

**DC/2016/00415**

**OUTLINE APPLICATION FOR THE CONSTRUCTION OF 8 DWELLINGS INCLUDING 5 AFFORDABLE HOUSING UNITS**

**LAND ADJACENT TO THE B4293 AND CHURCH ROAD, LLANISHEN**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Young

Date Registered: 26/04/16

**1.0 APPLICATION DETAILS**

- 1.1 This is an outline application with all matters reserved. The applicant has submitted an indicative site layout plan. The plan shows eight dwellings surrounding a courtyard with a vehicular access off Church Road. There would be a row of four 2-bedroom dwellings and also a single detached 2-bedroom dwelling; each would have a maximum ridge height of 7 metres and these would all be offered as affordable units. In the south-east corner of the site there would be a detached 3-bedroom dwelling with a maximum ridge height of 8 metres. In the north-east corner would be a 4-bedroom dwelling with a maximum ridge height of 9 metres. On the south-west corner would be a 3-bedroom dwelling with a secondary frontage onto Church Road. A total of 19 off road car parking spaces would be provided.
- 1.2 The site is on the northern side of Llanishen adjacent to Penarth Farm and covers an area of approximately 0.23ha. It is situated within the Wye Valley Area of Outstanding Natural Beauty. To the north of this site is open countryside, to the east on the opposite side of the B4293 is Llanishen Garage and Car Sales, while to the south is the Carpenters Arms Public House and a residential bungalow. The site has been allocated for housing in the LDP.
- 1.3 Since the initial submission the layout has been amended and all interested parties re-consulted.

**2.0 RELEVANT PLANNING HISTORY**

None

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

S1 Special Distribution of New Housing Provision

S2 Housing Provision

S4 Affordable Housing Provision

S5 Community and Recreational Facilities

S12 Efficient Resource Use

S13 Landscape, Green Infrastructure and the Natural Environment

S16 Transport

S17 Place Making and Design

Development Management Policies

H2 Residential Development in Main Villages

CRF2 Outdoor Recreation

SD4 Sustainable Drainage  
LC4 Wye Valley AONB  
LC5 Protection and Enhancement of Landscape Character  
GI1 Green infrastructure  
NE1 Nature Conservation and Development  
EP1 Amenity and Environmental Protection  
MV1 Proposed Development and Highway Consideration  
DES1 General Design Considerations

## 4.0 REPRESENTATIONS

### 4.1 Consultations Replies

#### Trellech United Community Council

- Eight dwellings would represent overdevelopment of the site, which in the LDP is allocated for "around 5 houses" - with the original wording in the LDP being a "maximum of 5 houses".
- Drainage - councillors believe the site is not on mains sewerage, and no space is available on the plan for a treatment plant,
- Removal of hedges. The outline plan shows buildings right onto the northern boundary of the site, which would necessitate removal of the hedge between the site and open countryside. The hedge along the lane (Church Rd) would also need to be removed. The result would be very urban (especially given the density of the housing) and would not be in keeping with the village. The village lies within the Wye Valley AONB, and MCC has a duty to **enhance the environment within the AONB**.
- Considerable concerns about the amount of extra traffic and traffic manoeuvres on a single track lane.
- There is no footway on this narrow lane, nor any provision in the plan to provide a footway, despite the fact that the development could be expected to bring more families with children, and the lane is the pedestrian access route to the school bus.

Community Council's comments dated 21<sup>st</sup> October 2016: maintain recommendation for refusal - The addition of a pedestrian path is acknowledged; but all other objections to the original plans still apply.

#### MCC Biodiversity

##### **Ecological Considerations**

##### **Dormouse**

A preliminary ecological appraisal was undertaken in 2013 and updated in 2016, the site was found to be of moderate ecological value. It is unfortunate that the mature hedgerow noted as having importance for dormice in the 2013 assessment was removed without further survey prior to the 2016 review. Considering this loss of habitat it is important that the proposed scheme compensates and enhances habitat connectivity for dormice populations in the vicinity. It is therefore recommended that a condition which secures details of landscaping specifications is included on any consent.

