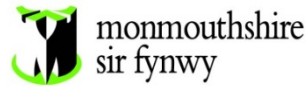


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 29 October 2018

Notice of meeting:

Planning Committee

Tuesday, 6th November, 2018 at 2.00 pm,
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 12
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise:	
4.1.	Application DC/2018/00138 - Erection of 1 no. stable block & Change of Use of land for the grazing of horses. Land Adjacent Box Bush Farm For Development Of Stable Blocks Box Bush Road Great Oak Bryngwyn Monmouthshire.	13 - 16
4.2.	Application DM/2018/00696 - Outline application (with all matters reserved except for access) for residential development of up to 291 dwellings, a care home and public open space, landscaping and associated infrastructure works. Land Development South Of Crick Road Crick Road Portskewett Monmouthshire.	17 - 52
4.3.	Application DM/2018/00731 - Full planning application for the development of a workshop (B2), two storey office (B1), valet / car preparation area (Sui Generis), parking areas for car storage (B8) and associated infrastructure works (revised Phase 2 Ecological Survey, Planning Statement and FCA received 27.07.2018 and 02.08.2018; Revised FCA received 05.09.2018). Land At Newhouse Farm Industrial Estate, Chepstow, NP16 6UD.	53 - 66
4.4.	Application DM/2018/00858 - Four bedroom detached property, with integral garage. 100 Hereford Road Monmouth Monmouthshire NP25 3HH.	67 - 72

4.5.	Application DM/2018/00880 - Outline Application (With All Matters Other Than Access Reserved For Future Determination) For The Erection Of Up To 130 Dwellings (Use Class C3), Provision Of New Open Space Including A New Community Park And Other Amenity Space, Engineering And Landscaping Works Including Sustainable Urban Drainage System And Enabling Works. Land To East Of Church Road, Caldicot, Monmouthshire.	73 - 112
4.6.	Application DM/2018/01050 - Residential development of up to 111 dwellings, new vehicular access from Monmouth Road and emergency vehicle access to Station Road, public open space and associated landscaping, engineering and infrastructure works. Land Development off Monmouth Road, Raglan, Monmouthshire.	113 - 138
4.7.	Application DM/2018/01089 - Conversion Of Two Agricultural Barns And Associated Outbuildings To Residential Use. New Trecastle Farm, Trecastle Road, Llangovan, NP25 4BW.	139 - 146
4.8.	Application DM/2018/01122 - Retrospective application to extend curtilage to side of dwelling. Construction of 2m high brick wall 1.1m from inside of kerb. 46 Treetops, Portskewett, Caldicot, NP26 5RT.	147 - 152
4.9.	Application DM/2018/01292 - Installation of a portrait bench and figures adjacent to old Cattle Market site and Monnow Bridge. Land Adjacent Monnow Bridge, Monnow Street, Monmouth.	153 - 156
4.10.	Application DM/2018/01351 - Agricultural building for storage of straw and woodchip animal bedding. Pear Tree Cottage, Danygraig Road, Cross Ash, Nr. Abergavenny, NP7 8NU.	157 - 158
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	Appeal decision - Land at The Glebe, Newport Road, Magor.	159 - 162
5.2.	New appeals received - 24th May to 23rd October 2018.	163 - 164

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Edwards
P. Clarke
J. Becker
D. Blakebrough
L. Brown
A. Davies
D. Dovey
D. Evans
M. Feakins
R. Harris
J. Higginson
G. Howard
P. Murphy
M. Powell
A. Webb
Vacancy (Independent Group)

Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon two working days before the meeting. Details regarding public speaking can be found within this agenda or is available here [Public Speaking Protocol](#)

Access to paper copies of agendas and reports

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with 5 days notice prior to the meeting should you wish to speak in Welsh so we can accommodate your needs.

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Purpose

The purpose of the attached reports and associated officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule, having weighed up the various material planning considerations.

The Planning Committee has delegated powers to make decisions on planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an officer recommendation to the Planning Committee on whether or not officers consider planning permission should be granted (with suggested planning conditions where appropriate), or refused (with suggested reasons for refusal).

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the Monmouthshire Local Development Plan 2011-2021 (adopted February 2014), unless material planning considerations indicate otherwise.

Section 2(2) of the Planning (Wales) Act 2015 states that the planning function must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.

The decisions made are expected to benefit the County and our communities by allowing good quality development in the right locations, and resisting development that is inappropriate, poor quality or in the wrong location. There is a direct link to the Council's objective of building sustainable, resilient communities.

Decision-making

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary to make the proposed development acceptable;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions, or against the failure of the Council to determine an application within the statutory time period. There is no third party right of appeal against a decision.

The Planning Committee may make decisions that are contrary to the officer recommendation. However, reasons must be provided for such decisions, and the decision must be based on the Local Development Plan (LDP) and/or material planning considerations. Should such a decision be challenged at appeal, Committee Members will be required to defend their decision throughout the appeal process.

Main policy context

The LDP contains over-arching policies on development and design. Rather than repeat these for each application, the full text is set out below for Members' assistance.

Policy EP1 - Amenity and Environmental Protection

Development, including proposals for new buildings, extensions to existing buildings and advertisements, should have regard to the privacy, amenity and health of occupiers of neighbouring properties. Development proposals that would cause or result in an unacceptable risk /harm to local amenity, health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk:

- Air pollution;
- Light or noise pollution;
- Water pollution;
- Contamination;
- Land instability;
- Or any identified risk to public health or safety.

Policy DES1 – General Design Considerations

All development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. Development proposals will be required to:

- a) Ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community safety and encourages walking and cycling;
- b) Contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;
- c) Respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;
- d) Maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable;
- e) Respect built and natural views and panoramas where they include historical features and/or attractive or distinctive built environment or landscape;
- f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials;
- g) Incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;
- h) Include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- i) Make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion l) below;
- j) Achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- k) Foster inclusive design;
- l) Ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

Other key relevant LDP policies will be referred to in the officer report.

Supplementary Planning Guidance (SPG):

The following Supplementary Planning Guidance may also be of relevance to decision-making as a material planning consideration:

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (adopted March 2016)
- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017

National Planning Policy

The following national planning policy may also be of relevance to decision-making as a material planning consideration:

- Planning Policy Wales (PPW) 11 2016
- PPW Technical Advice Notes (TAN):
- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)

- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

Other matters

The following other legislation may be of relevance to decision-making.

Planning (Wales) Act 2015

As of January 2016, Sections 11 and 31 of the Planning Act come into effect meaning the Welsh language is a material planning consideration.

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the local planning authority, and the decision whether or not to take Welsh language issues into account should be informed by the consideration given to the Welsh language as part of the LDP preparation process. Section 11 requires the sustainability appraisal, undertaken as part of LDP preparation, to include an assessment of the likely effects of the plan on the use of Welsh language in the community. Where the authority's current single integrated plan has identified the Welsh language as a priority, the assessment should be able to demonstrate the linkage between consideration for the Welsh language and the overarching Sustainability Appraisal for the LDP, as set out in TAN 20.

The adopted Monmouthshire Local Development Plan (LDP) 2014 was subject to a sustainability appraisal, taking account of the full range of social, environmental and economic considerations, including the Welsh language. Monmouthshire has a relatively low proportion of population that speak, read or write Welsh compared with other local authorities in Wales and it was not considered necessary for the LDP to contain a specific policy to address the Welsh language. The conclusion of the assessment of the likely effects of the plan on the use of the Welsh language in the community was minimal.

Environmental Impact Assessment Regulations 2016

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are relevant to the recommendations made. The officer report will highlight when an Environmental Statement has been submitted with an application.

Conservation of Species & Habitat Regulations 2010

Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. Examples of EPS are all bat species, dormice and great crested newts. When considering planning applications Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests are set out below.

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned as a favourable conservation status in their natural range.

Well-being of Future Generations (Wales) Act 2015

This Act is about improving the social, economic, environmental and cultural well-being of Wales. The Act sets out a number of well-being goals:

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;
- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

- **Long term:** balancing short term need with long term and planning for the future;
- **Collaboration:** working together with other partners to deliver objectives;
- **Involvement:** involving those with an interest and seeking their views;
- **Prevention:** putting resources into preventing problems occurring or getting worse;
- **Integration:** positively impacting on people, economy and environment and trying to benefit all three.

The work undertaken by Local Planning Authority directly relates to promoting and ensuring sustainable development and seeks to strike a balance between the three areas: environment, economy and society.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

Equality Act 2010

The Equality Act 2010 contains a public sector equality duty to integrate consideration of equality and good relations into the regular business of public authorities. The Act identifies a number of 'protected characteristics': age; disability; gender reassignment; marriage and civil partnership; race; religion or belief; sex; and sexual orientation. Compliance is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. Due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Consultation on planning applications is open to all of our citizens regardless of their age: no targeted consultation takes place specifically aimed at children and young people. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Protocol on Public Speaking at Planning Committee

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below.

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee. Only elected members of community and town councils may speak. Representatives will be expected to uphold the following principles: -

(i) To observe the National Code of Local Government Conduct. (ii)

Not to introduce information that is not:

- consistent with the written representations of their council, or
- part of an application, or
- contained in the planning report or file.

When a town or community councillor has registered to speak in opposition to an application, the applicant or agent will be allowed the right of reply.

Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public may appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where, by the deadline, letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday.

The number of objectors and/or supporters will be clearly stated in the officer's report for the application contained in the published agenda.

The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application.

When is speaking permitted?

Public speaking will normally only be permitted on one occasion where applications are considered by Planning Committee. When applications are deferred and particularly when re-presented following a committee resolution to determine an application contrary to officer advice, public speaking will not normally be permitted. Regard will however be had to special circumstances on applications that may justify an exception. The final decision lies with the Chair.

Registering Requests to Speak

Speakers must register their request to speak as soon as possible, between 12 noon on the Tuesday and 12 noon on the Friday before the Committee. To register a request to speak, objectors/supporters must first have made written representations on the application.

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request by calling 01633 644219 or by email to registertospeak@monmouthshire.gov.uk. Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

Parties are welcome to address the Planning Committee in English or Welsh, however if speakers wish to use the Welsh language they are requested to make this clear when registering to speak, and are asked to give at least 5 working days' notice to allow the Council the time to procure a simultaneous translator.

Applicants/agents and objectors/supporters are advised to stay in contact with the case officer regarding progress on the application. It is the responsibility of those wishing to speak to check when the application is to be considered by Planning Committee by contacting the Planning Office, which will be able to provide details of the likely date on which the application will be heard. The procedure for registering the request to speak is set out above.

The Council will maintain a list of persons wishing to speak at Planning Committee.

Content of the Speeches

Comments by the representative of the town/community council or objector, supporter or applicant/agent should be limited to matters raised in their original representations and be relevant planning issues. These include:

- Relevant national and local planning policies
- Appearance and character of the development, layout and density
- Traffic generation, highway safety and parking/servicing;
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Speakers should avoid referring to matters outside the remit of the Planning Committee, such as;

- Boundary disputes, covenants and other property rights

- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

Persons registered to speak should arrive no later than 15 minutes before the meeting starts. An officer will advise on seating arrangements and answer queries. The procedure for dealing with public speaking is set out below;

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the objector will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the supporter will then be invited to speak for a maximum of 4 minutes by the Chair.
- The Chair will then invite the applicant or appointed agent (if applicable) to speak for a maximum of 4 minutes. Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to speak for a maximum of 5 minutes.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - The community or town council representative or objector/supporter or applicant/agent may not take part in the member's consideration of the application and may not ask questions unless invited by the chair.
 - Where an objector/supporter, applicant/agent or community/town council has spoken on an application, no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the committee unless there has been a material change in the application.
 - The Chair or a member of the Committee may, at the Chair's discretion, occasionally seek clarification on a point made.
 - The Chair's decision is final.
- Officers will be invited to respond to points raised if necessary.
- Planning Committee members will then debate the application, commencing with the local member of Planning Committee.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Response by officers if necessary to the points raised.
- Immediately before the question being put to the vote, the local member will be invited to sum up, speaking for no more than 2 minutes.
- When proposing a motion whether to accept the officer recommendation or to make an amendment, the member proposing the motion shall state the motion clearly.

- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd
October, 2018 at 2.00 pm

PRESENT: County Councillor R. Edwards (Chairman)
County Councillor P. Clarke (Vice Chairman)

County Councillors: J.Becker, L.Brown, A.Davies, D. Dovey,
D. Evans, M.Feakins, R. Harris, J. Higginson, G. Howard, P. Murphy
and M. Powell

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Craig O'Connor	Development Management Area Team Manager
Andrew Jones	Development Management Area Team Manager
John Rogers	Legal Officer
Wendy Barnard	Democratic Services Officer

APOLOGIES:

Councillors D. Blakebrough and A. Webb

1. Declarations of Interest.

County Councillor D. Dovey declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01028, as he is a personal friend of the applicant. He left the room and took no part in the discussion or voting thereon.

2. Application DM/2018/01092 - Four shepherd huts for holiday let use. Land At Bentra Farmhouse, Pentre Road, Llangovan, Monmouth.

We considered the report of the application, and late correspondence, which was recommended for approval subject to the twelve conditions outlined in the report.

An objector, having registered to speak, declined to do so other than to request and receive confirmation that all Members had received the late correspondence.

As the objector had declined to speak, the applicant's agent, who attended the meeting at the invitation of the Chair, decided not to exercise his right to respond.

Having considered the report of the application and the views expressed, the following points were noted:

- The site visit assisted understanding of the late correspondence. No particular detriment was seen and the positioning appeared satisfactory. No reason to refuse the application was identified.
- Officers advised that a condition suggested by MCC Environment Health that no amplified music be played after 9pm is not appropriate as Environmental Health have

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd October, 2018 at 2.00 pm

statutory powers under which action can be taken. Planning guidance discourages duplication of controls. A Member noted that the owner would wish to control noise as part of the site management to ensure other guests are not disturbed.

- The proposed development is well laid out and does not overlook other properties. The closest shepherd hut is some 85m from the neighbouring dwelling.
- It is a low impact proposal aligned to aims regarding diversification of the farm.
- There will be no fencing around the huts, in line with the low impact intention.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that planning application DM/2018/01092 be approved subject to the twelve conditions outlined in the report.

Upon being put to the vote, the following votes were recorded:

For Approval	-	13
Against Approval	-	0
Abstentions	-	0

The proposition was carried unanimously.

We resolved that application DM/2018/01092 be approved subject to the twelve conditions, as outlined in the report.

3. Application DC/2017/00994 - Construction of essential rural enterprise worker's dwelling and retention of two kennel blocks, small pets building, use of part of barn for dog and cat kennelling, two permanent isolation kennels, dog grooming parlour and dog walking area. Allt Farm, Llantrisant, Monmouthshire, NP15 1LG .

We considered the report of the application which was recommended for approval subject to the seven conditions outlined in the report. It was noted that the proposed dwelling is acceptable under the principles of justification of TAN 6 as a succession dwelling and it is raised above flood level. The proposed retrospective consent is acceptable due to the visual impact and the impact on the amenity.

Having received the report of the application and the views expressed, the following points were noted:

- This is a departure from Local Development Plan policy and national planning policy, which does not permit residential building on C2 unprotected flood plains. However, the exceptional circumstances of this case were sufficient to justify departing from that policy. There is no other reasonable alternative for the dwelling to support the rural enterprise which is its purpose. The tests in TAN15 had been considered and were met, and the acceptability of the consequences of flooding has been agreed in consultation with Natural Resources Wales.
- It was not considered that the proposals would have a negative visual impact and a comprehensive landscaping scheme would soften the area.
- It was not considered that the special circumstances of this planning application would create a precedent.

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It was proposed by County Councillor M. Feakins and seconded by County Councillor A. Davies that application DC/2017/00994 be approved subject to the seven conditions outlined in the report.

Upon being put to the vote, the following votes were recorded.

For Approval	-	13
Against Approval	-	0
Abstentions	-	0

The Proposition was unanimously carried.

We resolved that application DC/2017/00994 be approved subject to the seven conditions outlined in the report.

4. Application DC/2018/00156 - Full Planning Application and Conservation Area Consent for refurbishment of existing structures to provide 12 units, new-build apartment block comprising 12 units, demolition of outbuildings, and associated works. Brecon Road, Abergavenny, Monmouthshire.

We considered the report of the application which was recommended for approval subject to the eight conditions outlined in the report and subject to a Section 106 Legal Agreement requiring the following:

S106 Heads of Terms

35% of the residential units must be affordable.

The new block shall not be constructed unless in conjunction with, or following the completion of the conversion and re-build of the existing buildings on the site.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Having received the report of the application, the following points were noted:

- The view was expressed that, whilst there may be parking limitations, redevelopment is long overdue and single occupants might not own cars given the highly sustainable location of the site.
- Provision of housing is more important than parking. This is a long standing derelict site and it was suggested that more use of the site could be made if the whole site was demolished. Affordable units are a high priority.
- It is our role to preserve heritage sites such as these and there was no objection to refurbishment, redevelopment or new build. Concern was expressed about exacerbating existing parking problems and the assumption that prospective residents would not be car owners. The need for affordable housing is well understood but not at any cost.

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- The 2.5 storeys of the new build was questioned as it looks more like 3 storeys and is out of keeping with other properties on St. Michael's Rd. The outlook of properties opposite would be affected.

Regarding the retention and heritage value of the existing buildings and the new build, the Head of Planning, Housing and Place Shaping reminded Members that we have a statutory duty, as this is a conservation area, to protect or enhance the character or appearance of the area. The opinion of Officers is that the correct balance has been struck.

- It was confirmed that there should be 35% affordable housing. Melin will exceed this percentage and should deliver up to 50% from the new build block.
- A Committee Member questioned if a sympathetic modern building would be acceptable in legal terms as this may fit in better and still provide 24 units plus an opportunity to increase parking spaces. It was confirmed that the design had been considered at pre-application stages and various options have been considered trying to balance the preservation of heritage, the cost of conversion and sufficient parking.
- For 24 units, it was observed that there are insufficient parking places and suggested that the proposal was over-development.
- A Committee Member provided information that the Welsh Government parking space threshold, and that of other authorities, where one bedroom units are proposed, is lower than ours and suggested that our criteria is reviewed.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2018/00156 be approved subject to the eight conditions outlined in the report and subject to a Section 106 Legal Agreement requiring the following:

S106 Heads of Terms

35% of the residential units must be affordable.

The new block shall not be constructed unless in conjunction with, or following the completion of the conversion and re-build of the existing buildings on the site.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Upon being put to the vote, the following votes were recorded:

For Approval	-	8
Against Approval	-	5
Abstentions:	-	0

The proposition was carried.

We resolved that application DC/2018/00156 be approved subject to the eight conditions outlined in the report and subject to a Section 106 Legal Agreement requiring the following:

S106 Heads of Terms

35% of the residential units must be affordable.

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The new block shall not be constructed unless in conjunction with, or following the completion of the conversion and re-build of the existing buildings on the site.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

5. Application DM/2018/00408 - Provision of a new cycle and pedestrian bridge spanning approximately 60m across the River Usk between Llanfoist and Abergavenny, provision of earthwork ramps to cater for disabled access, provision of a new footpath link and enhancement of an existing footpath. Proposed crossing across River Usk between Abergavenny And Llanfoist.

We considered the report of the application which was recommended for approval subject to the eight conditions, as outlined in the report.

The local Member for Llanfoist Fawr, also a Planning Committee Member, County Councillor G. Howard outlined the following points:

- He agreed with the plain design and its low visual impact, which did not detract from the heritage of the existing bridge.
- It is a good opportunity to address highway safety issues such as the substandard footpath and danger to pedestrians crossing the existing bridge.
- It is not a perfect location as it will provide a slightly longer route into Town. A location closer to the existing bridge would be preferable.
- Concerns were raised regarding onward links to Llanfoist village which is pedestrian unfriendly especially at the point of the A465 crossing. The Head of Planning, housing and Place Shaping agreed to pass those concerns on to active Travel colleagues.
- Residents of Bridge Cottages have concerns about the 30m gap and regular use of the path already. The ground elevation by one storey will provide views of the private amenity space and longer views to the rear elevations. The local Member supported an amendment to condition 5 to include a small landscaping adjustment to provide screening.

