

**DC/2012/00754**

**PROPOSED DEMOLITION OF EXISTING VICARAGE AND THE  
CONSTRUCTION OF A NEW VICARAGE AND DEVELOPMENT OF 11 NEW  
HOUSES**

**38 HILLCREST ROAD, WYESHAM**

**RECOMMENDATION: APPROVE**

Case Officer: Ann Yearsley

Date Registered: 21/01/2013

**1.0 APPLICATION DETAILS**

- 1.1 The application relates to a proposal to demolish the existing vicarage at Hillcrest Road, Wyesham and the construction of a replacement vicarage together with the development of eleven new houses, two of which will be affordable homes, on land formerly occupied by Western Power. The land in question is currently in an unkempt condition, being overgrown with trees and scrub vegetation. It constitutes a brownfield site, situated within the development boundary of Wyesham.
- 1.2 The application, which was the subject of detailed pre-application discussions involving both the Council's Highway Engineer and Tree Officer, is supported by a Design & Access Statement, Code for Sustainable Homes Report, and both a Tree and Ecological Survey.

**2.0 RELEVANT PLANNING HISTORY**

The site which has been disused for some years was last occupied by Western Power as their site compound. Previous uses include a waterworks depot and a brickworks.

**3.0 UNITARY DEVELOPMENT PLAN POLICIES**

ENV1 General Development Considerations  
DES1 General Design Considerations  
H3 Settlement Boundary  
ENV5 Pollution  
DES5 Existing Trees/Hedgerows and Development  
DES7 Protection of trees  
DES8 Nature Conservation and Development  
DES9 Design for Wildlife  
MV11 Traffic Management measures

**4.0 REPRESENTATIONS**

- 4.1 Consultations Replies

Monmouth Town Council recommends refusal of the application on the basis that it is considered to be an overdevelopment of the site with concerns over site access and increased traffic issues on nearby residents and the wider highway network.

Welsh Water - has no objection to the proposal and they recommend the attachment of appropriate conditions and advisory notes to ensure that there is no detriment to existing residents or the Environment. In terms of sewerage treatment, no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site. No problems are envisaged with the water supply for the development.

Environmental Health - has commented on the application following a desk top study which identified that historic use of the site might have resulted in contamination. In this respect historical maps have identified that the site has previously been used as waterworks and brickworks. In addition maps have identified a reservoir and two filter beds and a tank associated with the water works. It is indicated that there is anecdotal evidence from local residents that the site was used by the former Mayhill Sawmills to dispose of sawdust and waste associated with the demolition of prefab bungalows (which it is claimed potentially contained asbestos containing materials). Therefore an appropriate land contamination investigation is required together with and identification of any necessary remediation and it is recommended that appropriate conditions are attached to any planning permission.

Highways - have been involved in discussions with the Developer/Architect in respect of the access route to the site. The original submission incorporated an extension to Hillcrest Road, retaining the existing hammerhead which would have resulted in a number of shared surfaces. There was local opposition to this which resulted in further consideration by Highways in conjunction with the architect /agent. This led to the proposed access into the new development being altered in May 2013 and a re-consultation of the nearby neighbours was carried out on 11<sup>th</sup> June 2013.

Gwent Wildlife Trust - issued a holding objection initially on the basis that there was considered there to be several biodiversity and protected species issues, including matters regarding bats, reptiles and badgers, all of which are protected species. Furthermore the western boundary of the site forms part of a wildlife corridor which extends from the river to the countryside north of Mayhill. Reference is made to Policy NC6 which states that development that would have a significant adverse effect on the integrity of or continuity of landscape features of major importance for the migration, dispersal and genetic exchange of wild species, will only be permitted if mitigation or compensatory measures are put in place. Measures therefore need to be put in place to protect the wildlife corridor from damage and disturbance.

MCC Ecology Officer - Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision. I await some further information with regards to bat mitigation which is expected imminently.

Natural Resources Wales – response awaited. Any received in the interim will be reported as late correspondence.