Despite the loss of important mature hedgerow on the southern boundary of the site with church road, the leftover hedgerow and scrubby vegetation on site remains important habitat for dormice. There are many records of dormice in close vicinity to the site and we cannot rule out presence of this species. It will therefore be necessary to secure a construction method statement to ensure adequate precautionary measures are taken during clearance of the site for development. The amended site plan dated August 2016 indicates vegetation to the north, west and part of the southern portion of the site. This

would function as ecological compensation for the lost habitat which is welcomed as it forms valuable connections to the wider landscape both for dormice, foraging/commuting bats and other wildlife. To ensure the long term functionality of this boundary for ecological purposes it is important that this sits outside of private ownership or is subject to some form of covenant to ensure protection and adequate future management.

### **Bats**

The current survey clearly indicates that there is potential for bats to roost in some of the mature trees that remain on site (as seen yesterday 17/10/2016), we have not received a tree constraints or retention/ removal plan and as such we cannot be sure which trees, if any, are proposed for removal. It is absolutely necessary for these trees to be adequately assessed prior to removal, and preferably before application determination. A bat method statement will be necessary and could be secured via planning condition.

### **Reptiles**

Whilst the survey does not raise any particular potential for reptiles due to the tall ruderal vegetation that was present on site at the time of survey. It should be noted that there are records for reptiles at Llanishen and the site conditions are seasonal with other times of the year, being likely to be more suitable. In order to adequately protect these species through development works it will be necessary to secure precautionary clearance measures through a reptile method statement condition.

### **Nesting Birds**

The development site, whilst recently cleared, retains habitat that would be suitable for nesting birds therefore, clearance works should be informed by a suitable working method statement as recommended in the conditions below.

### **Lighting – bats, dormice, nesting bird**

The site is on the edge of the settlement in currently dark surroundings, taking into account the likely presence of dormice and foraging/commuting bats, lighting will be a consideration. A lighting strategy which demonstrates the protection of key areas for these species is required and a condition is provided below. Alternatively, a lighting design strategy could be submitted with the Reserved Matters application.

**Ecological Enhancements** In line with LDP policy NE1 and our biodiversity duty under the Environment Act (Wales) 2016 we would expect the development to include enhancements for biodiversity within the new buildings these should include integrated roosting/nesting provision for bats and birds. It is noted and welcomed that the updated Design and Access Statement includes suggested details of these enhancements, it is accepted that this detail could be submitted with the Reserved Matters application.

### Planning Policy

I refer to the above application for the construction of 8 dwellings on land adjacent the B4293 and Church Road, Llanishen which is allocated in the LDP in Policy SAH11. The site reference of which is SAH11 (ix) (b), the Policy indicates the allocation is for around 5 dwellings. Policy SAH11 notes any increase in capacity above that stated is unlikely to be acceptable unless it can clearly be demonstrated that there is no adverse impact on village form and character and the surrounding landscape. These requirements must be met in full if the increase to 8 units is considered to be acceptable. It is noted the application has been submitted in outline only, it would be necessary to establish whether sufficient detail has been provided to enable an assessment to be made against this part of Policy SAH11. General policies DES1 and EP1 relating to General Design Considerations and Amenity and Environmental Protection respectively must be taken into consideration. As the site is located in the Wye Valley Area of Outstanding Natural Beauty a high standard of design is required, in this respect Policy LC4 relates specifically to development in the AONB and must be complied with.

Policy S4 relates to Affordable Housing Provision and states that in Main Villages there

is a requirement for at least 60% of the dwellings to be affordable. While a higher number of dwellings than anticipated are proposed, the application proposes 3 market dwellings and 5 affordable dwellings equating to 60% affordable provision and therefore complies with Policy S4 in principle.

Policy NE1 Nature Conservation and Development and Policy GI1 relating to Green Infrastructure (GI) should also be considered at the detailed stage. While detailed matters relating to access will be considered at the Reserved Matters stage Policy MV1 relating to proposed development and highway considerations is of relevance.