Having considered the report of the application and the views expressed by the local Member, the following points were noted:

- In safety terms, the proposed bridge will make a significant improvement to safety for pedestrians and cyclists. The proposal was supported.
- The proposal was considered to be a good scheme. Queries have been raised about whether or not the proposed bridge would be lit. It was acknowledged that there is considerable natural light and provision for some discreet lighting will be built in ready for use if required in the future.

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- Considering screening, it was agreed that there was limited protection and it is a valid point that improved landscaping would eventually resolve residents' concerns. Additional landscaping was supported
- A question was raised about the positioning of the bridge support. This design is to stop the support being in the water. Assurance was provided that the structure had been designed by suitably qualified professionals.
- It was queried who will replace shingles on the bridge in a few years' time and also commented that a more open design would have been preferred.
- The risk of possible vandalism was raised and also concerns about children walking across the parapet. The Head of Planning, Housing and Place Shaping explained that the design is suitable and is planned for the majority of users.
- The flood risk impact was noted.

It was proposed by County Councillor M. Powell and seconded by County Councillor P. Murphy that application DM/2018/00408 be approved subject to the eight conditions outlined in the report with amended landscaping to condition 5 as per the local Member's comments.

Upon being put to the vote, the following votes were recorded:

For Approval:	-	13
Against Approval:	-	0
Abstentions:	-	0

The proposition was carried unanimously.

We resolved that application DM/2018/00408 be approved subject to the eight conditions outlined in the report with amended landscaping to condition 5 as per the local Member's comments.

6. Application DM/2018/00858 - Four bedroom detached property, with integral garage. 100 Hereford Road Monmouth Monmouthshire NP25 3HH.

We considered the report of the application DM/2018/00858 that is recommended for approval subject to the six conditions outlined in the report.

The application was previously considered and approved by Planning Committee on 3rd July 2018 subject to the applicant signing a section 106 Legal Agreement requiring a commuted sum of £26,068.00 for a contribution towards affordable housing provision in the locality. The application is re-presented for consideration as the applicant has provided information to confirm that it would not be viable for the development to be constructed with the financial contribution sought. The information submitted by the applicant has been scrutinised by the Council's Senior Housing Strategy & Policy Officer who has concluded that this particular site is not able to provide a financial contribution towards affordable housing.

Having considered the report of the application and the views expressed by the local Member, the following points were noted:

- Members raised concerns about the number of applications re-presented to Planning Committee where it is sought to remove the affordable housing contribution and the

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issue of viability needs to be addressed. It was suggested that viability statements could be published.

- The view was expressed that the applicant lives in the residence and would not have purchased the land therefore it was reasonable to expect a contribution as the properties in the area hold a good value when sold.

The Head of Planning Housing and Place Shaping understood the concerns and explained that there is a seminar before the December meeting to consider this matter in more depth to include viability reports. The Committee were reminded that the Local Development Plan is reliant on small sites coming forward and there is a need to get the balance right. Consideration is being given to publishing viability reports and it was agreed they could be shared with Committee Members confidentially in the interim. It was agreed that what is presented to Committee in the future must be agreed with the applicant in advance.

- It was questioned if the devaluation of the principle property was included in the viability report and confirmed that devaluation is accounted for.

The Head of Planning, Housing and Place shaping explained that if the Section 106 is not agreed within 6 months, it is delegated to Officers to refuse planning permission. It was added that this case should now be considered as a new application.

- Access to the property has been revised to be separate; originally the application was for shared access. A separate driveway would be more valuable than shared access and it was questioned if this had been taken into account.
- Changes are needed to the criteria via supplementary planning guidance.
- There appeared to be no basis to overturn the application, but there is a need to urgently discuss viability criteria.

It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Davies that application DM/2018/00858 is approved subject to the six conditions outlined in the report.

Upon being put to the vote, the following votes were recorded:

For Approval:	-	5
Against Approval:	-	8
Abstentions:	-	0

The motion to approve was defeated.

The Committee was minded to refuse application DM/2018/00858. Planning Committee Members made clear that the decision was no reflection on Council's Senior Housing Strategy & Policy Officer and looked forward to a seminar in December to include review of contributions for affordable housing and viability reports.

Upon being put to the vote, it was unanimously agreed to defer consideration of the application until the next meeting and to draft reasons for consideration. The Head of Planning, Housing and Place Shaping advised that the viability information would be shared with Committee Members on a confidential basis to aid their decision making.

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7. Application DM/2018/00950 - Conversion of dwelling at first and second floor levels to four flats. Extension to rear at second floor level. 9 - 13 St Thomas's Square, Monmouth, NP25 5ES.

We considered the report of application DM/2018/00950 which was recommended for approval subject to the four conditions as outlined in the report.

The local Member, County Councillor M. Feakins, also a Planning Committee Member, highlighted that our car parking policy in town centres is not appropriate and needs to be reviewed as there are ample parking options citing the example of this development proposal which is in close proximity to three town car parks. He supported the application.

In response, the Development Management Area Team Manager stated that internal discussions are in progress with the Highways Department suggesting that this level of objection could be considered by Panel and then escalated to Planning Committee as necessary within the scheme of delegation.

Having considered the report of the application and the views expressed by the local Member, the following points were noted

- We need to progress more properties above shops. The residents would be aware there is no allotted parking spaces and this could be an acceptable exception to the policy in a town centre location.
- It was suggested that such development could inject life into neglected town centre areas and is welcomed.
- The non-viability of S106 contribution towards affordable housing was raised and the need for a consistent approach was raised. It was explained that there is a specific difference related to the conversion of upper floors incurring additional overheads. There are other relevant circumstances and assurance was provided that the viability has been checked and is in order.

It was proposed by County Councillor M. Feakins and seconded by County Councillor P. Murphy that application DM/2018/00950 be approved subject to the four conditions outlined in the report.

Upon being put to the vote, the following votes were recorded:

For Approval	-	13
Against Approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00950 be approved subject to the four conditions as outlined in the report.

8. Application DM/2018/01028 - Erection of detached two bedroom bungalow. 62 Caldicot Road Rogiet Caldicot Monmouthshire NP26 3SG.

[County Councillor D. Dovey declared an interest and left the meeting at 4.13pm]

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We considered the report of the application which was recommended for approval subject to the three conditions outlined in the report and subject to Section 106 financial contribution of £9982.00 for affordable housing.

The Local Member was not present at the meeting but made the following comment:

“May I provide my objection for the following planning application for an erection of a detached 2 bedroom bungalow. My objections are in respect to the unsuitable site of a back garden development. The design will not fit in with the local houses in the area and it will increase the amount of traffic to the existing property which resides on one of the busiest roads in the area (B4245 Caldicot Road, Rogiet). I ask that this application is brought to full planning committee for the above reasons.”

Having received the report of the application and the view of the local Member, the following points were noted:

- The view was expressed that Members wishing to voice concerns about applications should attend the site visit and that the back garden was of sufficient size for the proposed development.
- Members commented that S106 contribution to affordable housing has been agreed, there is no problem with access and that there should not be any impact on traffic. The application was supported.
- Attention was drawn to Policy S4 of the LDP and the contribution to affordable housing and suggested that these terms and conditions are welcomed in reports.

The Development Management Area Team Manager explained that S4 is reliant on viability. It was also confirmed that the clause allowing Officers to refuse permission if a S106 contribution Legal Agreement has not been completed within 6 months is used as circumstances require.

- Clarity was requested why this application was different to the previous one. It was questioned if permission was granted and the plot was then sold, if we would encounter the same situation of the application being re-presented as not viable and therefore not make a contribution to affordable housing.

The Head of Planning, Housing and Place Shaping explained that if a S106 is not signed, then the permission does not exist. If the S106 has been signed, a new agreement can be refused. It may be possible to submit a new application.

- It was questioned if this application was deferred for the applicant to make a unilateral agreement, if that would stay with the land.

The Head of Planning, Housing and Place Shaping responded that it would as it is tied to the planning permission. Unallocated sites have an unilateral agreement to avoid delays. The downside is that the Legal Department will be preparing such agreements for schemes that may be refused by Committee or under delegated powers. His advice, in this instance, was to get the S106 agreed rather than apply a unilateral agreement.

It was proposed by County Councillor D. Evans and seconded by County Councillor J. Higginson that application DM/2018/01028 be approved subject to the three conditions, as outlined in the report.

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Upon being put to the vote, the following votes were noted:

For Approval	-	12
Against Approval	-	0
Abstentions	-	0

The proposition was unanimously carried.

We resolved that application DM/2018/01028 be approved subject to the three conditions, as outlined in the report and subject to Section 106 financial contribution of £9982.00 for affordable housing.

9. Application DM/2018/01279 - Agricultural building housing farm animals. Kemeys House Farm, Church Lane, Kemeys Commander, Usk.

[County Councillor D. Dovey returned to the meeting at 4.20pm]

We considered the report of the application which was recommended for approval subject to the two conditions, as outlined in the report.

Having considered the report, no points were made by Planning Committee Members.

County Councillor M. Feakins proposed and County Councillor J. Higginson seconded that application DM/2018/01279 be approved subject to the two conditions, as outlined in the report.

Upon being put to the vote, the following votes were noted:

For Approval	-	13
Against Approval	-	0
Abstentions	-	0

The proposition was unanimously carried.

We resolved that application DM/2018/01279 be approved subject to the two conditions outlined in the report.

10. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:

11. Appeal decision - Beaulieu Barn, 25 The Kymin, Monmouth.

[County Councillor R. Harris left the meeting at 4.23pm]

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 28th August 2018. Site: Beaulieu Barn, 25 The Kymin, Monmouth.

The appeal was allowed in part and planning permission is granted for Proposed conversion of redundant barn to provide new dwelling at Beaulieu Barn, 25 The Kymin, Monmouth NP25 3SE, in accordance with the terms of the application Ref DC/2018/00091, dated 22 January 2018, without compliance with condition numbers 1 and 2 previously imposed on planning permission Ref DC/2007/01144, dated 8 February 2008, and subject to the conditions:

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3) Before development commences details of the proposed means of enclosure shall be submitted to and approved in writing by the local planning authority. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order, 1995, as amended (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

4) The development shall be begun within 5 years from the date of this permission.

5) Where any species listed under Schedule 2 or 4 of the Conservation (Natural Habitats, & c.) Regulations 1994 (or any legislation revoking and re-enacting those Regulations with or without modifications) is present on site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

6) The development hereby approved shall be implemented in accordance with the scheme shown on drawing no 04A. The scheme shall be retained in perpetuity unless written consent is granted by the Local Planning Authority authorising changes to the approved scheme.

7) Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) lighting must be angled downwards and must not be placed above 2.3m above the ground level.

12. Costs decision - Beaulieu Barn, 25 The Kymin, Monmouth.

We received the Planning Inspectorate report which related to a cost decision following a hearing that had been made on 28th August 2018. Site: Beaulieu Barn, 25 The Kymin, Monmouth.

The application for an award of costs was refused.

13. To confirm for accuracy the minutes of the previous meeting.

The minutes of the previous meeting were confirmed and signed subject to the following addition to the final paragraph to read as follows:

Item 7 – DM/2018/01089: We resolved that we be minded to defer consideration of application DM/2018/01089 to a future meeting of Planning Committee to consider proposals against Policy H4 (business use) and to clarify future intentions for a nearby silage pit and an existing agricultural building that is to be retained having regard to the amenity of the occupiers of the proposed dwellings **and more thought be given to the residential/agricultural use of the site.**

The meeting ended at 4.30 pm

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Application Number: DC/2018/00138

Proposal: Erection of 1 no. stable block & Change of Use of land for the grazing of horses.

Address: Land Adjacent Box Bush Farm For Development Of Stable Blocks Box Bush Road
Great Oak Bryngwyn Monmouthshire

Applicant: C/O Agent

Plans: Site Plan Existing Sit Plan DWG No: 17_877_002 Scale: 1:500 @ A1 - ,
Location Plan Location Plan DWG No: 17_877_001 Scale: 1:1250 @ A2 - ,
General Supporting Statement - , Site Plan Proposed Site Plan DWG No:
17_877_003 Rev C Scale: 1:500 @ A1 - C, Elevations - Proposed Proposed
Stable Block DWG No: 17_877_005 Rev B - B,

RECOMMENDATION: Approve

Case Officer: Ms Elizabeth Bennett
Date Valid: 08.05.2018

1.0 APPLICATION DETAILS -

1.1 Planning Committee previously considered this application on 7th August 2018. After discussions about the merits of the application, Members deferred the application until a revised site layout was produced showing the stable block to be moved further away from the adjacent neighbours property at Box Bush Barn.

1.2 Having received the revised plan the application is being re-presented to the Planning Committee following the previous deferment. The proposed stable block has been moved further down the field away from the immediate neighbouring property Box Bush Barn and is now sited 43m away from the adjoining boundary. The neighbouring properties have been consulted and at the time of writing, no responses have been received.

1.3 The previous report presented to the Committee meeting held on 7th August 2018 is below.

PREVIOUS REPORT

1.0 APPLICATION DETAILS - The application relates to a proposed L shaped stable block measuring 17.54 metres by 16.565 metres. It would house 6 stables, tack room and hay & feed store. The original application was for 2 no. separate stable blocks but following negotiations the proposal has been revised to be 1 no. L shaped stable block. The proposed stable block would be constructed with a brick 'splash' plinth, timber cladding, timber doors, plain tiled roof & black rainwater goods. The application will also require a 'change of use' to allow the grazing of horses on the land.

There is an existing property 'Box Bush Barn' located within 9m of the field boundary, with the proposed building to be located approx. 18m from the property.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
NE1 LDP Nature Conservation and Development

4.0 REPRESENTATIONS

4.1 Consultation Responses

Llanover Community Council - No response received to date.

MCC Tree Officer - No response to date.

MCC Highways Officer - The field in which the stables are to be sited is already served from established field access reasonably wide enough and set back for limited field access and egress but inadequate to facilitate access on a regular basis for the development proposed.

It is recognised that the proposal will increase traffic movements on the local network but the increase in traffic movements associated with a development of this nature be it for personal or commercial use would not be detrimental to highway safety or capacity or in conflict with transportation policy.

4.2 Neighbour Consultation Responses

4.1 6 No. objections have been received and following re-consultation on revised drawings 5 no. objectors remain objectors to the proposal.

5.0 EVALUATION

5.1 Visual Impact

5.1.1 The principle of a stable block within the open countryside is acceptable. Stables such as these are common place in the Monmouthshire Countryside. During the course of the application and following negotiations with officers the number of proposed buildings has been reduced to 1 no. in line with policy LC1 of the MCC LDP where: b) new buildings are wherever possible located within or close to existing groups of buildings; c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside;

The scale and appearance of the building is acceptable and accords with policy DES1 and EP1 of the LDP. The stable block has been positioned on the eastern edge of the field, close to the field entrance alongside the boundary hedge, but allowing adequate space for any hedge maintenance. In this location the stable block and hay store will be satisfactorily assimilated into the landscape and will not be visually prominent. The scale and finishing materials of the building will respect the character of this rural location and will have no unacceptable adverse impact. The proposal therefore accords with the objectives of policy LC1 of the LDP

5.2 Neighbour Objections

- I am extremely worried about noise disturbance and the thought of having six large and potentially unattended anxious animals housed for 3 months of the year within 30 metres of my home is concerning me greatly. I fear I am bound to be drawn into contacting someone during the night should a disturbance or burglary occur. The likely early hours management is also probably going to impact my quality of life.
- The stated location of the manure heap is about 30 metres from my kitchen and front door and smell and flies are bound to affect my quality of life and could have adverse health implications.
- Having seen the revised location and layout of the stables I must further object strongly. There still seems to be no recognition or consideration that my established domestic dwelling is now only approximately 16 metres from the building. The new layout is not only larger but much nearer my home.
- The block is simply too near my mothers dwelling and will cause significant disturbance and potential health risks. In the winter months when the horses are stabled the noise is likely to be intolerable.
- As the horses will also be unattended at night should the animals become stressed or should there be a burglary my mother is bound to become involved in calling someone with concerns. This potential for her raised anxiety is very concerning and could have health implications.
- As previously stressed, should the application be approved, the stables must be located much further from the dwelling to minimise impact on quality of life.
- The stables are free standing and should be situated at the other end of the field and a new entrance taken off the lane at a safer point. To create a situation where expensive Mares and Stallions with associated tack are left with no security is not good practice.
- Permission must not be granted as this is obviously merely the first step in obtaining permission for a dwelling and associated works to create an equestrian centre - although the acreage is not sufficient to support 6 horses and the whole concept appears badly thought out and must be rejected.
- There has also been no amendment to the size of the development ie 6 stables. Six
- horses on 6 acres is still inadequate for their welfare. Land becomes stale with over use and if they are stabled much of the time, there will be more activity with visiting and supervising their welfare. It makes me wonder what the applicant is proposing. All horses with adequate grazing, supplemented in the winter, would welcome a field shelter, but this proposal seems to be something much larger.
- The fact that this will be an unsupervised yard is also very worrying. How long before the applicant will be asking for a residential caravan for staff to look after the yard? Until that time comes (it surely will) have we got to be subjected to early morning visits to check the animals welfare and all the increased traffic that this will entail. Perhaps there could be a clause which would prevent any future mobile home accommodation or residential use on the site?
- The applicant quotes BHS guidelines, but these are only 'guides' but in practical terms they are not adequate, therefore three stables would be more appropriate than six.

5.3 Residential Amenity

5.3.1 Box Bush Barn is a recently converted residential property located approx. 18 meters from the closest point of the proposed stable block. Following revisions of the proposal it is considered the revised layout will have minimal visual impact upon the barn conversion with the revised site entrance sitting between the property and the stables. There is an existing hedge which runs along Box Bush Barn which will act as a natural buffer.

5.3.2 The revised proposal has considered the possible effect upon waft created by the proposed animals on site. The proposed 'muck heap' has therefore been located at the furthest point away from the residential property whilst maintaining practical access to it. Monmouthshire is a rural county where smells and flying insects are common place and to be expected. As with all stables there will be some organic waft resulting from the mucking out of stables it is therefore not considered that the location of the muck heap being 30m away from the residential property will have any adverse effect upon the property.

5.4 Conclusion

5.4.1 The proposed stables are to be used for private stabling and not for commercial purposes. No trees are required to be removed as part of this proposal and a minimal amount of hedgerow will be affected in accordance to the improvement required for the existing site access. The BHS (British Horse Society) guidelines as referred to are indeed 'guides' which have been followed by the applicant. The proposed yard is to have a permeable surface to allow surface water to naturally soak away and the stable block and yard will be fully fenced to keep the horses away from the Entrance and keep them within a secure location.

The revised plans are considered to be acceptable to the LPA and are considered to meet the requirements and objectives held within policies LC1, LC5 & NE1 of MCC LDP.