## 4.2 Neighbour Notification

A consultation was originally forwarded to interested parties on 29<sup>th</sup> January 2013. This resulted in a petition with some 277 signatures from the Wyesham and the surrounding area objecting to the proposal, together with separate correspondence from 14 households. Following further negotiations and discussion between the Highway Engineer and applicants a revised scheme incorporating a re-alignment of the access road in conjunction with a repositioning of the proposed replacement vicarage was agreed and a further consultation with the residents of Hillcrest was carried out on 11<sup>th</sup> June 2013. Since then the LPA has received an additional letter from Mr & Mrs Rimmer (No 40 Hillcrest) enclosing a petition with 107 names requiring an independent investigation into contamination of the site prior to determination. A further eight letters, including one from consultants behalf of Mr Rimmer have been received since the re-consultation. The main issues of concern are as follows:

- Considered to be an overdevelopment
- Loss of residential amenity and privacy
- Concerns relating to contamination of the site (from historical uses)
- Highway safety in terms of speed/ additional traffic/construction vehicles
- Damage to the ecological footprint of the site
- Loss of vegetation including trees covered by a TPO
- Absence of site levels.

## 4.3 Other Representations

Town Councillor Bradley has written several letters of objection with particular regard to the fact that the site is covered by a tree preservation order (TPO). He also attended a meeting in Monmouth where the case officer advised Mr Bradley that the TPO had been placed on the overall site at the pre-application stage, on the advice of the Tree Officer, *as a precaution*. This was to protect any trees (regardless of their individual worth) prior to any application being submitted. Furthermore the Tree Officer was consulted and gave advice on the tree constraints scheme prior to its submission. As a result the Tree Officer is satisfied with the proposal as presented, providing a tree protection condition is attached to any permission.

## 4.4 Local Member Representations

Councillor Hackett Pain has held meetings with the case officer, representing the concerns of her electorate with particular regard to the potential contamination of the site and the highway access/increased traffic through Hillcrest.

## **5.0 EVALUATION**

### 5.1 Principle of Development

The application relates to the former Western Power site adjacent to Hillcrest Road, Wyesham, and a derelict vicarage. The land, part of which was last used for a storage/depot use for the electricity company, is currently in a state of dereliction and overgrown with trees and scrub vegetation and is regarded as a brownfield site, situated within the development boundary of Wyesham. The site is therefore deemed worthy of

consideration for redevelopment to residential use under Policy H3 of the adopted UDP. In this respect, pre-application discussions took place with the agent and during this time both the Highway Engineer and Tree Officer were consulted for the following reasons. The main access into the former compound is off the main Wyesham Road immediately after a sharp bend leading up from Mayhill and in this respect concerns were expressed about the use of this for a residential development of this scale. Also the site sits on a heavily vegetated escarpment facing the town of Monmouth. The tree belt is situated on the edge of the Wye Valley Area of Outstanding Natural Beauty (AONB) and can be viewed from the historic town. For their important contribution to the landscape it was considered prudent to place a blanket Tree Preservation Order (TPO) on all of the trees regardless of their individual quality/condition, to ensure that none of the trees would be removed prior to any formal application being submitted.

The proposed design (which is a simple form) together with the site layout of this small development, is considered to be acceptable on the edge of this residential area that has a varied mix of housing types and design, there being no distinct character to influence this housing proposal. The proposed housing is two storey with a streetscene made variable by the houses that are laid out to face the road with either a roof ridge perpendicular and parallel to the road. Materials would be a mix of facing brickwork, timber windows and doors and plain roofing tiles, details of which would be agreed by condition. It is considered that this mix of materials would be appropriate for this area.

## 5.2 Contamination

The historic use of the site has been a cause for concern to the local community, with particular reference to the potential contamination of the site and the possible risk to human health. In this respect the Environmental Health Officer (EHO) was consulted on the proposal. As a result, a desk top study of the site has been carried out examining previous historical uses. This together with anecdotal evidence from local residents has led to a requirement for an assessment of the site and if necessary appropriate remediation to ensure the protection of public health. Appropriate conditions as highlighted by the EHO are recommended to be attached to any permission (it should also be noted that most brownfield sites require some level of remediation as a result of previous historical uses). A condition is recommended on the basis that the site is not known to be contaminated. If it was strongly suspected that the site was contaminated, a contamination assessment would have to be submitted prior to determination of the application.