### MCC Housing Officer

Thank you for your email of 13<sup>th</sup> October, 2016. Housing and Communities have pleasure in responding to the consultation as follows:

<b>Site Name</b>	
Policy compliant percentage of affordable housing	60%
Standard required	Welsh Government Development Quality Requirements (DQR) - a copy of this document can be obtained from the Welsh Government website.
DQR Website Link	<a href="http://gov.wales/desh/publications/housing/devquality/guide.pdf">http://gov.wales/desh/publications/housing/devquality/guide.pdf</a>
Tenure of affordable housing	4 for social rent and 1 LCHO
<b>Mix required</b> 2 person 1 bed flats 4 person 2 bed houses 5 person 3 bed houses 6 person 4 bed houses 3 person 2 bed bungalows	<b>Number of units</b>  5 x 4 person 2 bed houses
Price to be paid by RSL for affordable units	38% of Welsh Government Acceptable Cost Guidance (ACG) for the social rented units and 50% of ACG for the LCHO unit – figures available on request.
Preferred RSL Partner	Pobl Group (Charter Housing)
Contact name at RSL	Gavin Howells or Tom Harris
Tenure of affordable housing	Neutral Tenure. This is where tenure of housing is not predetermined but can vary according to needs, means and preferences of households to whom it is offered.
Affordable Housing SPG Link	<a href="http://gov.wales/desh/publications/housing/devquality/guide.pdf">http://gov.wales/desh/publications/housing/devquality/guide.pdf</a>

### MCC Highways

It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

### MCC Landscape

We would have no objection to this proposal, subject to the following changes and conditions.

## Changes/Amendments

There are a number of minor amendments needed (to the plan and DAS) to ensure that their submission meet policy requirements; set out in MCC LDP GI1, LC4/LC5 and DES1.

1. The key focal building (unit 1) - This should create a subtle addition to the landscape; It will provide built form to denote the development boundary and entrance to the village (as will units 2&3).

*I do not agree that the principle elevations (facing north and east) should maximise views to the open countryside beyond. The design and treatment of this boundary must be subservient to the primary purpose (LC4), in particular LC4 (b) to conserve and enhance the natural beauty of the Wye Valley AONB.*

*There is no architectural merit in a heavily glazed elevation on unit one, or on any of those facing north or east. Prioritisation should be given to the degree in which the design, quality and use of appropriate materials harmonise with the surrounding landscape; and built environment. I suggest a detailed condition to enforce this. (See below)*

Section 4.0 of DAS should be amended to reflect this change.

2. Section 4.0 of DAS refers to 9 properties – To be amended.
3. Development set back 3m from NE boundary.
4. A strategic landscape planting proposal is submitted for approval.

### **Some simple amendments to the site plan will meet this requirement (see below)**

- a) Amend text – soft landscape buffer of trees and hedgerows (NE/NW boundary) Landscape planting buffer to retain existing tree planting (on-site) and include additional hedgerow planting at three staggered rows; a native mix and 4no. heavy standard trees (also native).
- b) Amend text – soft landscaped buffer of trees and hedgerows (SE boundary) Landscape planting buffer to retain existing tree planting (on-site) and include additional hedgerow planting at three staggered rows; a native mix and 2no. heavy standard trees (also native).
- c) Add text – 2no heavy-standard street trees planted; with understorey shrub planting (S boundary)
- d) Add text – 3no heavy standard street trees planted (S boundary)
- e) Add text – 1no extra heavy-standard feature tree planted (S boundary)
- f) Add text – 1no extra heavy-standard feature tree planted; with understorey shrub planting (Central)
- g) Text – 1800mm soft landscaped grass verge.

Reason(s).

1. To ensure that the development, approved with an outline planning permission, is constrained to the parameters described in the design and access statement; and that any future decisions relating to that outline permission are constrained by information contained within that submission.