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

The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.0 RECOMMENDATION: APPROVE

6.1 Conditions:

- Standard Five Year Limit
- Development To Be Carried Out In Accordance With The Approved Plans
- No External Lighting

6.2 Informatives

- Nesting Birds

Application Number: DM/2018/00696

Proposal: Outline application (with all matters reserved except for access) for residential development of up to 291 dwellings, a care home and public open space, landscaping and associated infrastructure works

Address: Land Development South Of Crick Road Crick Road Portskewett Monmouthshire

Applicant: Melin Homes And Monmouthshire CC

Plans: Location Plan 16117 (05) 100 - , All Drawings/Plans 16117 (05) 200 - Rev B, All Drawings/Plans 16117 (05) 202 - Rev A, All Drawings/Plans 16117 (05) 204 - Rev A, Location Plan 16117 (05) 100 - , Ground Plan 16117 (05) 102 - , Green Infrastructure Appraisal Green Infrastructure Management Plan Inc. Landscaping strategy - Ref: 2474.01 (Dated Sept, All Drawings/Plans 16117(05) 205 Rev B Strategic Masterplan - , Other Dementia Friendly Urban Design - , All Drawings/Plans Road Improvements Works to B4245: Sheet 1 - , All Drawings/Plans Road Improvements Works to B4245: Sheet 2 - , All Drawings/Plans Road Improvements Works to B4245: Sheet 3 - , All Drawings/Plans Proposed Road Narrowing on Existing Bridge: B4245 - , All Drawings/Plans Proposed Footpath Link Crick Road - , Other Personal Injury Collision Data 2013-2017 - , Other Proposed Traffic Calming Measures on B4245 & Crick Road with extended 30mph Zone - , Other Proposed Traffic Calming Measures on B4245 - , Other Proposed Traffic Calming Measures on Crick Road - , Other Stage 1 Safety Audit (August 2018) - , Ecology Report Interim Technical Note: Hedgerow Translocation & Barn Owl Mitigation (October 2018),

RECOMMENDATION: APPROVE

Case Officer: Ms Jo Draper
Date Valid: 17.05.2018

1.0 APPLICATION DETAILS

- 1.1 This planning application has been submitted on behalf of Melin Homes and Monmouthshire County Council for the construction of up to 291 homes (including affordable homes), a care home, public open space, landscaping and associated works at Crick Road, Portskewett. The application is for outline approval, with all matters reserved except for access.
- 1.2 The application site is located directly to the north-west of the village of Portskewett and some 1.1 km east of Caldicot Town Centre. The site is identified as a strategic allocation for mixed uses (housing and employment) in the adopted Monmouthshire Local Development Plan (Policy SAH2).
- 1.3 The Application Site comprises of a roughly diamond shaped area of land measuring 10.95 hectares in area, located to the south of the B4245 Caldicot to Chepstow Road, and north of Portskewett. The eastern boundary runs along Crick Road, an unclassified road, while to the west, beyond a disused railway line, is a large industrial unit, occupied by Mitel, as part of a larger area of employment land (Castlegate Business Park) which lies between the settlements of Caldicot and Portskewett. Caldicot Town Centre lies just over 1 kilometre to the west, while the village centre of Portskewett lies 600-900 metres to the south-east.

- 1.4 The site comprises five separate field parcels separated by hedgerows. The site generally slopes downwards from the north to south from approximately 22m AOD in the north to c.13m AOD in the south. There is a more steeply sloping elevated area on the eastern side of the site alongside Crick Road; this forms the area that has been identified as the exclusion zone for nesting owls and the steepest area has been identified as a POS area for a community orchard. The parcel associated with this part of the site contains the remnants of an old stabling structure, as well as a small grouping of four mature oak trees.
- 1.5 To the north and north-east, the surrounding land is predominantly rural with woodlands, farmland and an equestrian events centre. There are detached properties dotted around this area. The woodlands, located on Farthing Hill and Portskewett Hill respectively, provide a wooded backdrop to the site.
- 1.6 The Site Principles submitted in the supporting information are summarised below:
- (i) Proposals have evolved from the original Concept Proposals which established the basic principles of the development, including the two access points and retention of original field boundaries as far as practicable to establish the form and nature of the housing layout.
 - (ii) A hierarchy of routes are proposed including the creation of a Greenway forming an extension of the main village street turning alongside retained and new hedgerows, secondary streets (which will serve the majority of the housing phases), and a series of mews streets and private drives along with main pedestrian routes.
 - (iii) There are additional offsite improvements to the footpath network with a new connection from the Crick Road access to Treetops in support of safe routes to school and a new section of footpath from the main vehicular access west towards Caldicot, with a new pedestrian crossing, being proposed.
 - (iv) Amenity land is proposed to be retained in the parcel which abuts Crick Road, to maximise the benefits of the mature oak trees. A village street and Greenway through the development area is proposed to link this area with the wooded corridor associated with the disused railway line to the west. Key public open spaces and a main pedestrian route are incorporated in this wider corridor.
 - (v) The parcel to the west of the site, identified in the LDP for B1 uses, is proposed to accommodate a care facility in this area. This is anticipated to create jobs, as well as meeting local needs for elderly accommodation.
 - (vi) The proposals include two new site accesses. The primary vehicular access will be gained via a priority junction with the B4245 to the north-west of the development site. This access is located approximately 150m to the north of the proposed care home and will provide residents and employees access on to the strategic road network. The secondary vehicular access will be gained via a priority junction with Crick Road to the east of the development site, immediately to the north of the Treetops residential estate. The design of the junctions will be to current highway standards.
 - (vii) On the basis of the above a road will provide a route through the site to link Crick Road and the B4245. It is proposed that the internal layout of the development site will be designed to current standards and will incorporate additional safety measures. The design will follow the principles outlined in Manual for Streets (DCLG, 2007). The design of the internal road layout will ensure safe and convenient movement across the site and that is accessible to all members of the community. Car parking provision is proposed to be made in accordance with the Monmouthshire Parking Standards SPG (2013). A street hierarchy will be used that carefully balances the needs of cars, pedestrians and cyclists. Where possible, it will be ensured that within each development area the roads will have a design speed of 20 mph or less, negating the need for designated cycle lanes by providing streets that can be safely shared by pedestrians, cyclists and cars.

- (viii) Connections with existing footway provision within Portskewett and Caldicot will improve local linkages and ensure the site is well connected to existing residential areas to the south of the site, to the employment areas to the west and to the nearby community facilities.
- (ix) The majority of perimeter trees and hedgerows, including the four mature oak trees are being retained and integrated as part of the proposed development.
- (x) The Scale Parameter Plan sets out the principles of the scale of the dwellings across the different areas of the site. The average density of the proposed site is 37 units per hectare, with a scale between 1-3 storeys subject to the different parts of the site. The primary route along the Village Street and Greenway particularly around the central open space will support the greater densities and scale with provision for up to 2.5 storeys along these routes and up to three storeys around the central open space. The secondary streets will be of medium density, and scale with a limit of up to two storeys high around the more sensitive perimeters of the site and adjacent to existing residential development. The maximum height of the two storey development will be up to 9m to ridge, 2.5 storey development will be up to 10m in height to ridge, three storey development will be up to 12m in height to ridge

1.7 During the course of this application the scheme has been amended. The changes are summarised below:

- (i) A reduction in the number of units from 300 to 291 (an overall reduction of 9 units);
- (ii) A more strategic layout has been prepared to accompany the application. The submitted 'Strategic Masterplan' (ref: 16117(05) 205 Rev B) identifies the location of character areas, notably the Village Street and Greenaway, and Neighbourhood core which is further broken down into Secondary Streets, Shared Surface Street and Lane/Private Drives.
- (iii) The central area of Public Open Space which encompasses a Local Equipped Area of Play (LEAP) has been significantly enlarged. The layout has been redesigned, resulting in the POS being bound almost entirely by gravel paths, ornamental Shrubs and Perennials, turf, wild flower seeding and plugs, trees and hedgerows. This has been facilitated by the removal of expanses of highways. The POS is now to be bound principally by greenway features and hedgerows to the west and key residential buildings to the east and south.
- (iv) The number of Greenway Links within the site has been increased, notably;
 - a) From the central POS to the B4245 where a new shared footpath cycleway Pedestrian access links has been proposed. This link provides direct pedestrian and cycle access to the B4245;
 - b) A continuous Greenway Link is proposed along the Principal Village Street which runs diagonally through the site;
 - c) A continuous Greenway Link is proposed between the central POS and Crick Road; and
 - d) The Greenway Link has been extended from the Principal Village Street, eastwards, towards the sites eastern boundary;
 - e) The extended and new Greenway Links proposed provide uninterrupted pedestrian and cycle routes throughout the site, connecting the sites most northern section with a potential future access to the disused railway and from the properties positioned along the sites eastern boundary and the B4245. An uninterrupted Green Link is also proposed from the central POS to the sites secondary vehicular access to Crick Road;
 - f) Permeability is ensured via Green Infrastructure links beyond the site boundary, such as;
 - i) The disused rail corridor;
 - ii) The local primary school and shop via Crick Road; and
 - iii) Caldicot Castle; Caldicot Comprehensive School and Caldicot Town Centre.
 - g) The internal highway layout has been reconfigured with the aim of directing the majority of the development traffic to the B4245 access. This is sought to be addressed via a reduction in the amount of 'Principal Streets' and the introduction of more Mews Street and Lanes and a small amount of Secondary Streets;

- h) The layout demonstrates a commitment to advance a permeable relationship between residential development and the proposed care facility. The layout has been designed using dementia friendly design principles set out in 'Neighbourhoods for Life: Designing dementia-friendly outdoor environments'. This is discussed fully in Dementia Friendly Urban Design (Dated 08.08.18) prepared by Powell Dobson. Additional information has been submitted to support the design that has been informed and derived by being Dementia Friendly.

1.8 There are significant changes proposed to the surrounding highways as part of this proposal, which are listed below:

- (i) The primary access to the development will be from a new junction onto the B4245
- (ii) A safety record at the following junctions, A48/B4245 priority junction, A48/Crick Road priority junction, has been submitted.
- (iii) A footpath connection is proposed between the site entrance with the B4245 and the Mitel Roundabout via the railway bridge. The drawings submitted include reference to the removal/relocation of existing street furniture and apparatus in addition to proposals for new features. The following bullet points summarise the key elements of the scheme:
 - The footpath connection between the entrance junction with the B4245 and the railway bridge, the plan details the need for a new tactile crossing facility at the Gas Governor Entrance Junction.
 - A pedestrian island and subsequent 2m footpath along the northern side of the B4245 is proposed to provide ease of access to an informal footpath which in turn lead to the grounds of Caldicot Castle
 - A new crossing point to the grounds of Caldicot Castle to be provided facilitated by new dropped kerbs whilst utilising the existing traffic island.
- (iv) It is proposed to re-engineer the existing railway bridge to allow a 2.5m wide footpath/ cycleway to be incorporated along its southern edge. This includes tapering the existing highway to 6.3m with realignments on both the northern and southern sides, remove the existing vehicular restraint barrier and demark the highway with new Trief kerbing. Pedestrian guardrails are proposed against the existing bridges southern parapet wall as a safety measure.
- (v) A 2m wide footway is proposed connecting the development entrance with the existing footpath to the south of Crick Road (the drawing details the need to reposition existing street furniture to accommodate the footpath).
- (vi) A preliminary design of a traffic-calming scheme that seeks to restrain speeds on both the B4245 and Crick Road.
- (vii) Layout changes have been made (detailed in the above Layout/GI section) to promote and encourage the majority of residents to utilise the access to the B4245.
- (viii) A stage 1 Road Safety Audit has been undertaken by a registered safety audit practice. The latest package of off-site works including the enhanced traffic-calming scheme seek to address many of the RSA's comments and recommendations. This package suggests that a stage 2 safety audit is undertaken of the detailed design stage and that the Highway Authority should now have sufficient assurance that the proposed means of access are acceptable.

1.9 The following measures are proposed to address the ecological issues that arise with the development of this site.

- A 50m protection zone is provided between any development and the two oaks supporting the nest and roost; this is demarked by a combination of native woodland, specimen trees, wild flower seeding and plugs;
- A 30m radius Barn Owl exclusion zone is proposed in perpetuity. The buffer will be demarked by available translocated hedgerow which will be enhanced with new planting where appropriate. The Hedgerow is to be translocated in Autumn/Winter 2018/2019. Rough Tussocky Grass Sward is to be planted within the 30m exclusion zone;
- Native woodland is to be planted between the existing Oak trees and the proposed access road via Crick Road. This will be intercepted by hedgerow and specimen trees;

- A gravel path is proposed between the translocated hedgerow (30m exclusion zone) and the 50m protection zone;
- A single barn owl box is to be erected to the mature oak tree prior to March 2019;
- A minimum of 1 offsite barn owl box is required to be installed suitable within 200m of the site boundary; location to be agreed with the local authority ecologist.
- A monitoring programme is to be completed up until, during and post development construction (to be managed via a suitably worded condition).
- A Construction Method Statement to manage the impacts of the construction phase on local biodiversity to be secured via a suitably worded condition.
- It is acknowledged that further ecological survey work may be appropriate to fully inform the full drainage strategy.

1.10 Public Consultation Exercise

- (i) Monmouthshire County Council's Estates Team hosted four engagement events across May 2015 to provide local residents with the opportunity to help guide development of the site via the Council's proposed Master Plan. Comments were invited on Access/ Transportation; Open Space Provision; Employment and Sustainability. A total of 115 forms were received by the prescribed deadline. The aspects highlighted as the most important under each heading were:
- Need for traffic management measures
 - Retention of existing trees and hedges
 - Provision of office accommodation
 - Energy efficient eco homes
- (ii) Melin Homes and Monmouthshire County Council's Estates Team hosted an engagement event on the 31st January 2018 to ensure the local community were consulted and engaged as part of the development of the site in accordance with guidance. Four exhibition boards were produced to introduce the client and the benefits of the proposed development. These boards included the site in context, an illustrative site layout and example street views.
- (iii) In addition to this a statutory Pre-Application Consultation has been completed in accordance with Part 1A 'The Town and Country Planning (Development Management Procedures) (Wales) (Amended) Order 2016" (2016 Order). The findings of this consultation have been set out in the accompanying Pre Application Consultation (PAC) Report and para 5.36 below.

1.11 This application has been advertised as a major application.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00696	Outline application (with all matters reserved except for access) for residential development of up to 291 dwellings, a care home and public open space, landscaping and associated infrastructure works	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S3 LDP Strategic Housing Sites
 S4 LDP Affordable Housing Provision
 S13 LDP Landscape, Green Infrastructure and the Natural Environment

S16 LDP Transport
S17 LDP Place Making and Design
SAH2 LDP Crick Road, Portskewett

Development Management Policies

CRF2 LDP Outdoor Recreation/Public Open Space/Allotment Standards and Provision
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
MV2 LDP Sustainable Transport Access
LC5 LDP Protection and Enhancement of Landscape Character
SD2 LDP Sustainable Construction and Energy Efficiency
SD4 LDP Sustainable Drainage

4.0 REPRESENTATIONS

4.1 Consultation Replies

Portskewett Community Council: response awaited and will be reported as late correspondence.

Caerwent Community Council: Refused

- Increased traffic main arterial route for Bristol and Newport traffic
- Not enough details about traffic movements in Caerwent/Crick
- Caerwent will be a major traffic route
- Crick Road junction with A48 very narrow with no footpaths; already stretches back by 5/6 cars and the driveways on Crick Road are blocked. This will only worsen the situation
- Additional traffic will exacerbate the speeding problem we already have in the area
- Horse boxes use this highway and worsen the situation
- Infrastructure not adequate and will put unnecessary pressure on already over-subscribed public services schools/GPs/Dentists/Police
- This application together with the associated development at Sudbrook and Caldicot will potentially bring 1500 people into the area with the associated sustainability and traffic problems that this brings.

Mathern Community Council: objects to the above proposal and outline their concern for the above application.

The local infrastructure is not adequate to accept such a large increase in traffic. At peak times the motorway junction to the M48 and Larkfield roundabout are currently heavily congested. Should this proposal be accepted the situation will become significantly worse. Additionally, vehicle pollution, which is already compromised on A48. Pwllmeyric and Hardwick Hill would be significantly adversely impacted by the proposal.

The accident black spot in Pwllmeyric would be exasperated.

Local school infrastructure, hospital and social care facilities are also not adequate to accept an increase in population of the nature proposed.

Caldicot Town Council: response is awaited and will be reported as late correspondence.

Dwr Cymru Welsh Water: Approve subject to conditions

The foul and water hydraulic modelling assessments have now been completed, a number of possible network reinforcement solutions to overcome detriment in the foul network have been identified and a single solution has been developed for the surrounding water mains network. The network reinforcement works will need to be completed prior to any sewerage or water connections being made, we will seek to control this through recommended conditions requiring a foul water drainage scheme to be submitted and approved prior to development commencing and no part of the development to come into use until this has been fully implemented. Secondly a

condition is recommended requiring a potable water network scheme to accommodate the potable water demand from the site prior to development commencing and again having to be fully implemented before the site is brought into use.

Natural Resources Wales: Approve subject to conditions

We have reviewed the following information

Drainage Report - Crick Road, Portskewett. Asbri Planning Limited, Project Reference: 16.516, dated April 2018.

The proposed site is located within the Great Spring Source Protection Zone 1. Source Protection Zones are designated by Natural Resources Wales to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface. Source Protection Zone 1 (SPZ1) areas are designated closest to the source of potable water supplies and indicate the area of highest risk for abstracted water quality.

We note that details on the foul and surface water drainage have been provided. We understand that foul water will be disposed of to the mains sewer and that discussions with DCWW are underway for the exact location of connections to mains sewer. We also note that the soakaways are not suitable for the site and that surface water drainage will be to local watercourse. However, we note that there are no details on the type and level of treatment used prior to discharge to the watercourse, condition requiring a scheme to dispose of surface water (including its treatment prior to discharge) to be submitted and approved in writing by the local planning authority.

Ecology : We have reviewed the submitted 'Phase 1 Habitat and Species assessment and Bat and bird assessment' prepared by Just Mammals Consultancy, dated August 2014 and additional 'Phase 1 Update Letter dated May 2016'. We note that the above report has identified that bats were not using the application site. We therefore have no comments to make on the application as submitted in relation to bats, a European Protected Species. We recommend you seek the advice of your in-house ecologist for other matters identified within the submitted surveys.

Gwent Glamorgan Archaeological Trust: Recommends approval with conditions (due to its proximity to prehistoric and Roman activity).

MCC Biodiversity Officer:

Ecological Assessment: Several surveys and assessments have been undertaken to inform the allocation of the site and the planning application:

Priority Habitat: Hedgerows

The site includes a number of hedgerows with a varying degree of ecological quality that cross the site as illustrated by the hedgerow assessments. The most 'Important' hedgerow is along the eastern boundary with the existing residential area. This will be retained but will be incorporated into the rear gardens of new properties. This will ultimately lead to its degradation however, additional planting is being made across the site which will help to compensate for this.

Other hedgerows across the site will be largely retained as indicated by plans illustrating strategic landscaping. Where gaps need to be created, sections of hedge removed will be considered for translocation and used to bolster vegetation to be retained elsewhere. Detail of hedgerow protection during construction shall be secured via a Construction Environmental Management Plan (condition) to be submitted with the Reserved Matters application.

Outline methods of translocation and additional planting have been submitted in the Technical Note but the detail will need to be secured via planning condition and the long term management of these will be covered by Green Infrastructure Management Plan.

Protected & Priority Species: Barn owl

Barn owl has been recorded using the two mature oak trees in the north eastern section of the site. Barn owl is a Protected & Priority Species (Wildlife & Countryside Act 1981 and Section 7 of Environment Wales Act 2016). As such the species will need to be protected from disturbance during the course of the development and compensation for the loss of wider foraging habitat and

disturbance in the long term will also be a requirement. Such mitigation and compensation will address the requirements of Local Development Plan policy NE1.

Detailed information of the onsite avoidance and mitigation measures have been submitted and are acceptable. These must be controlled via a planning condition. It was hoped that details of the offsite compensation would be secured prior to determination of the application. However, we can control this via a planning condition. Subject to detail, options that have already been presented in the technical note and via personal correspondence are considered to be feasible and achievable.

Nesting birds: Measures to protect nesting birds during the implementation of the application will be included in a Construction Environmental Management Plan for each RM.

