SuDS) designed in accordance with the Statutory Standards for Sustainable Drainage in Wales. In addition to planning approval such works will require a separate SuDS approval from the SuDS Approving Body (SAB) which is also administered by Monmouthshire County Council.

In light of the above, sustainable drainage measures are proposed within the design. These include rainwater gardens fronting houses to take roof drainage linking into overall above ground drainage routes with all new surface water drainage will discharge into the existing stream, with filtration ponds en-route. Furthermore, private drives, car parking bays and other non-adoptable areas will be constructed in permeable paving systems to ensure surface water drainage is taken back into the ground water table system.

The Community Council and some local residents have raised concerns regarding the existing sewerage system in the area. As part of the consultation process Dwr Cymru/Welsh Water have been consulted on the application and have offered no objection to the application, nor raised any concerns in relation to the existing sewerage system. It should also be noted that this issue would have been considered when the site was designated in the Local Development Plan. On this basis it would be unreasonable to refuse the application on the grounds of inadequate foul drainage. All drainage including surface water from the proposed new roads will be subject to SuDS regulations which would look to ensure no surface water enters the public sewerage system.

In terms of air quality, as the development anticipates daily vehicle trips to be well under 500 (145) then an air quality impact assessment would not be necessary.

### 6.3.7 Contaminated Land

Our Contaminated Land database and historical mapping identified the presence of a former tramway or mineral railway crossing the site from north east to south west, as well as some unknown filled ground to west of the site. Both of these have the potential for land contamination. As such the applicant has already undertaken a Phase 1 site investigation of the site, including a desktop study, conceptual site model and soil sampling.

This sampling did not identify any contamination above the residential guideline values. However, the site is in an area where Basic Radon protection measures will be necessary in each property. Furthermore, imported materials must be validated as suitable for their end use, and any unidentified contamination found or suspected during site works would require further site investigation prior to continuation of works.

The trail pit locations for the phase 1 site investigation were spread evenly over the site and included the unknown filled ground, and either side of the tramline. However, no sampling was taken on the route of the former tramline, possibly due to access issues with the trees that have grown over it. It is therefore recommended that a condition for land contamination is included on any approval which stipulates that if contamination is identified upon further sampling then remediation would be required.

## **6.5 Response to the Representations of Third Parties and the Community Council**

6.5.1 Concerns regarding sustainability, flooding and foul drainage have been considered in paragraphs 6.1.1, 6.4.5 and 6.4.6 respectively.

6.5.2 Further to previous assessment of highway issues in paragraph 6.2.2, it is noted the local community have expressed specific concerns over the development proposal and the potential increase in traffic. In this regard, the role of the Highway Authority in response to planning consultations is to provide advice and only to recommend refusal of an application where it can demonstrate real harm. Refusal is only recommended where shortfalls in highway standards would lead to a real deterioration in highway safety or capacity or where there is a clear conflict with transportation policy. Taking into consideration the potential impact of this development, the Highway Authority have advised that the traffic generated from the site would be negligible and would not exacerbate the current situation to the detriment of highway safety or capacity.

6.5.3 The capacity of the Llanvihangel Crucorney Primary School was considered to be adequate enough for the site to be designated for development in the LDP in 2006 and was not raised as an issue by the Inspector in his report. The total school capacity is suitable for 77 children and there are currently have 68 on roll, leaving nine surplus places. However, at present, four of the seven year groups have met its capacity. The Council's formula advises that approximately four children would be generated from 20 dwellings. If any children arising from the development fall within a year group that is currently at capacity, the next nearest school with capacity is Deri View Primary at 4.5 miles away. Given the surplus places available (and the relatively close proximity of the

nearest school should the school year be full at the time of occupation of the development) it is considered that over time, the Llanvihangel Crucorney Primary school will be able to cope with the additional pupils generated by the proposed new houses.

6.5.4 With reference to other affordable housing allowed by BBNP in Llanvihangel Crucorney, there is a genuine need for affordable housing in the area and the units already consented have been taken into account when calculating this need.

6.5.5 A Construction Environmental Management Plan (CEMP) has been submitted with the application. This states that site-working hours will be from 8.00 until 17.00 hrs Monday to Friday and 8:00 and 13:00 hrs on Saturdays but the manager and operatives will arrive approximately 20 minutes before these times to prepare for works; there would be no commencement of noisy operations until the above times. This will ensure every operative is at the site early enough so as not to add to the congestion around the adjacent school. A condition to ensure that the development is implemented in accordance with the CEMP is included below.

## **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 agreement requiring the

following:

### Heads of Terms

Off site financial contribution for improvement to grassland (amount to be agreed).

The affordable homes to be retained as such in perpetuity.

If the UNILATERAL UNDERTAKING 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 No development shall take place, including ground works and vegetation clearance, until a dormouse conservation plan has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to identify likely impacts upon dormice and the mitigation and compensation measures that will be implemented to off-set these impacts. The strategy shall:

- a) detail the impacts of the scheme, both during and post-construction,
- b) how these will be mitigated or compensated for, including habitats to be retained, replaced, and/or enhanced for dormice including measures to minimise the impact of the development on dormice, and proposals to maintain connectivity of the retained habitats to the wider landscape. The development shall be carried out in accordance with the agreed details.

REASON: To safeguard breeding sites and resting places of Species of Conservation Concern and in accordance with The Conservation of Habitats and Species Regulations 2017 & LDP policy NE1.

4 No development shall take place (including ground works, vegetation clearance) until an updated Contractor's Construction Environmental Management plan has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and the Integrity of the watercourse and vegetation at the site.

5 No development shall commence until full engineering, drainage, street lighting and construction details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of highway safety and to safeguard the visual amenities of the locality and users of the highway in accordance with LDP Policies MV1 and DES1.

6 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+A2:2017, 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 been 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.

7 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.

8 Prior to occupation, a "lighting design strategy for biodiversity" for the scheme approved 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 and 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 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.

9 No removal of hedgerows, trees or shrubs brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place during the bird nesting season, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and to accord with LDP Policy NE1.

## **INFORMATIVES**

- 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.

0 The applicant will need to apply for Ordinary Watercourse Consent for the works over the watercourse. Further details are available from <https://www.monmouthshire.gov.uk/what-is-ordinary-watercourse-consent/>

0 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. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

0 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can

be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)  
This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.