Notes: The DAS included an appropriate site and context analysis, identifying many site constraints and opportunities to improve their proposal. The site and context appraisal is a basis for good design and for evidence-based decision making during the whole design process (including reserved matters).

We would advise that a design strategy; layout, sections and elevations of the scheme are fixed to the outline permission; this should also illustrate details of scale (contextually) and details of its proposed appearance.

Section 4.0 states their intentions with regards to character and appearance. I agree that the overall form of a traditional farm courtyard should be replicated; this is also the most efficient layout. I support higher densities, especially where connectivity is good and open space and environmental assets are protected.

Pastiche elevational treatments or details should not be permitted and I agree that architectural style should be contemporary. The prevailing scale of local character is of national significance (AONB), however locally, architecture and townscape quality is considered to be poor. A contemporary design should be weighted to consider firstly its integration (into the landscape), architectural merit and details; reflecting local materials, building techniques and local cultural assets.

Development proposals are expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure (GI) network, by ensuring that individual GI assets are retained and integrated into development, and/or by incorporating new and enhanced GI assets, of an appropriate type, standard and size. We feel that there is scope to incorporate new GI assets into the proposed development. Green infrastructure assets should be kept out of private ownership, particularly new planting along the east, west and northern boundaries. This will be important to maintain the integrity of this priority habitat for Dormouse and other biodiversity. The planting scheme across the site should also consider benefits for pollinating insects. A management plan will be required.

#### Welsh Water

No objections provided that surface water and land drainage be disposed of separately from foul water and that an 8 metre wide easement is left for the water main that crosses the site.

#### 4.2 Neighbour Notification

Letters from 3 addresses received:

The site is close to existing residential properties

Noise disturbance (objector works nights and needs to sleep during the day)

Highway dangers from mud and debris on the road

Additional traffic on Church Road which is a single track road

Lack of visibility at the junction between Church Road and The B4293

Accidents have occurred and it is dangerous for school children

A pavement is required

Development will exacerbate flooding problems

Over-development

Traffic calming should be implemented by narrowing the B4293

The position of the access into the site should be altered.

#### 4.3 Other Representations

##### Gwent Wildlife Trust

No Ecological appraisal has been provided, some habitats of interest have been present on the site especially trees and shrubs. These may be home to protected species. Plans for the site need to incorporate existing wildlife features or aim to replace native species that have been lost to the development. The large area of paving and concrete is not offering any valuable replacement habitats. Request an ecological appraisal and some replacement habitat.

## 5.0 EVALUATION

### 5.1 Principle of development

5.1.1 Policy S1 of the LDP identifies Llanishen as a main village and this site is within the Village Development Boundary. In addition this site has been allocated under Policy SAE11 as an allocated housing site for around five dwellings. The principle of residential development on this site is therefore established. The LDP only suggests that the site is suitable for around five dwellings but it could be developed for more if it can be demonstrated that there is no adverse impact on the village form and character or cause harm to the surrounding landscape. The MCC Landscape Officer supports a higher density in this location if environmental assets can be protected. The layout of this proposal has been very carefully considered with the principal inspiration for the development being a traditional farm courtyard, featuring individual buildings surrounding a central area of hard landscaping, and providing a focus for the development. In this case the indicative site plan has demonstrated that the site can accommodate eight small to medium-sized dwelling units while respecting the existing village character and form and also reintroducing large corridors of environmental assets. The proposal is considered to accord with the objectives of LDP Policy DES1

### 5.2 Affordable Housing

5.2.1 Policy S4 of the LDP states that within 'Main Villages' identified in Policy S1, development sites with a capacity of three or more dwellings, will make provision for at least 60% of the total number of dwellings on the site to be affordable. In this case it is proposed to provide 3 market houses and 5 affordable houses; this is policy compliant. MCC's Housing Officer considers the number and type of dwellings being offered for Affordable Housing is acceptable. Five two-bedroom units are being offered; four would need to be for social rent and one only for low cost home ownership. Monmouthshire has a large number of bids for the social rented properties, but there is difficulty finding local people who can afford to buy. It is now very clear that the greatest need in this area is for social rented units.