Ecological impact of drainage route: It is understood that additional information will have to be secured via a Reserved Matters application as the detail of the scheme is not currently available. Walkover assessment of this area indicates that there could be significant ecological constraints that may influence the scheme design.

Reptiles were considered during the initial survey in 2014 and then again during the Phase 1 survey undertaken in 2018. The conclusion of the 2018 assessment was that the riskiest area is at the southern limit of the site in the transition between the farmland and the railway line (which I believe is outside the red line but could be affected by the drainage proposals in future applications). The Construction Environmental Management Plan (Biodiversity) should serve to cover the risk of killing/injury of reptiles during construction. The retention of hedgerows and landscape proposals should enhance the overall site in the long term. The railway corridor provides a refuge and connectivity to other habitats and when detailed drainage proposals are available we will need to consider this species again.

MCC Green Infrastructure Team:

The following GI response has been informed by colleagues from; landscape, biodiversity, prowl, trees, play/ adult rec, open space and flood management.

The proposal has gone a long way to addressing initial concerns raised at the pre-application and subsequent design workshop. Key points such as connected multi-functional green space, incorporation of community growing, retention of protected habitats, opportunities for formal and informal play, connection to and opportunities to access key walking routes beyond the site are all these factors that the scheme has sought to embrace thus contributing towards at 5 key GI functions identified in the GI SPG ;

- Green space provision connectivity and enjoyment (leading to health and well-being benefits through creation of greenspace, access to the prowl network, and play and recreation),
- Local food production (through opportunities for community growing)
- Habitat provision and connectivity (orchard and habitat creation and management of greenspace grassland) tackling;
- Landscape setting and quality of place (through reflecting high quality design complementing the conservation area character).
- Flood attenuation and water resource management and sustainable energy uses (through opportunities for surface water drainage systems, incorporation of street trees and helping tackle climate change issues).

In delivering these opportunities, the proposal will help towards delivering Welsh Governments "Well-Being Goals", "Monmouthshire Well-Being Objectives", as well as seeking to address the "Biodiversity Resilience Forward Plan Objectives".

1. In the pre-application a full LVIA was requested -it has been acknowledged that this has now been completed, and I am satisfied with this submission.
2. The Green Infrastructure Assets and Opportunities plan is satisfactory however the opportunities plan should have extended beyond the site boundaries as per the assets plan.
3. The Landscape Layout plan still doesn't show gated access for maintenance/future access into the exclusion zone area G.

4. Opportunities for seating and interpretation hasn't been incorporated. I will include these in the Landscape condition.
5. All existing hedgerows, woodland and parkland character to be protected and reinforced as part of the new development and integrated into accessible green corridors.
6. We are pleased to note that design principles have been incorporated into the Strategic Masterplan Rev C.
7. SuDS - the new SuDS legislation takes effect from 7th January 2019. The potential SuDS features on the plan are noted, however the surface water drainage proposals will need to comply with Welsh Government's national SuDS standards and the applicant will need to submit an application to MCC as the SuDS Approving Body when this legislation comes into force. As part of these standards we would require an integrated SUDs system that maximises the capture of surface water run off throughout the whole development: For example proposals should incorporate rainwater gardens, permeable paving and a clear system of innovative drainage channels leading to the ponds, not only creating a more comprehensive system but also a more dynamic ecologically and visually diverse one. Under the GI 1 policy surface water management is a requirement of GI delivery (see the GI SPG).
8. The attenuation pond proposed needs further thought in terms of design, size and location. I will include this in the landscape condition but for information highlight the following. In particular, further consideration should be given to:
 - A more integrated SuDS system that maximises the capture of surface water run off throughout the whole development. For example, proposals should incorporate rainwater gardens, permeable paving and a clear system of innovative drainage channels leading to the ponds, not only creating a more comprehensive system but also a more dynamic ecologically and visually diverse one.
 - The biodiversity value of these area particularly for species and habitat diversity. Appropriate planting and management will be the key to achieving this.

MCC Landscape Officer:

The Landscape Sensitivity and Capacity Study has identified the site as being of Medium Landscape sensitivity The most sensitive part of the area is east of Crick Road and around Little Ballan including pastures on rising ground with associated woodland which are locally prominent and of positive landscape character. A less sensitive area is on lower lying land to the south adjoining, and influenced by, existing development. This part of the area has limited intrinsic value although it appears to separate Portskewett from Caldicot, although this is not the case. The area around Mount Ballan has a semi-rural character, which is enhanced by standard oaks and has clearly separated the settlement and is close to the Caldicot Castle Conservation Area. There is Medium Housing capacity: this is limited to the least sensitive part of the area to the south, on lower lying land west of Crick Road as this links into existing housing and is contained by rising land to the east. Other parts of the wider area were considered unsuitable for housing, especially the rising parts west of Crick Road and the north close to the M48 due to their character, local prominence and separation from the settlement.

Landscape Summary: Overall the site has been identified as having medium sensitivity and capacity for housing resulting from its location adjacent to existing development. Caldicot Castle and Country Park acts as an important green buffer separating the settlements of Caldicot and Portskewett and offers an important recreational opportunity to local residents. The proposal has sought to address key views and vistas and retained buffers in the more elevated sections of the site to offset views in the wider landscape.

MCC Tree Officer: Approve

Recommends a condition requiring a Tree Protection Report to be submitted prior to development commencing

MCC Education Officer:

Having reviewed the capacity of schools within the area I can confirm that we would need to seek education contributions should this development proceed.

The development of 218 dwellings (this figure does not include affordable units) we forecast to generate 47 primary age pupils. The catchment school / primary schools within a 2-mile radius of the site have very limited capacity, and with the other two developments in the area that have

already obtained planning permission (Papermill and Shipyard) we forecast to be unable to accommodate these 47 pupils.

Our claim therefore would be for 47 pupil places for primary age children against the agreed formula.

We would not be required to claim contributions for secondary age children.

MCC Highways:

Comments July 2018: Concerns expressed

It is recommended that all internal estate roads will have design speed of 20mph or less and will be constructed to adoptable standards enabling their future adoption pursuant to Section 38 of the Highways Act 1980.

In principle, I have no objections to the proposed development from a traffic impact perspective but would question the robustness of the public transport analysis, sustainable transport provision (walking and cycling), the means of access and the mitigation / improvements to the B4245 and Crick Road.

Application to be deferred and applicant requested to submit the appropriate level of detail and analysis and detailed design to clearly demonstrate the impact of the development and the deliverability of the following but not restricted to the following;

B4245 Means of Access

Crick Road Means of Access

B4245 Footway/Cycleway

Crick Road Footway/Cycleway

B4245 - revised 30mph speed limit, gateway features and traffic calming/engineering measures.

Crick Road re-engineering and traffic calming

The Transport Assessment, particular local transport, bus provision should be reviewed and a strategy for the delivery of improved and more accessible bus provision provided to create a more sustainable development. In the event the Planning Authority are minded to approve the application I would welcome the opportunity to provide suitably worded conditions and the highway authority will expect the developer to enter into a Section 106 Agreement.

Highway Comments: October 2018 Recommend Approval subject to conditions and S106 Agreements

Further to my earlier comments provided on the 10th July 2018, I would offer the following additional comments following receipt of additional information in support of the application with particular reference to the following;

Illustrative Masterplan Drawing No. 16117(05)200/B

Strategic Masterplan Drawing No. 16117(05)205/B

Road Improvements Works to B4245 Sheet 1 Drawing No. S.7564-RD1/B

Road Improvements Works to B4245 Sheet 2 Drawing No. S.7564-RD2/B

Road Improvements Works to B4245 Sheet 3 Drawing No. S.7564-RD3/B

Proposed Road Narrowing on Existing Bridge B4245 Drawing No. S.7564-RD4

Proposed Footpath Link Crick Road Drawing No. S.5764-RD5

Proposed Traffic Calming Measures on B4245 & Crick Road with extended 30mph Zone
Figure 1 Rev A

Proposed Traffic Calming Measures on B4245 Figure 2 Rev A

Proposed Traffic Calming Measures on Crick Road Figure 3

The additional information and drawings submitted in support of the application clearly demonstrate that;

A footway along the B4245 in a south-westerly direction from the site main entrance to the existing footway(s) at the roundabout (B4245/Caldicot Road) can be provided within the limits of the

available publicly-maintained highway. The width of the B4245 where it bridges over the disused rail line can be narrowed to accommodate the footway.

A footway along Crick Road from the site entrance in a south-easterly direction to the existing footway at the junction with Treetops can be provided within the limits of the available publicly maintained highway

The control and use of the secondary means of access onto Crick Road has been considered insofar as the draft masterplan has been amended and re-engineered to discourage through traffic to and from Crick Road but still providing a secondary link for public transport and emergency services etc.

Recommendation;

In light of the aforementioned and previous comments provided on the 10th July 2018 and that the application is for outline approval, with all matters reserved except access, the highway authority offer no objections to the application as the development would not lead to a deterioration in highway safety or capacity on the immediate highway network. The application demonstrates that an acceptable means of access(s) can be provided as well essential off site walking/cycling links and local highway improvements.

Relevant conditions are therefore recommended to be imposed on a planning consent requiring a Construction Traffic Management Plan (CTMP), details for future management and maintenance of the proposed streets, detailed design, safety audits and technical audits for the proposed means of access onto the B4245 to be submitted, detailed surface water management scheme to be submitted.

The highway authority also require the applicant / landowner to enter into a legally binding agreement (S106 of the Town and Country Planning Act) for the following;

- Provide a financial contribution to enhance and improve the local bus service(s)
- To enter into a Section 278 Agreement, Highways Act 1980 for:
 1. The proposed B4245 junction and B4245 improvements all footways, street lighting, the narrowing of the bridge, islands, road markings and signs, bus stops, etc.
 2. The proposed Crick Road junction and Crick Road improvements, footways, road markings and signs, etc.

MCC Transport Planning & Policy Officer:

The site is not served by any bus service. Nearby services are the X74 (hourly) and the 75 (4/5 buses per day), both travelling to the south along Caldicot Road. I did previously ask whether a footpath connecting into Arthurs Court would be possible, as there is a bus stop near the Caldicot Rd/Arthurs Court junction, and this would mean reasonable accessibility at least for the southern half of the development.

As to the two bus services, the X74 connects Newport, Caldicot and Chepstow and is the main bus service in the area. It also serves Portskewett and it is unlikely that it can be rerouted to serve the new development. The 75 is a local feeder service, connecting Sudbrook, Portskewett (Church) and Caldicot (and then onto Caerwent). This service is currently under pressure, but it could and should be rerouted to serve the new development, but it would need its frequency enhanced. I believe a contribution of £50k to prime-pump a continuing and better bus service to Caldicot town centre would be helpful.

MCC Drainage Officer:

As Lead Local Flood Authority, we offer the following comments on this Outline Planning Application.

We have knowledge of surface water runoff from hills to the east of the proposed development site flowing along Crick Road and into the Treetops Estate (to the south-east of the proposed development site). The water flooded two garages in December 2012. It is understood that a simple ramp structure was subsequently constructed on Crick Road which protects the Treetops Estate from such flooding.

We recommend that the applicant considers potential surface water flows from Crick Road and the hills to the east, and undertakes their detailed design to avoid such flows adversely affecting the proposed development. Condition is proposed that secures the submission of the relevant information required at the detailed stage.

MCC Housing Officer: There should be 73 affordable units plus the additional 7 bungalows that is being funded through the SHG programme.
7 x 3p2b bungalows (grant funded)

18 X 2 person 1 bed flats
26 X 4 person 2 bed houses
29 x 5 person 3 bed houses

4.2 Neighbour Notification

To date there have been 56 representations received in response to this application. The points raised are summarised below:

Neighbouring property backs almost immediately onto a plot with little separating distance obscuring rear windows overshadowing kitchen window. Please give consideration to having this one single house removed from the plan or that the layout is redesigned so that its presence is not to the detriment of our home.

Neighbour backs onto pumping station - noise and odour problems, more landscaping required

Services already over-subscribed schools, GPs, Dentists

Traffic problem local residents already struggle to get out of Arthurs Court

Building land is low lying and retains high volumes of water - resulting in an aggravated surface water drainage system when this site is developed which will impact neighbouring properties

Radon gas in the area

Increased air pollution resulting from rise in car use

Originally site allocated as low relief industrial development; Council changed to residential

New development imposes significantly on established dwellings

Query impartiality of application when MCC is the applicant and is developing the site in partnership with a developer

Why hasn't a larger housebuilder come forward? Questions how appropriate the site is for development

Site should be left alone to absorb surface water drainage

TA shows development will result in 1423 trips, 145 during peak time morning and 153 peak time evening - significant impact on existing residents of Treetops turning right to Portskewett

Narrowing of road to create footpath will increase congestion further particularly during peak times and when the David Broome event centre is running an event with horse boxes aggravating the existing issue

The proposal is contrary to Strategic Policy MV1

The proposal shows no improvement of the existing junction of Treetops onto Crick Road but does show a new junction coming off this road with no improvements proposed to this section of the highway which is poor and can barely allow 2 cars to pass - there should be a new footpath for the whole length of the proposal

Parking is undefined causing a hazard - development cannot accommodate it properly with the road width and allocation given on the layout

PAC report states that MCC has identified sufficient provision for education and health services- this is unfounded - residents struggle to get appointments at the doctors

Welsh Water has objected to the development, as public sewer does not have capacity to accommodate the development. Welsh Water has identified a water supply problem with no plan for an upgrade

The storm water drainage plans show an off-site sewer going to the Nedern Brook at Caldicot Castle. The plan identifies a clash with a high-pressure gas main and underground cables, the HSE have identified this in the report; have the costs for this been factored in?

Too large a development for its location. Part of the attraction of living in a semi-rural village is because it is semi-rural. Over development will massively detract from this. Too much urbanisation will fundamentally change the community, aspect and functionality of this small village.

Hedgerows - The Landscape Strategy within the plans seeks to build on the retention of the boundary hedgerows and this is reinforced by the planting of significant lengths of new native hedgerows. These provide the site with a landscape backbone, enhancing the biodiversity. The plan refers to a ten year Management Plan to include Hedgerow Management including promotion of nature conservation interest. However, the Landscape and Visual Appraisal Report (LVA) refers to boundary hedgerows being within the private domain of house back gardens. Therefore there is no guarantee that the new residents will maintain the hedgerows in the way envisaged and promoted within the plan. The hedgerows should not be within the private domain but rather there needs to be an area of access along the hedgerows for proper maintenance.

Net Density: The plan seeks to build up to 300 residential properties. Given the acreage of the residential development, reaching this number will be in breach of net density requirements which provide for no more than 30 dwellings per hectare. This criterion is also referred to in the LVA. The density is 37 dwellings per hectare.

The report further describes the requirements to ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling. The proximity of the new dwelling to those in Treetops immediately on the other side of the boundary hedgerow invades this privacy.

The LVA refers to houses on Treetops backing onto the site would experience a moderate magnitude of effect at all stages of development resulting in a major-moderate significance of effect on these high sensitivity receptors. Again an area of access to the hedgerows to enable maintenance will mitigate encroachment on this privacy. MCC have used specialised equipment for its maintenance for at least the last 24 years, cutting it to a height of between 8 and 10 feet at the permitted time of year. If entire responsibility were passed to residents, who are liable to be transient, how would you be able to ensure that they are fulfilling their obligations and how would you deal with non-compliance? Maintenance and preservation should rest with Melin or MCC. This would require adequate access for the appropriate heavy duty machinery required to carry out the work on the hedgerows.

The planning application is for an outline application with all matters reserved except for access This is too vague; cannot support a planning application which does not give specific designs for dwellings within the site.

During the period of consultation, the architects gave assurances about the placing of two and two and a half-story dwellings and the number and positioning of affordable homes. If they can give those assurances in consultation, they can also include them in the planning application.

These plans have been drawn up against an out of date site plan of Treetops e.g. properties adjacent to the development have been extended and the proposed plan would not comply with the Right to Privacy. Any housing backing onto existing dwellings needs to satisfy the privacy requirements in respect of height, distance and angle of view

The Monmouthshire LDP Policy DES 1 criterion l) is 30 dwellings per hectare. There is 7.6 hectares available for residential dwellings on the Crick Road development which equates to a maximum of 228 houses. This is significantly less than the 285 referred to in the LDP and the figure of up to 300 is a 31.58% over build.

Reference is made to the Site Pro Forma, MCC, Joint Housing Availability Base 2018 and the LDP for the figures. The number of homes per hectare in the MCC Local Development Plan is 30. This then is a total of 233.1 homes, way less than the application. The 0.1 will no doubt be the pumping station, that being an issue in itself.

Pedestrian safety is at risk, children walking to school from the new development will be particularly vulnerable.

Traffic from Sudbrook, increased in volume by its new development, will without doubt use Crick Road and the B4245 to go towards Chepstow rather than via Leechpool Holdings to Parkwall Roundabout. There is a real need for steps to be taken to minimise the volume of traffic using Crick Road as a short cut to and from the village and the B4245.

If the Care Home was repositioned on the development to the area nearer Crick Road, below the embankment, this would also reduce the amount of traffic needing to access the development via the Crick Road. It would then benefit from a virtually direct access from the B4245, giving improved access to emergency and NHS transport, medical and catering deliveries etc.

Seventy plus houses being allocated to social housing is also a much too large ratio for the village compared to what we have now.

20+ years of beautiful views, brought our children up in the village with plenty of green areas for them to appreciate, this development impacts on this.

We have one pub and one shop which has very little parking.

Social housing will bring house prices down and deteriorate the look of the area. I moved here to get away from the problems that come with social housing as did many others.

This small village of Portskewett is losing its identity.

The assertion by one of the developers that the label of 'main entrance' for the entrance on Crick Road would reduce the use of the side entrance is disappointing and naive. The construction of this entrance should be rejected.

There is a block of four houses on the boundary between the development and Treetops. I strongly oppose their placement here. As an owner-occupier who is having the development imposed on me, I have no choice but to deal with whatever is built behind my property. My young family and I were here before the development and I would argue that it is a reasonable expectation of homeowners on Treetops that the properties built around the boundary will be of a similar nature and character i.e. detached two storey homes. New residents buying any of the 300 homes proposed will be able to look at the plans and decide on where they want to live and what they want to see before they invest their money. That luxury is not available to me. Having this mini-terrace behind my house will impact on the reasonable enjoyment of my property in several ways, such as extra noise (as four families instead of one behind me), reducing the hours of

daylight I will get in my garden etc. Whilst it is true that any development will impact on these aspects, a block like this will amplify it.

There is no proper plan for the maintenance of the protected hedgerow that will run along the boundary of Treetops and the proposed development. It is not acceptable to make it part of the new homes' boundary and expect these homeowners to maintain this important local wildlife resource. The houses running to the boundary should be properly fenced at the end, with an access path for maintenance behind them, in line with the Barn Owl and Hedgerow Assessment.

Oppose the removal of internal parts of the protected hedgerow on the site as shown on the plans. It is not acceptable to take this away simply because it is expedient for building more houses. The answer is not to remove the hedge, it is to build fewer houses. The hedgerows and the site itself is species rich and an important resource for wildlife, as the hedgerow assessment confirmed. Transplanting the hedgerow will uproot and damage the wildlife population, further increasing the risk of abandonment of the barn owl nesting site. The development should leave these where they are and build around them if necessary, whilst planting new hedgerows to protect the barn owl site.

The plans for safely linking this site to Caldicot with a foot and cycle path are wholly inadequate. I consider it a disservice to the existing community and the new one you are proposing to build that you are not doing more with the bridge over the disused railway line (such as widening) to make it a safe link. As the village school is already over-subscribed, any new school age children will need to be educated in Caldicot. Are they going to be able to walk to school? It does not look like it on the plans I have seen, so in effect you are forcing more cars onto the road during the school run, negatively impacting on child safety and the environment. Just as worrying is the lack of equality for accessing education for families without cars.

What happened to proposed low level housing around the outside of the site - this is high density.