## 5.2 Biodiversity

Gwent Wildlife Trust has identified the fact that the site forms part of a Wildlife Corridor and as such in accordance with Technical Advice Note TAN 5 (2009) all relevant information and schemes 'to facilitate the efficient and timely processing of planning applications developers should ensure that measures are designed to avoid mitigate or compensate for potential adverse effects on nature conservation'. GWT has issued a holding objection to ensure that the protected species identified are fully considered and compensatory measures put in place.

Overall the site is largely 'brownfield', with a large area of hard-standing and scrub developing. The land that is adjacent to the development site i.e. the woodland strip that

drops down to the road is of more local ecological value but would remain undeveloped. A number of ecological considerations have been identified and conditions relating to such have been recommended.

#### Bat Roost

The second ecological assessment has concluded that the vicarage building, which would be subject to demolition as part of the submitted scheme, is a maternity roost for soprano pipistrelle bats. This makes it a roost of medium conservation significance. The work proposed would need to be subject of a derogation licence from NRW. As this is a roost of medium conservation significance, it would be subject to timing constraints. It would need more or less a like-for-like replacement roost. Bats are not to be left without a roost and must be given time to find the replacement site. Monitoring for a minimum of 2 years is preferred.

An outline of the mitigation has been included in the report including, a dedicated replacement bat roost above or within a loft of one of the new buildings. This information in this regard is limited, but it is considered by the Council's Ecology & Biodiversity Officer that there is sufficient information on which to base a lawful decision.

#### Reptiles

A small number (total 3) of reptiles were recorded at the site including a juvenile which indicates that there is a breeding population. Reptiles are protected from killing and methods that would prevent reptiles being killed during the development will need to be employed. This would be secured via an appropriate method statement. The impact assessment for the site suggests that together with the proposed 'reserve' area, the new gardens and the remaining woodland strip, there would not be a loss of habitat available to reptiles.

Observations from NRW are still currently awaited.

### 5.3 Access

The proposed access into the site is via an existing estate road on the Hillcrest development. There was much local opposition to this on the grounds that it would result in additional estate traffic, shared surfaces and would impinge on the use of the hammerhead as a turning facility. Following discussions, the scheme was revised as now presently submitted, this being considered the most appropriate design to accommodate the development. Highways consider that the proposal is acceptable in principle as it is an extension to an existing residential estate. Following the re-consultation a further eight letters were received, together with telephone calls from several people requiring their initial comments to stand. Final, detailed comments from Highways will be reported as late correspondence.

### 5.3 Response to Monmouth Town Council

As noted above, there is no objection from the Council's Highway Officers. The proposal provides a reasonable layout which is not considered to be an over-development of the site. An adequate standard of amenity space and parking are provided, and the proposal has been designed so as not to impact unacceptably on the

amenity of neighbouring dwellings, with adequate intervening distances between the windows on the frontages of the proposed dwellings and the gardens of existing dwellings to the east.

## 5.6 Conclusion

The principle of the proposed development is accepted in that it will provide a small extension to an existing residential area together with two much needed affordable homes. Furthermore the area would benefit from an improvement to the visual amenity of the site, and the development would take account of the ecological value of the site, with appropriate mitigation being put in place to ensure the continued protection of the wildlife corridor.

6.0 **RECOMMENDATION: APPROVE** subject to the applicant entering into a s.106 legal agreement to secure two affordable homes within the development.

## Conditions/Reasons

- 1) Five years in which to commence development
- 2) External finishes to be agreed.
- 3) No part of the development hereby permitted shall commence until an appropriate Desk Study of the site has been carried out to include a conceptual model and a preliminary risk acceptance, and the results of that study have been submitted to and approved in writing by the LPA. ( EN01)
- 4) Prior to the import to site, soil material and aggregate used as clean soil 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 by in writing by the LPA. No other material shall be imported onto the site. ( EN03)
- 5) Foul Water and surface water discharges shall be drained separately from the site.
- 6) No surface water shall be allowed to connect, either directly or indirectly to the public sewerage system unless otherwise approved in writing by the LPA.
- 7) Land drainage run off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- 8) The proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record. Under the Water Industry Act Welsh water has rights of access to its apparatus at all times. No part of any building will be permitted within 3 metres either side of the centreline of the public sewer.
- 9) Landscaping scheme to include boundary treatments.
- 10) Landscape Implementation.
- 11) Tree protection condition.
- 12) Ecological Mitigation conditions.