### 5.3 Layout

5.3.1 The site is within the Wye Valley Area of Outstanding Natural Beauty and the layout of the proposal has been carefully considered in order to conserve and enhance the natural beauty of the surrounding landscape. A substantial landscape buffer of trees and hedgerows will be planted along all the boundaries of the site but most particularly along the eastern and north-west boundary. Not only will this provide a wildlife corridor but it will also help to screen the impact of the development when viewed from the surrounding countryside. The courtyard layout with a central island of trees provides a focal point and interesting design. It is proposed that the three detached dwellings at the corner of the site will be key focal buildings. The proposed low ridge heights, all 8 metres or below, with the exception of the 4 bed unit in the corner, will ensure that the new dwellings will not dominate the cottages and bungalows on the opposite side of the road. The car parking provision meets the adopted Monmouthshire standards.

### 5.4 Highway Safety

5.4.1 The vehicle access into the site has been repositioned since the original submission and is now located towards the centre of the site, onto Church Road; it is set at 90 degrees

to the highway making ingress and egress to the site safer. The indicative level of parking provision would comply with the adopted Monmouthshire Parking Standards, of one space per bedroom, up to a maximum of three spaces. The site has been allocated within the LDP and prior to that allocation the appropriateness of the surrounding highway network to accommodate this additional traffic would have been considered in full. There is no question that the B4293 has sufficient capacity to accommodate the traffic generated from eight dwellings and no problems are envisaged here. The access into the site is from Church Road, a narrow and lightly trafficked section of road. The proposed access into the site is approximately 20 metres from the junction of Church Road with the B4293. An increase in traffic along this 20 metre stretch will not cause significant harm to the surrounding road network. The amended layout provided for a footpath along the Church Road frontage of the site and this will improve highway safety in the area.

## 5.5 Biodiversity

5.4.1 The layout now includes the planting of substantial hedgerows along the boundaries of the site, and this will provide wildlife corridors around the site which will provide habits for dormice, reptiles and bats. This strategic landscaping proposed would also provide a green buffer around the northern, western and part of the southern boundaries of the development. MCC's Biodiversity Officer is confident that appropriate conditions could be imposed to protect species during development and there would be a net gain in terms of biodiversity for the area. Prior to the submission of this outline application, much of the vegetation on this site was cleared. The proposed scheme will compensate and enhance the habitat connectivity for dormice in the vicinity with the planting of new robust hedgerows along the boundaries of the site. The new planting would function as ecological compensation and is welcomed by the MCC Biodiversity Officer. It is not however reasonable for this planting to extend beyond the site boundaries into land which is outside the applicant's control. There is potential for bats to be present in the vicinity and a tree assessment will be required as part of the reserved matters submission. Ecological enhancements are also necessary and these can be built into the design of the scheme as part of the reserved matters. This current application is in outline only with all matters reserved; the layout is only indicative at this stage but if approval is granted a note to applicant can be added to the decision notice, stating that the detailed landscaping advice set out by MCC's Landscape Officer should be taken into account when drawing up the proposed detailed landscaping plan as part of the reserved matters submission.

## 5.6 Flooding

5.6.1 The site is not located in any designated flood zone and there is no water course running through the site. There is no anecdotal evidence that the site floods but some of the slurry from the adjoining farm is understood to run-off into the site; this would have to be addressed by the adjoining farmer before development could commence but is a civil matter. It is proposed that surface water runs off through permeable surfaces for all hard areas, with soakaways for garden areas and foul drainage would connect to main drains in the main road.