Question how the introduction of a pathway to the proposed development will be beneficial. You need to take a serious look at the pinch point just above the school. Have you ever tried crossing this road? Trees and foliage hang over on both sides and make it extremely difficult to see oncoming traffic especially as you plan to increase the volume of traffic, which in turn increases the volume of pollution.

The bus service has been cut back to the bare minimum.

Access to the local comprehensive school is poor.

The junction of the Crick Road with the B4245 would be incredibly dangerous. It can already be difficult to navigate this junction from the Crick Road as traffic on the B4245 is often travelling at 60mph (or faster!) and at peak times the gaps between cars is negligible.

Crick Road into Portskewett is too narrow to allow more traffic. It already acts as a main route into the village for many in both Portskewett and Sudbrook, passing the ARW primary school. Although the deliberate narrowing of the road to deter speeding has helped a bit, it needs additional measures to reduce traffic movements and speed. Make it an ENFORCED 20mph speed perhaps?

Traffic movements to and from the ARW school cause mayhem. This is particularly true at pick-up time when parents choose to park in the most inconsiderate and even dangerous places. Any access from the site directly onto the Crick Road will only encourage parents to drive to the school rather than to walk. Please do not put an access road from the site onto the Crick Road.

The Crick Road needs to be widened to allow a pavement to be installed along its entire length if the development is to be approved. At present, there is no pavement beyond Treetops, and the speed limit is 60mph!

It seems from the proposed amendments to the plans that the potable and waste water issue still hasn't been addressed as previously raised by Welsh Water. Local infrastructure needs to be addressed.

Existing HGV Prohibition sign to prevent HGV access to Crick Road is generally ignored by most goods vehicles that require access through to Portskewett village and the Sudbrook area. Please note this route is also used by Monmouthshire's yellow buses. The plan suggests extending the system of humps and narrowing. Yes, let us take the cheapest option, instead of widening the road for the extra traffic; create a bottleneck.

Does Highways plan to adopt all these roads and maintain them which they currently only patch up regularly on Crick Road making it look very run down. Parking proposed is inadequate. Off road parking within the proposed development for now and the future isn't sufficient, what number of parking spaces are you allocating per new proposed property?

The Council will be aware that the Welsh Minister for the Environment has now signed the Commencement Order for sustainable drainage systems (SuDS). This brings Schedule 3 of the Flood and Water Management Act 2010 into force in Wales. From January 7 2019, after this date all proposed new developments in Wales must include SuDS. These must comply with the Welsh Ministers Standards and be signed off by the SuDS Approving Body. Since this is a major point of objection on this planning application surely this planning should not be considered by our council until the new legislation comes into force just weeks later.

The act enshrined core principles that developers must follow:

- Water to be managed on or as close to the surface and source of the runoff as possible.
- Ensure pollution is prevented at source, not rely on the drainage system to treat it.
- Protect people from increased flood risk, and the environment from ecological changes in flow rates, patterns and sediment movement caused by the development
- Use a Management Train in series across a site rather than a single end of pipe feature, such as a pond, to serve the whole development SuDS should perform safely, reliably and effectively over the design life of the development. They must take into account the need for reasonable levels of maintenance
- Avoid the need for pumping where possible;
- Be affordable, taking into account both construction and long-term maintenance costs and the additional environmental and social benefits afforded by the system.

I fail to see why there is a sense of urgency to get this planning application put before Council in November? It should wait until the new legislation comes into force to protect the existing residents.

The photographs submitted by Melin show homes that are totally out of keeping with houses in the area.

MCC should be acutely aware that it has already wasted public money by installing and then having to remove humps/ramps on Crick Road as they caused additional flooding in Treetops.

Conditions recommended by NRW have not been met concerning disposal and treatment of surface water to prevent contamination of local watercourse as site is located within SPZ1 area.

Drainage report 7783110 states that surface water will be discharged to a water course north-west of the development which in turn discharges into Neddern Brook close to the grounds of Caldicot Castle. This is the Brook which already floods during winter months along with some fields around Caldicot Castle (see google maps for images) and with extra water could potentially flood the lower parts of Castle Lodge Crescent who have already had a flooding problem during recent years.

Hard to believe that the neighbouring development of Treetops utilise soil infiltration for all surface water drainage (both road and buildings) yet the soil just a few meters away tested unsuitable for the same thing. Where is report 11911/JJ that details this, and why has it not been made available for viewing?

The surface water drainage proposed for this development does not meet Schedule 3 of the Flood and Water Management Act 2010. With regards to local infrastructure the LDP states, 'There is a need to ensure that adequate infrastructure is provided to support new development, including provision of sufficient water and sewerage infrastructure without any adverse impact on water quality, protecting where necessary existing open space and community facilities, facilitating the provision of new facilities and requiring new development to make a contribution to the provision of community infrastructure' (contributing to the bus service does not count). This is clearly not being met due to already oversubscribed doctors surgeries in both Portskewett and Caldicot with clearly no plans to expand, plus an at capacity local school with no plans to expand.

In the LDP: Health and Wellbeing. While Monmouthshire performs relatively well on indicators relating to health, there is a need to promote opportunities for healthy living and access to health care particularly in the context of an ageing population. LDP objectives are: To ensure that appropriate infrastructure (to include community and recreational facilities, sewerage, water, transport, schools and health care etc.) is already in place or can be provided to accommodate new development. MCC is clearly not meeting the criteria of its own LDP.

A reduction of nine houses is neither here nor there; a reduction of a much larger number is needed.

The land that has not been fenced off on the development site by no 1 Castle Court is now very overgrown and an eyesore as no one appears to have responsibility for it.

More pedestrians using the road.

The intention of the new plan was that only 25% of the site would be accessed from Crick Road leaving 75% using the B4245 junction. Collapsible security tagged bollards were to be installed for emergency services.

Cherry picked properties for this residential context the purpose as the photos is to only show houses nearby that appear to be of a similar style to those you intend to build. The photos do include two detached houses but have been taken from an angle that does not make it obvious. If the photographer had only taken a picture from the bottom of Crick Road it would show the village green and over towards the green open space of King Harold's field, flanked by large tasteful barn conversions. Indeed the vast majority of residential properties in Portskewett are undoubtedly detached. To have been truly reflective of residential context, photos of houses in Treetops and Arthur's Court which are directly adjacent to the site should have been included.

Development on a greenfield site.

Neighbour will be impacted because currently has wonderful views from the rear garden, the setting sun over green fields and Wentwood on the horizon, and with a gate accessing the fields in question.

The site is walked by neighbours who can view the interesting flora and fauna observing the multitude of insects and birds that frequent the fields. Ecologically rich male and female common blue butterflies, Slow worm, buzzards and sparrowhawks diving for prey. For the last two summers a barn owl has been seen hunting at dawn and dusk - this year it has gone. At para 3.8 of the Landscape and Visual Appraisal it is evidenced that a Barn Owl rests and roosts in one of the old oak trees. It is also evidenced in para 10.9 of the Site Investigation report that an historic lime kiln and building is located near Crick road (but had not been investigated). I am aware of this building and that over the last 12 months someone has removed the tin roof. It is well known that a barn owl, a protected species, raises its young in a barn not a tree. I strongly suspect the removal of the roof was done with the intention of driving away the barn owl.

As a local authority you have a public duty to have regard to the conservation of biodiversity as part of this decision making process. This includes any land, buildings, open spaces and woodland. This development and its appraisals have been biased towards its success to the

detriment of not only residents abutting the fields but the community as a whole as commented on by others.

It is stated in the supporting information that there are no flood issues yet the land is listed in the LDP as having such.

Ecology Report - conveniently missed out slow worms a protected species found regularly in the hedgerow abutting this land by residents

The traffic assessment for this site was done when there was no planning permission (and building) of 250 houses in Sudbrook nor the new site in Caldicot. Both these developments are and will continue to add pressure to both Crick Road and the B4245. Another assessment is needed urgently and an action plan for traffic mitigation is needed for Crick Road before any plans can be passed.

Houses for the size of this site should be a maximum of 240 not 291 as proposed.

Common sense says that the council need to stop bending over to meet their failed LDP plan target and find another area given all its issues.

Application is lacking in information, it is not like the Rockfield Farm application, shows where the affordable homes will be, design of homes. Rockfield has 3 blocks of 4 and 2 blocks of 3 homes, the rest being semi and detached. Looking at rev B of the Melin homes application I counted 26 blocks of homes, no information of type.

Conflict by neighbour on Crick Road with a low loader lorry, which contained a tracked digger on the back and that caused a huge problem. A great example to demonstrate that both a car and a lorry / large vehicle could not fit on Crick Road together. This is a prime example of why the road is too narrow to take this development and you are allowing developers to narrow the road further.

5.0 EVALUATION

The issues to consider when assessing this application are the following:

Principle of the development

Density

Highway implications

Visual and Landscape Impact

Neighbour Impact

Ecology

Drainage and Water

Other Issues: Over-subscription of local services, Radon gas, noise and air pollution

5.1 Principle of the proposed development

5.1.1 This is an allocated development site in the adopted LDP. The principle of development is therefore established. In the Deposit Local Development Plan the site was identified as a mixed use allocation for 250 dwellings together with 2 hectares of employment land in the western portion of the site. At the Hearing Sessions for the LDP in May 2013 it became apparent that the Welsh Government and other interested parties considered that the housing allocations were not sufficient and as a result the LDP Inspector, following an exercise where the County Council advertised 'Amended and Additional sites', agreed to increase the housing element to ensure that the housing land supply on adoption of the plan was sufficient. As such, 1 hectare of the employment allocation was removed in order to increase the residential capacity of the site by 35 dwellings. On adoption of the LDP, the Site was allocated under Policy SAH2 for a mixed use development of around 285 dwellings and 1 hectare of B1 land.

- 5.1.2 Policy S4 relates to Affordable Housing Provision and states that in Severnside Settlements there is a requirement for 25% of the total number of dwellings on the site to be affordable. The application proposes that 25% of the 291 dwellings be affordable and therefore complies with Policy S4 and SAH2 in principle. Criterion (b) of SAH2 requires that in addition to the standard requirements a Section 106 be signed that includes provision for 1 hectare of serviced land for industrial and business development (Class B1). The application proposes that 0.73ha of the site be given over to a care home. It recognises that this use is not a 'traditional' employment generating use in planning policy terms (i.e. not B1, B2 or B8), but maintains that a care home does provide employment. It notes that the proposed care facility will result in employment generation of approximately 40-60 full time equivalents which, for the size of the site, would exceed many traditional B Class "employment" uses. The amount and type of employment land proposed is clearly of a different type and less than the policy requirement of 1ha set out in Policy SAH2. It is acknowledged, however, that the take up of employment land in the south of the County has been at a slower level than expected and a care home will provide both employment and an important local facility. The LDP still has 40 hectares of undeveloped employment land, much of which is in the south of the county. The Council's Estates Section states that this particular site has been marketed for a considerable period but with no interest for employment development.
- 5.1.3 Whilst this is an Outline Planning Application with the means of access the only detail to be considered at this stage, extensive reports have been submitted with this application to work in conjunction with the overall Masterplan which had to be submitted as part of the outline submission.
- 5.2 Density
- 5.2.1 Strategic Policy S17 relating to Place Making and Design is to be considered along with Policy DES1 in relation to General Design. Criterion i) of DES1 requires a minimum net density of 30 dwellings per hectare in order to ensure the most efficient use of land. The neighbour representations are quoting that this site should be accommodating a maximum of 240 dwellings for this site, working off a density of 30 hectares per dwelling. However this strategic site has been allocated in on the basis that it can achieve 37 dwellings per hectare. Planning Policy SAH2 states the site is 10.95ha, this policy allowed for 1ha of employment land and a further area to take account of an existing/potential flood storage area for surface water to the south of the site which it said should be retained for open space. This left an area of some 7.77ha for residential development of around 285 dwellings (again, the policy estimated a density of some 37 dwellings per hectare), "Allowing for 1 hectare of employment land provides a net site area, for residential of 7.77 hectares giving a proposed net density of 37 dwellings per hectare".
- 5.2.2 In this case a further six dwellings are proposed over the total given (291 dwelling units in total), but the area given over to the care home is around 0.73ha, a little below the 1ha recommended in the policy. Working from the figures given, a total of 2.18 hectares was estimated from the policy to be given across to open space and surface water drainage attenuation. Applying the reduced area of employment (0.73ha) this leaves approximately 8.04 hectares of developable land, this equates to 297 dwellings at the expected density level of 37 houses per hectare. The total of 291 dwellings comes in 6 dwellings less than this (this averages out at 36 dwellings per hectare). This is a direct result of negotiations undertaken with the Planning Department to drive improvements in design with more space given over to Public Open Space and green links within the site. The proposed density is thus policy compliant.
- 5.2.3 Notwithstanding the above, the exact number of dwellings (up to 291), their size, appearance, layout and relationship with the adjacent homes, will be matters for consideration as part of the subsequent Reserved Matters approval.
- 5.3 Highways and Access

- 5.3.1 Policies MV1 (access and car parking) and Policy MV2 relating to highway considerations and sustainable transport access is of relevance stating that if deemed necessary financial requirements will be required towards improvements in transport infrastructure and services, in particular to support sustainable travel links / public transport, cycling and walking. Criterion c) of Policy SAH2 states that a S106 agreement will be required for provision for any necessary off-site works to improve pedestrian access to and from the site, particularly in relation to the centre of Portskewett and to employment, shopping and community facilities in nearby Caldicot.
- 5.3.2 There are two issues relating to firstly the proposed access and on site works and secondly the proposed off-site works that are to be secured as part of legal agreements.
- 5.3.3 On site works and access to the proposed development:
- 5.3.3.1 The proposals include two new site accesses. The primary vehicular access will be gained via a priority junction with the B4245 to the northwest of the development site. The secondary vehicular access will be gained via a priority junction with Crick Road to the east of the development site, immediately to the north of the Treetops residential estate. The design of the junctions will be to current highway standards. Highways have confirmed in both cases that "with all matters reserved except access, the highway authority offer no objections to the application as the development would not lead to a deterioration in highway safety or capacity on the immediate highway network. The application demonstrates that an acceptable means of access(s) can be provided as well essential off site walking/cycling links and local highway improvements".
- 5.3.3.2 It has been recognised that there is a considerable neighbour objection to the secondary access just north of Treetops. A secondary access, however, was considered to be very important for this site particularly for emergency and service vehicles. Layout changes during the course of the planning application have been made to promote and encourage the majority of residents to utilise the access to the B4245, and concerning the care home this access is located approximately 150m to the north of the proposed care home and will provide residents and employees access onto the strategic road network. The illustrative layout provided clearly demonstrates the layout which coupled with road hierarchies mean that with the exception of the far north-east of the site, the majority of dwellings on the site have a clear access route to a strategic road network via the primary access point onto the B4245.
- 5.3.3.3 With regard to the internal arrangement of the site, this has been laid out in draft as this informs the strategic landscaping and greenway routes that need to be established at this stage. There is a clear hierarchy of routes proposed including the creation of a Greenway forming an extension of the main village street sited alongside retained and new hedgerows. There are associated greenways running perpendicular to the main greenway providing a green route within a more densely built part of the site and framing the pedestrian access onto the B4245. There are secondary streets (which will serve the majority of the housing phases), and a series of mews streets and private drives along with main pedestrian routes. The car parking requirements are not considered at this stage as this proposal is in outline only and will be considered upon submission of reserved matters that follow if the outline application is approved.
- 5.3.4 Off Site Works Proposed
- 5.3.4.1 There are a number of improvements proposed to improve pedestrian links to key areas, namely the local primary school, Portskewett and Caldicot Town Centre, the Comprehensive School and Caldicot Castle. There are additional off-site improvements to the footpath network with a new connection from the Crick Road access to Treetops providing a safe route to school and a new section of footpath from the main vehicular access west towards Caldicot is proposed. This is discussed in more detail below:

5.3.4.2 There are extensive measures proposed to improve access to Caldicot including a new footpath connection proposed between the site entrance with the B4245 and the Castlegate Roundabout via the railway bridge. The re-engineering of the existing highway over the railway bridge enables a 2.5m wide footpath/ cycleway to be incorporated along its southern edge. This includes tapering the existing highway to 6.3m with realignments on both the northern and southern sides, remove the existing vehicular restraint barrier and demarcate the highway with new Trief kerbing. Pedestrian guard rails are proposed against the existing bridge's southern parapet wall as a safety measure. There are further details submitted of a new tactile crossing facility at the Gas Governor Entrance Junction. A pedestrian island and subsequent 2m footpath along the northern side of the B4245 is proposed to provide ease of access to an informal footpath which in turn lead to the grounds of Caldicot Castle. This coupled with a new crossing point to the grounds of Caldicot Castle to be provided (facilitated by new dropped kerbs whilst utilising the existing traffic island) ensures there is permeability from this new site. The existing residential properties in Treetops and other properties in Portskewett would now benefit from a direct safe pedestrian access to key points in Caldicot including the Castle, Shopping Centre and Caldicot Secondary School. There is currently no pedestrian access serving this area so this development delivers significant improvements in this respect.

5.3.4.3 In addition a Stage 1 Road Safety Audit has been undertaken by a registered safety audit practice. The latest package of off-site works including the enhanced traffic-calming scheme seek to address many of the RSA's comments and recommendations. (The agents have prepared and evolved a preliminary design of a traffic-calming scheme that seeks to restrain speeds on both the B4245 and Crick Road. This has been discussed in detail with officers of the Highway Authority and the scheme is proposing engineering measures to complement the proposed speed limit revisions in the site's vicinity). This has met provisionally with the acceptance of the Council's Highway Engineer, subject to the stage 2 safety audit being undertaken at the detailed design stage.

5.3.4.4 South of the site a footway along Crick Road from the site entrance in a south easterly direction to the existing footway at the junction with Treetops is to be provided and Highways have confirmed that this can be delivered within the limits of the available publicly maintained highway. This provides a direct pedestrian link from an established internal network of Greenways and secondary streets to the primary school and local shop in Portskewett.

5.3.5 Highways have confirmed that for the purposes of this outline application the development as proposed is acceptable subject to relevant conditions imposed on any planning consent. (This requires the submission of a Construction Traffic Management Plan (CTMP); details for future management and maintenance of the proposed streets; detailed design safety audits and technical audits for the proposed means of access onto the B4245 and Crick Road and a detailed surface water management scheme). In addition to conditions, Highways require the applicant to enter into a S106 to secure financial contributions to secure:

- improvement and enhancement of the local bus service (highlighted by neighbour representations as being poor), and
- to secure all the off-site works via a Section 278 Agreement of the Highways Act 1980 for the proposed B4245 junction and B4245 improvements, all footways, street lighting, the narrowing of the bridge, islands, road markings, signs and bus stops; the proposed Crick Road junction and Crick Road improvements, footways, road markings and signs etc.

The proposal meets the requirements of LDP Policies MV1 and MV2 and SAH2

5.3.6 There have been a large number of representations submitted by neighbours raising concerns regarding the highway and safety implication of the proposed development. There have been requests that these points are addressed directly and this is set out in this element of the report. The neighbour concern is shown in italics with the Council's planning/highway authority response given directly below.

(a) Traffic problem - local residents already struggle to get out of Arthurs Court.

The Transport Assessment submitted in support of the application demonstrates that the development has no discernible impact on Main Road and particularly the junction with Arthurs Court.

(b) Building land is low lying and retains high volumes of water - resulting in an aggravated surface water drainage system when this site is developed which will impact neighbouring properties.

The Council have no records of the land flooding. Any development will be subject to the approval of a surface water management strategy.

(c) TA shows development will result in 1423 trips, 145 during peak time morning and 153 peak time evening - significant impact on existing residents of Treetops turning right to Portskewett

The Transport assessment has demonstrated that the increase in traffic generated by the proposal can be accommodated on the local network and the site has been designed so that the majority of traffic leaves via the B road, reducing the impact on Crick Road.

(d) Narrowing of road to create footpath will increase congestion further particularly during peak times and when the David Broome event centre is running an event with horse boxes aggravating the existing issue.

There will be minimal effect on the width of Crick Road, as the vast majority of the footway will be provided within the existing verge, any reduction in carriageway width will not materially affect the flow of traffic and create harm or nuisance.

(e) The proposal shows no improvement of the existing junction of Treetops onto Crick Road but does show a new junction coming off this road with no improvements proposed to this section of the highway, which is poor and can barely allow 2 cars to pass - there should be a new footpath for the whole length of the proposal.

This was not considered necessary, as the increase in traffic movements on Crick Road does not affect the operation or capacity of the Treetops junction.

(f) Parking is undefined causing a hazard - development cannot accommodate it properly with the road width and allocation given on the layout.

The levels of parking will be in accordance with the Council's Adopted Parking Standards. This will be considered as part of the Reserved Matters application.

(g) The storm water drainage plans show an off-site sewer going to the Nedern Brook at Caldicot Castle. The plan identifies a clash with a high-pressure gas main and underground cables, the HSE have identified this in the report - have the costs for this been factored in?

This is a matter for the developer to consider; the drainage and surface water management strategy will identify the appropriate route for any off site sewers/drain; any conflict with existing utility apparatus will be subject to separate agreements with the utility companies to either divert or protect their apparatus.

(h) Pedestrian safety is at risk, children walking to school from the new development will be particularly vulnerable.

This development offers significant improvements in pedestrian links both to the local primary school and the comprehensive school with the proposed footpath provision and improvements.

(i) Traffic from Sudbrook, increased in volume by its new development will, without doubt, use Crick Road and the B4245 to go towards Chepstow rather than via Leechpool Holdings to Parkwall Roundabout. There is a real need for steps to be taken to minimise the volume of traffic using Crick Road as a short cut to and from the village and the B4245.

The Transport Assessment has analysed the impact of the development on the immediate highway network taking into account both the increased traffic generated by the development and committed development in the area such as Sudbrook Paper Mill, Sudbrook, Rockfield Farm, Undy and no significant increase in traffic movements is

predicted. Improvements to Crick Road to provide pedestrian links and control vehicle speeds are proposed.

(j) If the Care Home was repositioned on the development to the area nearer Crick Road below the embankment this would also reduce the amount of traffic needing to access the development via the Crick Road as it would then benefit from a virtually direct access from the B4245, giving improved access to emergency and NHS transport, medical and catering deliveries etc.

It is considered that the Care Home will still use this B4245 access point as this is the closest and most direct point of access.

(k) The plans for safely linking this site to Caldicot with a foot and cycle path are wholly inadequate.

To widen the bridge, that is ideally the best option would render the whole development non-viable as the cost implications for this are significant. The alternative is to work with the existing carriageway width and narrow it. Highways are satisfied from the information provided that this provides a safe pedestrian and vehicle access route.

(l) Question how the introduction of a pathway to the proposed development will be beneficial. You need to take a serious look at the pinch point just above the school. Have you ever tried crossing this road? Trees and foliage hang over on both sides and make it extremely difficult to see oncoming traffic especially as you plan to increase the volume of traffic, which in turn increases the volume of pollution.

This is not directly related to the development but is considered as an on-going maintenance issue and landowners should be made aware of the obligations to maintain hedges and tress so as not obstruct the public highway.

(m) The bus service has been cut back to the bare minimum.

There is a S106 contribution towards sustainable transport that will improve this situation.

(n) Access to the local comprehensive school is poor.

This would be improved via this development by provision of a footway along the B4245 and provision of pedestrian crossing points at the Mitel roundabout, etc.

(o) The junction of the Crick Road with the B4245 would be incredibly dangerous. It can already be difficult to navigate this junction from the Crick Road as traffic on the B4245 is often travelling at 60mph (or faster!) and at peak times the gaps between cars is negligible. This would not be compromised by this development as the majority of the traffic will leave from the main access point onto the B4245. The Highways Authority is satisfied with the proposed development.

(p) Crick Road into Portskewett is too narrow to allow more traffic. It already acts as a main route into the village for many in both Portskewett and Sudbrook, passing the ARW primary school. Although the deliberate narrowing of the road to deter speeding has helped a bit, it needs additional measures to reduce traffic movements and speed. Make it an ENFORCED 20mph speed perhaps?

The issue of reducing traffic speeds and improvements is being considered by the highway authority and the developer will be required to enter into agreements with the Council to provide the improvements.

(q) Traffic movements to and from the ARW school cause mayhem. This is particularly true at pick-up time when parents choose to park in the most inconsiderate and even dangerous places. Any access from the site directly onto the Crick Road will only encourage parents to drive to the school rather than to walk. Please DO NOT include an access road from the site onto the Crick Road.

Footpath improvements and green links within the site will encourage future residents to use the footpath link and walk to the local primary school.

(r) *The Crick Road needs to be widened to allow a pavement to be installed along its entire length if the development is to be approved. At present, there is no pavement beyond Treetops, and the speed limit is 60mph!*

There will be minimal effect on the width of Crick Road as the vast majority of the footway will be provided within the existing verge, any reduction in carriageway width will not materially affect the flow of traffic and create harm or nuisance. The issue of reducing traffic speeds and improvements is being considered by the highway authority and the developer will be required to enter into agreements with the Council to provide the improvements necessary.

(s) *Existing HGV Prohibition sign to prevent HGV access to Crick Road is generally ignored by most goods vehicles that require access through to Portskewett village and the Sudbrook area. Please note Monmouthshire's yellow buses also use this route. The plan suggests extending the system of humps and narrowing! Yes, let us take the cheapest option, instead of widening the road for the extra traffic let's create a bottleneck.*

The enforcement of Weight Limits is a matter for the Police. As regards the improvements to Crick Road, its widening has not been considered as the analysis in the Transport Assessment submitted in support of the application demonstrates that Crick Road can accommodate any additional vehicle movements generated by the development.

(t) *Do Highways plan to adopt all these roads and maintain them which they currently only patch up regularly on Crick Road making it look very run down. Parking proposed is inadequate. Off road parking within the proposed development for now and the future isn't sufficient, what number of parking spaces are you allocating per new proposed property?*
The Council actively promote and encourage the adoption of residential streets where they have been constructed to Council standards. Parking will be in accordance with the Council's adopted parking standards.

(u) *The Council will be aware that the Welsh Minister for the Environment has now signed the Commencement Order for sustainable drainage systems (SuDS). This brings Schedule 3 of the Flood and Water Management Act 2010 into force in Wales. From January 7 2019, after this date all proposed new developments in Wales must include SuDS. These must comply with the Welsh Ministers Standards and be signed off by the SuDS Approving Body. Since this is a major point of objection on this planning application surely this planning should not be considered by our council until the new legislation comes into force just weeks later.*

The act enshrined core principles that developers must follow:

-Water to be managed on or as close to the surface and source of the runoff as possible.

-Ensure pollution is prevented at source, not rely on the drainage system to treat it.

-Protect people from increased flood risk, and the environment from ecological changes in flow rates, patterns and sediment movement caused by the development

Use a Management Train in series across a site rather than a single end of pipe feature, such as a pond, to serve the whole development. SuDS should perform safely, reliably and effectively over the design life of the development. They must take into account the need for reasonable levels of maintenance

-Avoid the need for pumping where possible;

-Be affordable, taking into account both construction and long-term maintenance costs and the additional environmental and social benefits afforded by the system.

The Council is fully aware of the Commencement Order for sustainable drainage systems (SuDS). This brings Schedule 3 of the Flood and Water Management Act 2010 into force in Wales from January 7th 2019 and conditions if planning permission is granted will require the developer to submit a surface water management strategy for approval prior to commencement of the development.

(v) *MCC should be acutely aware that it has already wasted public money by installing and then having to remove humps/ramps on Crick Road as they caused additional flooding in Treetops.*

It is understood from Highways that the ramp was removed in recent years to improve drainage issues experienced on Crick Road.

(w) Drainage report 7783110 states that surface water will be discharged to a water course north-west of the development which in turn discharges into Neddern Brook close to the grounds of Caldicot Castle. This is the Brook which already floods during winter months along with some fields around Caldicot Castle (see google maps for images) and with extra water could potentially flood the lower parts of Castle Lodge Crescent who have already had a flooding problem during recent years.

The Council and Natural Resource Wales are aware of the Nedern Brook issue and the developer will be expected to submit a surface water management strategy that clearly demonstrates how surface water will be managed and controlled and does not increase the risk of future flooding.

(x) Hard to believe that the neighbouring development of Treetops utilise soil infiltration for all surface water drainage (both road and buildings) yet the soil just a few metres away tested unsuitable for the same thing. Where is report 11911/JJ that details this, and why has it not been made available for viewing?

The surface water drainage proposed for this development does not meet Schedule 3 of the Flood and Water Management Act 2010.

This is not an issue for consideration at this stage; the applicant will be required to submit a surface water management strategy for approval prior to commencement of the development.

(y) The intention of the new plan was that only 25% of the site would be accessed from Crick Road leaving 75% using the B4245 junction. Collapsible security tagged bollards were to be installed for emergency services

The highway authority always promoted 2 points of access to promote permeability, but through internal design access on Crick Road was to be limited

(z) The traffic assessment for this site was done when there was no planning permission (and building) of 250 houses in Sudbrook nor the new site in Caldicot. Both these developments are and will continue to add pressure to both Crick Road and the B4245. Another assessment is needed urgently and an action plan for traffic mitigation is needed for Crick Road before any plans can be passed.

The Transport Assessment has taken into account committed development in the Local Development Plan, namely;
Sudbrook Paper Mill
Vinegar Hill, Undy
Rockfield Farm, Undy

(aa) A neighbour driving on Crick Road met a low loader lorry which contained a tracked digger on the back which caused a huge problem. A great example to demonstrate that both a car and a lorry / large vehicle could not fit on Crick Road together. This is a prime example of why the road is too narrow to take this development and you are allowing developers to narrow the road further.

The Council recognise that the road is not suitable for larger vehicles, hence the introduction of an environmental weight restriction many years ago to reduce the use of the route by vehicles travelling to and from the former paper mill site in Sudbrook. The vehicle in question was contravening the order that is enforceable by the Police.

5.4 Landscape and Visual Impact

- 5.4.1 The application site is identified by LANDMAP as being of high and outstanding value for its cultural and historical value and moderate for its visual and sensory value. The site has been identified as having medium sensitivity and capacity for housing resulting from its location adjacent to existing development. Caldicot Castle and Country Park acts as an important green buffer separating the settlements of Caldicot and Portskewett and offers an important recreational opportunity to local residents. A Landscape Visual Impact Assessment (LVIA) has been submitted with this application as required. The proposal has

sought to address key views and vistas and retained buffers in the more elevated sections of the site to offset views in the wider landscape.

5.4.2 The site has taken into account the drop in levels and avoided the higher steeper areas of the site for residential development and concentrated a significant amount of the Public Open Space to the north-eastern part of the site alongside Crick Road, which is the most open and sensitive part of diamond shaped site. With two other boundaries adjoining existing industrial and residential development and the north-west boundary running adjacent to the strategic road B4245, these boundaries serve to assimilate the proposed development contextually into the surrounding area. The higher, more dense development (namely the two and half and three storey dwellings) are concentrated around the main routes through the site and the central space while the houses to the outer edges are lower, being limited to two storey dwellings, thus reducing the bulk of built form in the outer exposed parts of the site. The majority of perimeter trees and hedgerows, including the four mature oak trees are being retained and integrated as part of the proposed development to help screen and soften the built form within the landscape and to maintain biodiversity.

5.4.3 The design of the site also positively embraces the care home aspect of this development, as the layout demonstrates a commitment to advance a permeable relationship between residential development and the proposed care facility. The layout has been designed using dementia friendly design principles set out in 'Neighbourhoods for Life: Designing dementia-friendly outdoor environments'. This comprises of the following six principles:

1. Familiar:

The functions of places and buildings are obvious – the Care element is to be distinct from housing. Architectural features and street furniture are in designs familiar to or easily understood by older people: Architectural design intent set out in the DAS (broadly traditional architecturally but with contemporary features based on a traditional typology e.g. roofscape, massing, simplicity of key features)

2. Legible:

There is a hierarchy of street types, such as main streets, side streets, alleyways and passages. There is a clear and legible street hierarchy set out in the DAS and Access & Movement parameters plans with distinct design features helping with legibility. Blocks are small and laid out on an irregular grid based on an adapted perimeter block pattern. Streets are short and fairly narrow and with the exception of the principal street the greenway, which follows the line of the existing retained hedgerows, the original illustrative masterplan shows how the majority of the site can be developed with a series of well-connected short streets at the lower end of the street hierarchy where they can be narrower. Streets are well connected and gently winding with open-ended bends to enable visual continuity. Forked and T-junctions are more common than crossroads. Latent cues are positioned where visual access ends, especially at decision points, such as junctions and turnings.

3. Distinctive:

Urban and building form is varied. There is a variety of landmarks including historic and buildings, distinctive structures and places of activity. Key built landmarks include:

- (i) The potential distinct character and form of the care element. Strong architectural character of the main street;
- (ii) Key GI landmarks;
- (iii) The Oak Tree;
- (iv) The Greenway and the retained hedgerow and a route;
- (v) There is a variety of welcoming open spaces, including squares, parks and playgrounds;
- (vi) The secondary open space and attenuation feature along the southern boundary;
- (vii) The informal green spaces that break up the more linear secondary street route along the eastern boundary.

4. Accessible:

Land uses are mixed, residential and care. Services and facilities are within 5-10 minutes walking distance of housing. Potential community uses within the care element within the site, village shops 15 minute walk away. Footpaths are wide and flat.

5. Comfortable:

The outdoor environment is welcoming and unthreatening. Urban areas have small, well-defined open spaces with toilets, seating, shelter and lighting. Well-defined open spaces proposed. There are quiet side roads as alternative routes away from crowds/traffic. Well connected permeable street network is proposed with a clear street hierarchy providing alternative quieter routes. Some footpaths are tree-lined or pedestrianised to offer protection from heavy traffic for example potential to take the principal pedestrian route along the greenway along the quieter private drive side of retained hedgerow and 9m wide landscape route, away from the principal vehicular route.

6 Safe: Footways are wide and proposed to be well maintained and clean.

5.4.4 Detailed design features are to come forward at Reserved Matters Stage. In delivering these opportunities the proposal will help towards delivering Welsh Government's "Well-Being Goals", "Monmouthshire Well-Being Objectives", as well as seeking to address the "Biodiversity Resilience Forward Plan Objectives". Overall, the development will improve the visual impact of the scheme by means of good design.

5.4.5 The site has been driven by Green Infrastructure principles. Key points such as connected multi-functional green space, incorporation of community growing, retention of protected habitats, opportunities for formal and informal play, connection to and opportunities to access key walking routes beyond the site are all factors that the scheme has sought to embrace. The development has contributed towards five key GI functions identified in the GI SPG amongst which is 'Landscape setting and quality of place' in that the design of this scheme at this outline stage has set principles in place through strategic planting and layouts that reflect high quality design. These help to ensure that the landscape and visual impact of this scheme when viewed from key receptors outside the site and from within the site comply with relevant planning policy (LDP Strategic Policy S13 relating to Landscape, Green Infrastructure and the Natural Environment; Policy LC5 relating to the protection and enhancement of landscape and Policy GI1 relating Green Infrastructure).

5.5 Residential Amenity

5.5.1 This is an outline application, and while the means of access is the only detail to be considered at this stage, strategic landscaping has been identified to establish where the Public Open Space is located in relation to internal and external links. This has been delivered with an illustrative layout showing housing and how it works with these links and spaces. The only neighbouring properties that are potentially impacted by this development are located adjacent to the south-east and partly along the south-west boundary. There is an existing established hedgerow along these boundaries, and according to the illustrative layout, these hedgerows are indicated as being retained and forming the rear boundaries of the proposed dwellings. The neighbours have raised concerns that this hedgerow forms a private boundary and therefore is likely to be undermined and eroded by individual householders in the future, thus compromising an important privacy buffer. This feature can be protected by planning conditions to ensure protection and retention.

5.5.2 This aforementioned boundary hedgerow has not been identified as strategic landscaping, and to provide the space to make this hedgerow a strategic element with the relevant maintenance strips would absorb a significant part of the site. This would compromise the strategic open spaces and links that have been created within the site that make a significant contribution to the overall quality of layout. This would affect the permeability that runs throughout the site and beyond into key areas outside of the application site. To do both and retain the hedgerow on the common boundary as strategic landscaping in addition to the areas that are part of the public realm within the site would make the site financially unviable as well as leaving a gap between rear gardens with maintenance

access but no real overlooking, which may lead to future anti-social behaviour issues. Hence, a condition is recommended to protect the hedgerows ensuring they are retained and replaced if damaged, etc.

5.5.3 Concern has been raised by neighbours regarding the privacy distances and the potential overlooking /over-bearing impact upon their properties. These details will be fully considered on receipt of a reserved matters application in relation not only to separating distances but in relation to building heights and mass, land levels, boundary materials etc. It is of note that in the Design & Access Statement the maximum heights are given in the scale parameter plan. The secondary streets (which are illustrated on the plans as backing onto the common boundaries with the said neighbouring properties) are restricted to a maximum of two storeys in height being up to 9m to ridge, and medium to low density housing. The impact of this development upon neighbour properties at this outline stage is acceptable and complies with relevant planning policy.

5.6 Ecology

5.6.1 There have been several surveys and assessments that have been undertaken to inform the allocation of the site and the planning application. It is recognised that the site includes a number of hedgerows with a varying degree of ecological quality that cross the site as illustrated by the hedgerow assessments. The most 'important' hedgerow is along the eastern boundary with the existing residential area. This will be retained but will be incorporated into the rear gardens of new properties and protected by condition to prevent its degradation. Additional planting is being made across the site which alongside the retention of other hedgerows will form the strategic landscaping that will be outside of private ownership and managed to an approved plan. It is proposed that where gaps need to be created, the sections of hedge removed will be considered for translocation and used to bolster vegetation to be retained elsewhere. This will be secured a Construction Environmental Management Plan (condition).

5.6.2 With regard to the Protected and Priority Species: Barn owl. The ecologist is satisfied that on-site avoidance and mitigation measures have been submitted and are acceptable. This is to be controlled via a planning condition. Measures are in the process of being secured for the off-site compensation; a condition is required to ensure that this is secured prior to determination of the application. Other ecological matters, namely nesting birds and the ecological impact of the drainage route, would be resolved at Reserved Matters stage.

5.6.3 The neighbours have raised concern regarding slow worms. Reptiles were considered during the initial survey in 2014 and then again during the Phase 1 survey undertaken in 2018. The conclusion of the 2018 assessment was that the riskiest area is at the southern limit of the site in the transition between the farmland and the railway line (which is outside the red line of the application site but could be affected by the drainage proposals in future applications). The Construction Environmental Management Plan (Biodiversity) should serve to cover the risk of killing/injury of reptiles during construction. The retention of hedgerows and landscape proposals should enhance the overall site in the long term. The railway corridor provides a refuge and connectivity to other habitats and when detailed drainage proposals are available this species will need to be considered again.

5.6.4 At outline stage, the relevant studies have been undertaken and measures have been proposed to satisfy both MCC Ecology and Natural Resources Wales. This is secured through planning conditions. Further detail will be considered at Reserved Matters stage, but at this stage the proposals accord with the relevant planning policies.

5.7 Drainage and Water

5.7.1 There have been drainage concerns raised during the course of this application, initially from Welsh Water who originally objected to the proposal and this features as a concern in neighbour representations.