## 5.7 Residential Amenity.

5.7.1 To the north-west of the site is Penarth Farm and between the site and the farmhouse is a range of agricultural buildings related to dairy farming, so that the farm house is unaffected by the proposal. There is a cattle yard adjacent to the site and within 8 metres of the rear elevations of the proposed dwellings. As the agricultural unit was in existence before the houses were built, the occupiers of these dwellings will be aware of the close



proximity of the cattle and this would have been considered when the site was allocated in the LDP. To the south of the site, on the opposite side of Church Road is the Carpenters Arms public house, it mainly has its rear elevation facing towards the site and will not be adversely affected by the proposal. To the east of the site on the opposite side of the B4293 is a repair garage but again this is not adversely affected by the proposal. The only residential property close the site is Clemendy Bungalow to the south and on the opposite side of Church Road. Its front windows face towards an area of green open space between the proposed development and Penarth Farm. From the front elevation of Clemendy bungalow it will be possible to see the side elevation of one of the plots but there will be approximately 18 metres between the two properties with Church Road between them so there will be no significant overlooking or loss of privacy. The proposal does accord with criterion d) of Policy DES1 as it does maintain reasonable levels of privacy and amenity to the occupiers of neighbouring properties.

## 5.8 Other issues raised

5.8.1 One local resident has objected in the grounds that there will be noise and disturbance generated from the site during the construction phase and that this will disrupt his sleep as he works nights. Noise and disturbance during the construction phase is only a temporary situation and it would be unreasonable for the Council to impose a condition that construction work could not take place during the day. It would be up to the developers to ensure that no mud or debris was allowed onto the adjoining highway network during construction.

## 5.9 Response to the Representations of the Community Council

5.9.1 Trellech Community Council were concerned about over-development of the site but, this has been discussed above and although the site was allocated for approximately five dwellings the proposed layout has demonstrated that higher density and smaller units can be comfortably accommodated on the site while still providing for significant green infrastructure and respecting the character of the existing village form. Welsh Water have not objected to the proposal and has not indicated that there is a lack of capacity within the main sewer which runs adjacent to the site. Since the original submission the plan has been amended and it is now proposed to plant substantial hedgerows along the boundaries of the site, and similarly a footway along Church Road is now proposed. The impact of increased traffic has been considered above.

## **6.0 RECOMMENDATION: APPROVE**

### Conditions/Reasons

1. Reserved matters application details to be submitted
2. List of Plans approved
3. Welsh Water foul and surface to be drained separately
4. Construction Method Statement

No development, vegetation clearance or earth moving shall take place or material or machinery brought onto the site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The method statement shall include as a minimum detailed working practices and measures to safeguard the following;

- 1) Dormice
- 2) Common reptile species
- 3) Nesting birds
- 4) Bat method statement (in relation to potential tree roosts)

The construction Method Statement shall be completed in consultation with an appropriately experienced ecologist.

**Reason:** To provide precautionary measures for protected species and species of conservation concern in accordance with LDP policy NE1 and the Environment (Wales) Act 2016

#### 5 Landscape

No development shall take place until full details of landscape works have been submitted to and approved in writing by the local planning authority. Details shall include [for example]: planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.

**Reason:** To protect habitat used by species of conservation concern and comply with Section 7 of Environment (Wales) Act 2016 and LDP Policy NE1.

#### 6. Bat and Bird enhancements

Prior to commencement of works, a scheme of enhancements for bats and birds on the new buildings shall be submitted to the LPA for approval in writing. This must include but not be limited to;

- 1) Integrated nest box provision
- 2) Integrated bat roost provision for crevice dwelling bats

The scheme shall thereafter be implemented in full.

**Reason:** To provide maintain and enhance biodiversity and therefore comply with the Biodiversity Duty in the Environment (Wales) Act 2016 and LDP Policy NE1.

#### Informatives

1. **Bats** – Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not.
2. **Nesting Birds** – Please note that all birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.
3. **Reptiles** – Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.
4. **Hazel Dormouse** - Please note that the hazel dormouse is protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual dormice from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If dormice are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.
5. The applicant's attention is drawn to the detailed comments made by MCC Urban Design - Landscape Architecture in his consultation response dated 19/10/16. These matters should be addressed in full and incorporated into the landscaping scheme to be submitted as part of the Reserved Matters Application.