- 5.7.2 Welsh Water, having now been informed by the relevant hydraulic assessments, have subsequently withdrawn their objection and recommend approval subject to network reinforcement works being completed prior to any sewerage or water connections being made. This would be controlled through recommended conditions. A second condition is necessary requiring a potable water network scheme to accommodate the potable water demand from the site prior to development commencing. Again, this would have to be fully implemented before the site is brought into use.
- 5.7.3 MCC's Drainage Team has confirmed that the proposed condition requiring a detailed surface water management scheme (including a programme for its implementation, the ownership of the sustainable drainage infrastructure and details of surface water sewers to be submitted prior to any development commencing on site) is acceptable at this outline stage. This ensures that the correct appropriate information is submitted at a detailed stage.
- 5.7.4 Furthermore, NRW has recommended approval subject to a surface water drainage condition. The proposal has satisfied the drainage concerns at this stage and sought to frame the level of information required to inform a detailed application

5.8 Other Issues Raised

5.81 *Provision of services*

This application is committed to making financial contributions via S106 agreements towards local public transport and primary school spaces subject to a given formula (this is finalised at detailed stage once further information regarding 2,3 and 4 bedroom dwellings are known). This is averaged out as being 47 spaces with the current draft layout, although this may change at the detailed application stage when more detail regarding the proposed housing is known. Neighbours have consistently raised concerns regarding pressure on local services, in particular local surgeries, that will be intensified by the additional people putting demands on them. This application has been through a rigorous Local Development Plan process and the Health Board were a key consultee as part of that process and have not raised any objections as confirmed by MCC Planning Policy. Aneurin Bevan Health Board (ABHB) would be fully aware of the housing projections in the LDP and would need to provide support for the community.

It is noteworthy that the Health Board has recently commented on the unallocated site at Church Road Caldicot (DM/2018/00880) and are outlining that although there are some capacity issues in the Caldicot practice they can be resolved within the current footprint, of the surgery. That response would have been made in full knowledge of the LDP allocations. There may be a need for the practice to take on additional staff but this would be a consideration for the Health Board and Practice and cannot be secured via s106 contributions which could only be used to help physically extend the surgery, if that was necessary. It is considered that the increase in population projections can be accommodated in the existing health service infrastructure, subject to review by the Board. ABHB stated in the Church Road application:

"This is to confirm that there are no specific building issues related to this development, as although there are some capacity issues in the Caldicot practice, they are resolvable within the current footprint. There are staffing challenges in primary care as you are aware, however the practice are optimistic that they will be able to meet the requirements of the residents of this particular development."

It is therefore in the hands of the Health Board to make provision for the additional demand generated by a growing local population. This is not a matter that can be controlled or addressed in this case via planning conditions or financial contributions.

5.8.2 *Radon Gas*

Protection against radon gas is a Building Regulations requirement. An indicative assessment has been undertaken by MCC Building Control and the site has a maximum radon potential of 3-5%. This means that 'Basic Radon Protection' measures will need to be incorporated into the scheme, for example membrane to the building slab foundations

and vents. For a development of this size, Building Control would require the developer to submit a site investigation report and within this a radon report is normally included.

5.9 Response to the Representations of the Community/Town Councils

5.9.1 The issues raised have been addressed in the evaluation above (namely paragraph 5.3 Highway Impacts and 5.8.1 Provision of Services above). Any issues raised by Portskewett Community Council or Caldicot Town Council that have not already been considered will be addressed in late correspondence.

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

5.10.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

1. Provide a financial contribution of £50,000 to prime-pump a continuing and better bus service to Caldicot town centre.
2. To enter into a Section 278 Agreement, Highways Act 1980 for:
 - (i) The proposed B4245 junction and B4245 improvements all footways, street lighting, the narrowing of the bridge, islands, road markings and signs, bus stops, etc.
 - (ii) The proposed Crick Road junction and Crick Road improvements, footways, road markings and signs, etc.
3. On site play area should be a joint LAP/LEAP (as indicated on the plans), with equipment appropriate for children in the 0-5 and 6-12 age ranges; we estimate the cost of this to be £125,000.
4. Commuted sums to follow upon receipt of areas of open space for adoption, or the required arrangements to be undertaken for a management company to be responsible for the maintenance and management of the open space.
5. Off-site adult recreation contribution of £400,000. This is based upon S106 Requirements that the scheme provides 70m² per dwelling (this covers 40m² adult rec, 20m² children's play and 10m² public open space this is in addition to the on-site play contribution just for clarification). That equates to 70m² x 291 = 20,370m², therefore the actual amount of POS they are providing is 10,995m². The shortfall is 9,375m².
On this basis we would suggest the figure we ask for is just under half of the £957,972, so £400,000.

This sum would be for one or a combination of the following proposals:

- Develop the former MoD railway as an important green corridor and footway/cycle path creating accessible links from the proposed site to Caldicot Country Park.

- Improvements to Caldicot Castle Country Park (which is an MCC managed site close to Crick Road and a major recreation provision in the local area)
- Caldicot Regeneration scheme.
- The Cornfield Project.

6. Education Contributions

Affordable housing is exempt from having to contribute towards education provision. Need (N), therefore, is calculated solely on the market dwellings in a development, according to the following formula:

$$N = A/1000*119 + B/1000*217 + C/1000*294$$

Where:

A is the number of 2 bed market dwellings

B is the number of 3 bed market dwellings

C is the number of 4+ bed market dwellings.

The mix changes the potential number of places that would be required (47 at present). In terms of if there are more two bedrooms then there is potential for less children so less places are needed. At the moment a broad average has been taken and this sits at 47 places. The cost is the 2019 figure which is £17,257 per pupil. This would equate to £811,779.

7. Affordable Housing requirements:

25% (73 units assuming 291 dwellings in total) plus the additional 7 bungalows that would be funded through the SHG programme.

7 x 3p2b bungalows (grant funded)

18 X 2 person 1 bed flats

26 X 4 person 2 bed houses

29 x 5 person 3 bed houses

The final mix will be adjusted based on the exact number of dwellings proposed at reserved Matters stage.

If the S106 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 Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.

REASON: The application is in outline only.

- 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 This development shall be begun within 5 years from the date of the Outline permission or within 2 years of the date of approval of the last of the reserved matters to be approved whichever is the later.

REASON: To Comply with Section 92 of the Town and Country Planning Act 1990.

- 4 No development shall commence on site until a detailed surface water management scheme, which shall include details of any treatment prior to discharge, the programme for its implementation, the ownership of the sustainable drainage infrastructure and surface water sewers has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

REASON: To ensure that surface water on site is managed in a sustainable manner and flood risk is kept to a minimum and to ensure protection of controlled waters in the local area. Treatment of surface water drainage prior to discharge to watercourse is needed as the site is located within SPZ1, in accordance with Local Development Plan Policy SD4 LDP Sustainable Drainage.

- 5 Pursuant to the submission of the reserved matters relating to landscape and layout, a "lighting design strategy for biodiversity" 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 barn owl and foraging/commuting bats 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.

- 6 Pursuant to the submission of the Reserved Matters relating to landscape and layout, details of methods to avoid and mitigate for the presence of barn owl on site and details of offsite mitigation for barn owl shall be submitted to and approved in writing by the Local Planning Authority. Avoidance, mitigation and compensation shall build upon the principles in Interim Technical Note: Hedgerow Translocation & Barn Owl Mitigation Rev 2 dated October 2018 and include, but not be limited to:
- a) Provision of barn owl nest box on site including specification & position
 - b) Provision of an additional two barn owl nest boxes off site with at least one being within 200m of the existing roost site including specification & position
 - c) Planting of vegetation on site to provide screening for barn owl
 - d) Detail of screening fencing for duration of the construction phase
 - e) Restriction of the use of green space around the onsite barn owl nest site upon completion of the development
 - f) Management of grassland around the onsite barn owl nest site
 - g) Management details of foraging habitat for barn owl including existing trees and grassland off site, no more than 200m from the existing nest site
 - h) Monitoring scheme for a minimum total period of 5 years
 - i) Options for modification of mitigation and compensation measures if monitoring indicates a change in behaviour
- Clear links shall be made to the Construction Environmental Management Plan for the site and the Green Infrastructure Management Plan.

The development shall be carried out in accordance with the approved details.

REASON: to protect protected and priority species in accordance with Local Development Plan Policy NE1.

- 7 The development shall be carried out in accordance with the agreed barn owl mitigation.

REASON: To protect protected and priority species in accordance with Local Development Plan Policy NE1.

- 8 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - 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; and
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

NOTE: See BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.

REASON: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

9. The details submitted pursuant to the Reserved Matter for landscaping shall reflect the guidelines set out in the GI Masterplan and Illustrative GI Masterplan in addition to providing details incorporating;
- proposed finished levels or contours;
 - means of enclosure;
 - Hard surfacing materials;
 - Soft landscape details including planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities;
 - Details of the hedgerow translocation;
 - Details of the access to the barn owl exclusion zone;
 - Details of play equipment for proposed LEAP.

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure in accordance with policies LC5, S13, and GI1 and NE1.

10. The details submitted pursuant to the Reserved Matter for layout shall include:
- the proposed and existing functional services above and below ground (e.g. drainage details, power etc);
 - Water Features (including SUDS details);
 - Clarification of access connections beyond the site.

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure in accordance with policies LC5, S13, and GI1 and NE1.

11. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority,

seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

12. Pursuant to the submission of Reserved Matter for landscaping, a Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority. The content of the Management Plan shall include the following;
- a) Description and evaluation of Green Infrastructure assets to be managed e.g.
 - Community Orchard
 - Multifunctional Green spaces/corridors
 - Suds area
 - LEAP
 - Woodland areas
 - Hedgerows
 - Street trees, Parkland trees
 - Management of Barn Owl exclusion zone to tie in with the biodiversity condition "detail of barn owl mitigation
 - b) Opportunities for enhancement to be incorporated:
 - Management of grassland for botanical species diversity and/or protected species including reptiles
 - SUDS feature to hold water all year round
 - Provision of hibernacula suitable for reptiles/amphibians
 - Maintain habitat connectivity through site for species such as hedgehogs
 - Dark areas to support bat foraging.
 - Tree/hedgerow management
 - c) Trends and constraints on site that might influence management of above features.
 - d) Aims and objectives of management.
 - e) Appropriate management options for achieving aims and objectives.
 - f) Prescriptions for management actions.
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
 - h) Details of the body or organization responsible for implementation of the plan.
 - i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The Management Plan shall also include a schedule of landscape maintenance for a minimum period of five years and shall include details of the arrangements for its implementation. The approved plan will be implemented in accordance with the approved details.

REASON: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, G11, NE1, EP1 and SD4.
(Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

13. No development is to take place until a Tree Protection Report in accordance with British Standard 5837:2012 - Trees in relation to Design, Demolition and Construction Recommendations is submitted to and agreed in writing with the Local Planning Authority. The report shall include the following information:

- a) A scaled Tree Protection Plan detailing all retained trees and hedges and their root protection areas shown on the proposed layout.
- b) An Arboricultural Method Statement.
- c) The appointment of an appropriately qualified and experienced Arborist to provide a scheme of arboricultural monitoring.
- d) A schedule of pruning operations for access and facilitation purposes.

The development shall be carried out in accordance with the approved Report.

REASON: To ensure the long-term retention of valuable green infrastructure assets in accordance with Council Policy S13 - Landscape, Green Infrastructure and the Natural Environment.

- 14 No development shall take place until a foul water drainage scheme to accommodate the foul water discharge from the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved foul drainage system has been constructed, completed and brought into use in accordance with the approved scheme.

REASON: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

- 15 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP

REASON: In the Interest of Highway Safety and to protect the amenity of the local residents

- 16 No development other than demolition and remediation works shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

REASON: In the interests of highway safety

- 17 No development shall commence on site until detailed design, safety audits and technical audits for the proposed means of access onto the B4245 have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure the access is constructed in the interest of highway safety and Local Development Plan Policy MV1

- 18 Prior to development commencing on site a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation this shall be integrated into the GI management Plan. The landscaping shall be maintained in accordance with the approved details.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features

- 19 No development shall take place until the applicant or his agent or successor in title has secured agreement of a written scheme of environmental mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter the programme of works will be fully carried out in accordance with the requirements and standards of the written scheme.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

- 20 No development shall take place until a potable water network scheme to accommodate the potable water demand from the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved water network scheme has been constructed, completed and brought into use in accordance with the approved scheme.

REASON: To provide an adequate water supply

Application Number: DM/2018/00731

Proposal: Full planning application for the development of a workshop (B2), two storey office (B1), valet/car preparation area (Sui Generis), parking areas for car storage (B8) and associated infrastructure works (revised Phase 2 Ecological Survey, Planning Statement and FCA received 27.07.2018 and 02.08.2018; Revised FCA received 05.09.2018)

Address: Land At Newhouse Farm Industrial Estate, Chepstow, NP16 6UD

Applicant: Mr Gavin Cleverly

Plans: Site Plan P002 - , Cross Section P003 - , Site Plan P004 - , Fencing Plan P005 - , Cross Section P006 - , Cross Section P007 - , Floor Plans - Proposed P008 - , Floor Plans - Proposed P009 - , Proposed Roof Plan P010 - , Elevations - Proposed P011 - , Elevations - Proposed P012 - , Floor Plans - Proposed P013 - , Elevations - Proposed P014 - , 3D Views P015 - , 3D Views P016 - , 3D Views P017 - , 3D Views P018 - , 3D Views P019 - , External Works Plan 02 - P2, Site Levels 05 - P2, Other 06 - P2, Other 07 - P2, Drainage 10 - P2, Drainage 11 - P2, External Lighting MMC-HYD-01-XX-DR-E-0650 - P01, Location Plan P001 - A, Tree Survey Tree Survey - ,

RECOMMENDATION: APPROVE

Case Officer: Mrs Helen Hinton

Date Valid: 10.05.2018

1.0 APPLICATION DETAILS

1.1 This application seeks detailed planning permission for the erection of two buildings to accommodate a vehicle repair workshop (use class B2) and offices (use class B1) and a valet/ car preparation area (sui generis) with an associated parking for storage of vehicles (use class B8) and infrastructure works on land within the Newhouse Farm Industrial Estate Chepstow..

1.2 Building 1 would contain the proposed workshop and office accommodation. The building would measure 55.8m wide, 59.4m deep (floor area of 3,314 square metres) with a shallow pitched roof with a maximum height of 12.4m falling to 9.1m at eaves level. Externally the building would be finished with light grey coloured vertically and horizontally laid composite and trapezoidal cladding and light grey coloured composite roof panels. The building would be positioned in the north-eastern part of the site, 41m back from the internal road serving the wider industrial estate. The principal elevation would front and address the highway and entrance to the site and would contain an aluminium framed and glass detailed entrance feature with company logo and decal details. Vehicular access to the building would be to the rear from inside the site only. The other elevations would contain a variety of openings and mechanical intake/ extract ventilation louvres and flues.

1.3 Internally the ground floor would be predominantly laid out as a vehicle workshop/ body repair area with a 341 square metres reception, training and staff facilities area. A 434 square metre office space would be provided at first floor level.

1.4 Building 2 would contain the proposed valet/ car preparation area. The building would measure 25.8m wide, 23.3m deep (floor area of 601.14 square metres) with a shallow pitched roof with a maximum height of 6.9m falling to 5.2m at eaves level. The building would be finished externally with light grey coloured, vertically laid cladding and light grey coloured composite roof panels. The elevation facing the highway would contain a bank of ribbon glazing at an upper level. Vehicular

access to the building would again be to the rear, from inside the site. The building would be positioned in the north-western part of the site, parallel to the main building.

1.5 The proposed site layout plan also indicates the following: the access to the site would be gained via the existing entrance in the northern boundary; the retention of an attenuation/ balancing pond in the north-eastern corner of the site adjacent to the main building; the provision of 27 parking spaces (including 4 disabled access spaces) to the front of the main building for use by staff and visitors; a dedicated staff parking area containing approximately 50 spaces to the south-west of the valet building; a car transporter, loading and unloading area, and an area of approximately 1.6 hectares within the southern part of the site for operational parking/ open storage of vehicles. A new 3m high, v-mesh panel security fence would be provided on three sides of the site between the proposed development and the existing landscape belt and boundary fence. A minimum distance of 4.5m would be provided between the new security fence and the existing external boundary fence of the site.

1.6 A minimum distance of 7.5m would be maintained between the eastern boundary of the site and the new security fence to prevent encroachment on the reed that runs along the eastern boundary of the site.

1.7 The proposal would operate between the hours of 06:00 and 19:00 hours.

1.8 The application is presented to Committee as Natural Resources Wales have raised and maintained an objection to the development on the grounds of flood risk.

Site Appraisal

1.9 The site comprises a 3.7 hectare located at the western end of the Newhouse Farm Industrial Estate. Existing industrial units, used for a mixture of manufacturing, warehousing and distribution are provided to the north, east and south of the site. The site was previously used for the open storage of wind turbine components, HGV and car parking in conjunction with the premises to the north of the site. This manufacturer has now left the estate and the site the subject of the current application has been vacant since then. This is the last major plot within the estate to be developed.

1.10 The site is relatively flat with a moderate slope down from approximately 11m AOD on its eastern boundary to 8m AOD along its western boundary. The site benefits from a large (approximately 20m wide) vehicular entrance with the adopted but unclassified internal estate road to the north which in turn adjoins with M48-Chepstow junction to the north-east. The internal estate road runs adjacently to the northern, western and southern boundaries of the site.

1.11 The majority of the site consists of hardstanding with various parts having become vegetated to varying extents. The entire northern half of the site consists of bare concrete. The southernmost part of the site consists of aggregate material. Adjacent to the eastern boundary is a well-managed reed that flows in a southerly direction along with a treeline with sub-mature broadleaved trees, situated further beyond the watercourse. The boundaries are defined by a tall chain link fence, with mature boundary vegetation on the inside on the fence.

1.12 The application site lies entirely within Zone C2 as defined by the Development Advice Maps (DAM) referred to under Technical Advice Note 15: Development and Flood Risk.

1.13 The following documents have been submitted in support of the application:

An initial and revised Flood Consequences Assessment;
Hydrock Technical Summary;
Design and Access Statement;
Pre-application Consultation (PAC) report;
Luminaire Schedule;
Tree survey report;
Preliminary Ecological Appraisal and Phase 2 Ecological Survey;
Site investigation report and appendices;

Drainage strategy;
Planning Statement;

1.14 The application was screened under the Environmental Impact Assessment regulations (EIA), and found not to need a full EIA.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00731	Full planning application for the development of a workshop (B2), two storey office (B1), valet/car preparation area (Sui Generis), parking areas for car storage (B8) and associated infrastructure works (revised Phase 2 Ecological Survey, Planning Statement and FCA received 27.07.2018 and 02.08.2018; Revised FCA received 05.09.2018)	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S8 LDP Enterprise and Economy
S9 LDP Employment Sites 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
SAE2 LDP Protected Employment Sites

Development Management Policies

E1 LDP Protection of Existing Employment
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP2 LDP Protection of Water Sources and the Water Environment
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

4.0 REPRESENTATION

4.1 Consultation Replies

Chepstow Town Council - No objection subject to conditions preventing pollutants from entering the watercourse.

Mathern Community Council - concerns raised with regards to the Pre-Application Consultation process carried out by the developer.

MCC Highways - No objection. The proposed parking provision and entrance alterations are acceptable and the wider highway network is capable of accommodating the traffic generated by the proposal.

Natural Resources Wales- Initial response - Significant concerns are raised with regards to the development.

Natural Resources Wales - Response with regard to revised details - Raise an objection to the application:

"The FCA has been informed by NRW's latest Caldicot and Wentlooge Coastal model and reflects the appropriate climate change allowance with a 75 years lifetime of development.

The FCA indicates the minimum floor level of the proposed units will be 9.75m AOD. A site specific topographical survey has been undertaken which shows that the site is relatively flat with levels ranging from around 8.04 - 9.70m AOD.

Flood levels for the 0.5% (1 in 200) year plus climate change event are predicted as 10.27m AOD for 2090. With the additional 3 years allowance for climate change for the complete lifetime of the development, this flood level is predicted to rise to 10.7m AOD for 2093.

Based on the proposed finished floor level of 9.75m AOD, the building is predicted to flood to a depth of 950mm in this flood event.

There are no details in relation to the predicted flood depths for the ancillary areas of the proposed development. Given that a large car park is proposed, 630 spaces, we would expect details in relation to the flood risk to this area to be included. Based on the topography provided in the FCA, it is likely this area will experience higher flood depths than the proposed building.

Given the above, the proposals will not be compliant with A1.14 of TAN 15 which states that the development should remain flood free during the 0.5% (1 in 200) year flood event for the lifetime of its development (75 years).

Flood levels for the 0.1% (1 in 1000) year plus climate change event are predicted as 10.65m AOD for 2090. With the additional 3 years allowance for climate change for the complete lifetime of the development, this flood level is predicted to rise to 11.07m AOD for 2093. Based on the proposed finished floor level of 9.75m AOD the building is predicted to flood to a depth of 1.32m in this flood event.

The FCA states that the velocities for the flood waters have not been calculated, however, in the Product 4 data request from NRW, a velocity range of between 1.49 - 3.46m/s is provided for the 2090 flood event. Based upon the above information, the proposed development would have a 'Danger for Most' hazard rating and exceeds the tolerable limits of A1.15.

The FCA states that the floor levels have been raised as much as practically possibly for the intended end use and that to further mitigate the flood risk all sensitive components such as electrical sockets will be set a minimum level of 10.65m AOD where possible.

Occupants would be encouraged to sign up to and use NRW early warning system to allow of evacuation of the area. A flood plan is also recommended in the FCA. First floor refuge is also stated in the FCA as an option during extreme flood events for the occupiers; we would not recognise this as a mitigation measure.

The FCA also highlights that the access road is currently predicted to remain flood free during a current 0.5% event (1 in 200) year flood event. By 2090 depths are predicted to reach a maximum 1.14m at the immediate north of the site but would decrease towards the main estate roundabout where depths are predicted to be less than 300mm. The access road is dry and free from flooding some 60m beyond the roundabout towards the M48 junction, this being a distance of some 160m from the site entrance.

It is for the planning authority (in consultation with other appropriate advisors) to be satisfied on the operational effectiveness of emergency plans and procedures or measures to address structural damage that may result from flooding. We do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do

not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Summary

The proposed building does not comply with A1.14 or A1.15 of TAN 15.

There is no assessment of flood risk to the ancillary areas of the proposals in relation to A1.14 criteria. These areas are part of the development and should be assessed. Without this assessment we are unable to provide advice on the consequences of flooding on these areas. However, based on the topography data in the FCA, these areas are predicted to experience greater degree of flooding than the proposed building.

We would advise that the development is highly unlikely to meet the requirements of TAN 15 and that further amendments to the FCA, such as assessing ancillary areas, will be unable to demonstrate that flood risk can be adequately managed."

Dwr Cymru/ Welsh Water - No objection. However, a 200m public rising sewer, a decommissioned 150mm watermain and 160mm distribution water main cross the site.

Glamorgan Gwent Archaeological Trust - No objection

MCC Biodiversity - Raise no objections. Advice provided and conditions recommended.

MCC Environmental Health - Raise no objections subject to conditions.

SEWBREC Search Results - 14 Category 1 species recorded within the 500 metre buffer including a European Otter, pipistrelle bat and horseshow bat. There are no designated sites within 500 metres of the site.

4.2 Neighbour notification

The application is a major development that has been advertised by direct neighbour notification, the erection of site notices and the publication of a press notice. No objections or representations have been received.

5.0 EVALUATION

5.1 Principle of Development

5.1.1 The application site comprises a previously developed parcel of land set in the western part of the Newhouse Farm Industrial Estate, Chepstow. The proposals map of the Monmouthshire County Council Local Development Plan (LDP) identifies that the site is located within the settlement development boundary and forms part of the Newhouse Farm Protected Employment site (Policy SAE2, specific site reference SAE2k). Policy E1 relating to the protection of existing employment land provides support for the scheme as the proposal seeks to provide a mix of B1, B2 and B8 uses.

5.1.2 On the basis of the above the principle of development is considered acceptable, subject to the proposal satisfying a number of material considerations. The key considerations with regard to the application have been determined as flooding; impact on the character and appearance of the area; highway safety; ecology and biodiversity; land contamination; archaeology and economic development implications.

5.2 Flooding

5.2.1 The application site lies entirely within Zone C2 as defined by the Development Advice Maps (DAM) referred to under Technical Advice Note 15: Development and Flood Risk. The site falls within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Wye which is a designated main river feeding into the Severn Estuary. The works and

use proposed are defined as less vulnerable development. It is therefore the responsibility of the Local Planning Authority to assess and determine whether the development at this location is justified.

5.2.2 The finished floor level of both proposed buildings would be set at 9.750m AOD.

5.2.3 Following consultation with regards to an initial and revised Flood Consequences Assessment (FCA) and technical summary statement from Hydrock Engineering, NRW have raised an objection to the application. They comment that the proposals would not remain flood free during the 0.5% (1 in 200) year flood event for the lifetime of its development (75 years) contrary to A1.14 of TAN 15 and that the depth of flooding experienced would exceed the tolerable limits as set out at A1.15 resulting in a hazard rating of 'Danger for Most'.

5.2.4 In response the following comments have been provided by the applicant's agent:

"Whilst it is accepted that the climate change scenarios assessed would overtop the existing defences, the design life of the proposed building is unlikely to exceed 45/50 years, as a result the impacts of climate change and predicted flood levels/depths within the site would therefore decrease.

It is noted that The Reid Lifting site (which is 3 units to the east of the proposed site) was granted planning approval in 2015/2016 with similar concerns raised by NRW (application DC/2014/00084 refers). A reduced design life of 50 years was agreed in this instance, which resulted in a decrease in predicted flood levels at the site making the consequences acceptable.

Whilst flood levels were predicted to overtop the existing defences and lead to flooding within the site the proposed finished floor level of the Reid Lifting building was set at 9.50m AOD so as to provide a freeboard above such an event with further flood resilient and resistant approaches adopted up to the 1 in 1,000 year event. This approach was approved and the building is now built and operational. The approach proposed for this application mimics that for the approved Reid Lifting site, but in recognition of NRW concerns, the floor levels have been increased to 9.75m AOD, the maximum practicable owing to existing fixed site constraints.

Raising the building further than 9.75m would not be achievable for a number of reasons. The main issue would relate to the viability of the whole scheme, if the ground floor was raised further than proposed (9.75m) then the viability of the scheme would not be feasible. Increasing the finished level further would have an impact on the adjacent attenuation pond and well-established tree landscaping belt (and root protection zones) which is bound on the other side by the reem maintenance zone, which, too, must be maintained. Any further increase in levels would lead to either unacceptable gradients or the need for retention structures affecting these features and impacting on the required access for maintenance.

Raising the building above the proposed 9.75m AOD would also be impractical given the consequent impact on future operation of the buildings. There is a need to provide flat, level access to the buildings from their aprons, which fixes the gradient on the internal access roads from their link to the existing public access road, the level of which, too, is fixed. With building FFLs in excess of 9.75mAOD, the gradient required becomes unacceptable for site operations. Notwithstanding the above, from a sustainability perspective, raising the site from 9.75m AOD to 10.27m AOD (accepting the latter as not practical due to existing site constraints) would require in excess of 4000m³ of additional imported fill material (this figure excludes the road, service yard and ground floor slab make ups which would also be required). This equates to an additional 1600 lorry movements into, and out of, the estate during the construction period.

Whilst the proposals do propose offices on the ground floor, additional offices are provided at first floor levels. This provides an area of safe refuge in the event that flooding should occur without warning. The scheme also proposes to adopt a flood resilient and resistant approach on the workshop ground floor to limit the impact of any internal flooding should it occur. Given the intended use of the ground floor for offices, car washing, and valeting this is a requirement for the building regardless of potential flood risk. The design has been based on the ground floor being

'wet proof' with all sensitive equipment suitably raised (recommended as being a minimum of 10.65m AOD to be above the NRW's provided flood level). This would help minimise the impact and lost operation times in the event of the flood defences being overtopped and flood waters entering the site.

External to the site, it is recognised that the existing industrial estate access roads are lower lying and would remain as being at risk from flooding which has the potential to restrict access and egress during flooding. NRW have provided predictions of flood depths and hazards along this route which confirm that during the design event predicted depths could be up to 2m deep with a hazard rating of 'Danger to Most'. Given that these are existing operational roads serving existing developments, there is no option for any mitigation works (such as road level raising etc).

In recognition of the potential hazard level along this section of access, it is recommended that a flood evacuation and management plan be produced for the site. In the event that flood depths exceed that which is considered 'safe' along the existing access roads, safe refuge is available within the office space on the first floor."

5.2.5 Following consultation Dwr Cymru-Welsh Water has provided the following information:

"The development site is crossed by a 200mm public rising sewer main; a 150mm decommissioned watermain and a 160mm distribution watermain, all of which are strategic assets with their own projection zone"

5.2.6 Whilst no operational development, including the erection of buildings or lowering of ground levels is allowed within the safety zone of the apparatus, there is the potential for Dwr Cymru to agree a slight increase in levels across their apparatus subject to appropriate design. The location and position of the apparatus does place a further constraint upon raising the levels of the site.

5.2.7 Section 6 of TAN15 outlines justification tests that highly vulnerable development must satisfy in order to be considered acceptable. The modelling values provided for the climate change scenarios are for 75 and 100 years into the future. These are 'standard' design life values adopted by NRW and Welsh Government with consideration of a design life of 75 years for all less vulnerable development and a 100 year design life for residential developments.

5.2.8 Whilst the design life standards for less vulnerable development are acknowledged, flood risk must be considered in relation to the anticipated duration and vulnerability of the each development. In this instance, being mindful of the steel portal frame construction of the buildings in conjunction with their intended use, it is considered unlikely that their lifespan would exceed 55-60 years. This in turn would reduce potential exposure to and experience of such flood events.

5.2.9 The proposed development (which is defined as less vulnerable) would contribute to key employment objectives within the Local Development Plan (LDP) to support the growth of resilient communities. Furthermore, the site is considered to be previously developed land, having previously been used for the open storage of wind turbine components, HGV and car parking in conjunction with the premises to the north of the site.

5.2.10 On balance, given the potential reduced lifespan of the building relative to the design life standards, the less vulnerable classification of the development; the measures that the developer is required and willing to provide to limit and mitigate the impact of flooding; and the implications raising the site could have on the ecology, biodiversity; appearance of the area and underlying apparatus,, it is considered that siting the development as proposed in this location would be acceptable. It would be in accordance with the justification tests that are outlined in section 6 of TAN15. The application is therefore considered compliant with the requirements of policies S12 and SD3 of the Monmouthshire County Council Local Development Plan.

5.3 Character and Appearance

5.3.1 The site is located at the western end of a well-established industrial estate to the south of Chepstow and the M48. Whilst the application proposes a sizeable development, it is considered

that the buildings and use proposed would be of a size and scale commensurate with the wider industrial estate. The buildings proposed are considered to be of a design and external finish appropriate and in keeping to their setting and context.

5.3.2 Concerns were initially raised in relation to the scale of the proposed open storage/ parking area in the southern part of the site. It should be noted that the whole site was previously used for such purposes and there would be screening that would be provided by the position and size of the existing and proposed buildings, existing landscaping and boundary treatments. The site is approximately 700m away from the M48 and any public vantage points. Thus, being mindful of context, it is considered that the development would not be so visually incongruous to warrant refusal of the application.

5.3.3 The application is considered compliant with the requirements of policies S17 and DES1 of the LDP.

5.4 Highway Safety

5.4.1 The proposed site layout plan indicates that access to the development would be gained via the existing entrance in the northern boundary of the site, which connects with the internal industrial estate road. The industrial road varies in width and has a minimum carriageway width of 8.6m in the vicinity of the site and maximum width of 12.8m on the south-bound approach to the proposed development site. Footways are provided along the northern and southern side of the carriageway (approximately 1.75m wide). The road is lit and is subject to a 30mph speed limit in the vicinity of the proposed development.

5.4.2 As part of the development approximately 77 dedicated parking spaces would be provided for staff and visitors to the site with parking and storage for up to 655 vehicles being provided in the southern part of the site. All of the vehicles to be stored on site would pass through the car preparation facilities and as a result would be transported to and from the site on designated transporter vehicles.

5.4.3 The following information has been submitted in support of the application:

"Based on the operational performance of the applicant's other premises, it is estimated that the majority of staff (approximately 45) will arrive between 08:00-09:00 with the remainder arriving prior to this, between the hours of 06:30-08:00. In terms of departures, it is envisaged that the majority of staff (approximately 45) will depart between the hours of 17:00-18:00, with the remainder leaving between the hours of 18:00-19:30. Visitors to the site would arrive between the hours of 09:00- 17:00

It is estimated that the development will generate an average of 10 transporter lorries per day (Monday - Saturday). Whilst the exact timings of transporter deliveries are unknown, it is envisaged that deliveries would be staggered throughout operational hours."

5.4.4 Following consultation, the Council's Highways Section has confirmed that the highway network leading to the site is capable of accommodating the traffic generated by the development and that the specific site access and level of parking proposed is sufficient and acceptable. The application is therefore considered compliant with policies S16 and MV1 of the Monmouthshire County Council Local Development Plan.

5.5 Ecology and Biodiversity

5.5.1 Phase 1 and phase 2 Ecological surveys of the site have been submitted in support of the application. Following consultation, the Council's ecologist has provided the following response:

"A Habitats Regulations Assessment has been undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 as the site sits less than 1km from the Severn Estuary European Marine Site and is hydrologically linked via drains and ditches. The site is also within 1.5km from the River Wye SAC and sits within the zone of influence for otter.

Pathways to effect included the potential for impacts of toxic contamination and changes in water chemistry on Severn Estuary SAC (and Ramsar) habitats plus the potential for disturbance, habitat fragmentation and entrapment of otter as an interest feature of the River Wye SAC.

It is considered that there will not be a Significant Effect on the Severn Estuary due to the distance of the scheme from the European Marine site. The scheme already proposes to use measures to control trade effluent, runoff and intercept hydrocarbons. These are not mitigation measures in relation to the protected site and so can be considered in the Test of Likely Significant Effect stage.

Uncertainty exists in relation to otter and risks posed during the construction phase. Therefore, a full appropriate assessment was carried out. This concludes that subject to the development and implementation of a Construction Environmental Management Plan, there will not be an adverse effect on the integrity of the River Wye SAC.”

5.5.2 Following consideration of the Habitats Regulations Assessment, NRW are satisfied with the considerations and raise no objection to the assessment noting that the Phase 2 survey by Ecological Services Ltd dated 27/07/2018 did not evidence any use of the site by European Protected Species.

5.5.3 Phase 2 surveys submitted in support of the application consider the site to include Open Mosaic habitat which is priority habitat. Previous survey identified semi-improved grassland at the periphery of the site. Management recommendations for the site post-construction have been included in the Phase 2 survey report. These principles will need to be developed into a landscape plan and maintenance schedule.

5.5.4 Consideration has also been given to the following Protected and Priority Species:

Amphibians and in particular great crested newts: The Phase 2 surveys have concluded that the waterbodies are unlikely to be used by great crested newt.

Reptiles: A reptile survey was undertaken during summer 2018 (which was an extremely constrained survey season). No reptiles were found. The findings are likely to be a fair representation of the status of the site.

Invertebrates: Reference has been made to the reed corridor and its value to invertebrates and the potential to compensate for the loss of wildflowers in the landscaping scheme for the site.

5.5.5 On the basis of the above, subject to the imposition of conditions, the application is considered compliant with the requirements of policies S13, GI1, NE1, EP1 and EP2 of the LDP.

5.6 Land Contamination

5.6.1 A geo-environmental and geotechnical site investigation report prepared by Earth Science Partnership, has been submitted in support of the application. The Desk Study identified the potential for infilled ditches/reens and historic ponds adjacent to the western boundary. It has recommended that should these features be identified during construction works, any weaker, variable materials should be excavated and replaced with appropriately compacted engineering fill.

5.6.2 In terms of contamination, the report concludes that whilst no obvious sources of contamination or ground gas were encountered, if any potentially contaminative or gassing sources are identified during development, works should cease and the advice of an appropriately qualified specialist sought. A condition with regards to this could be imposed on any grant of consent.

5.6.3 Following consultation, the Council's Environmental Health Team have noted that limited intrusive investigatory works were undertaken as part of the Site Investigation. However, based on the findings and the nature of the end use, no objection are raised to the positive determination of

the application subject to a condition requiring all works to be carried out in accordance with the submitted site investigation report and for works to cease should previously unidentified contamination be found. In light of the above, the application is considered compliant with the requirements of LDP Policy EP1.

5.7 Archaeology

5.7.1 The site is located in an Area of Special Archaeological Sensitivity. Following consultation Glamorgan Gwent Archaeological Trust has provided the following information:

"The development area is located in the Gwent Levels Registered Historic Landscape of Outstanding Importance, within character area HLCA014: Mathern, characterised as a small parcel of coastal alluvium, likely to have been reclaimed in the 14th Century but not referred to until the 16th Century. Extensive archaeological evaluation and excavation works have been undertaken in this area and this has shown prehistoric, Roman and Medieval features and finds. These have been recorded as a result, to professional standards.

Therefore, it is our opinion that there will not be a requirement for archaeological mitigation works, as it is unlikely that significant archaeological remains would be encountered during the proposed work and we raise no objection to the application."

5.7.2 In light of the consultation response received, the application is considered compliant with the requirements of Chapter 6 of Planning Policy Wales and Technical Advice Note (TAN) 24: The Historic Environment.

5.8 Economic Development Implications

5.8.1 The planning statement and application form note approximately 70 full time equivalent jobs will be created. Whilst it is not known how many of these are being relocated from elsewhere, the creation of jobs is nonetheless welcomed and helps to deliver the Council's vision for sustainable economic growth in accordance with the requirements of LDP Policy S8.

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

5.9.1 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.

5.10 Conclusion

5.10.1 Whilst the 'standard' design life values adopted by NRW and Welsh Government for less vulnerable development in flood zones are acknowledged, in this instance it is considered that the construction materials and use of the development proposed would reduce the buildings likely lifespan and therefore reduce its exposure and risk to flooding. It is considered that siting the proposal in this location would be acceptable and in accordance with the justification tests outlined in section 6 of TAN15 on the grounds that the proposal is defined as being less vulnerable development on previously developed land that would contribute to key employment objectives within the Local Development Plan (LDP) to support the growth of resilient communities.

5.10.2 As outlined in the report, it is also considered that the proposal would not have a detrimental impact on the character and appearance of the area; highway safety; ecology and biodiversity; land contamination; archaeology and could contribute to economic development. The application is considered compliant with the relevant policies of the Council's adopted Local Development Plan as specified above and is recommended for approval subject to the conditions.

6.0 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans and documents set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings and documents for the avoidance of doubt.

3 Notwithstanding the details of the approved plans, all parking areas and access shall be provided prior the first beneficial use of the site.

REASON: In the interests of the highway safety and free flow of traffic in the area in accordance with policies S16 and MV1 of the Monmouthshire County Council Local Development Plan.

4 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: There may be unidentified areas of contamination at the site that could pose a risk to controlled water if there are not remediated in accordance with policy EP1 of the Monmouthshire County Council Local Development Plan.

5 Prior to the beneficial occupation of the buildings, a flood evacuation and management plan shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of health and safety of all employees at the site, in accordance with policy S12 and SD3 of the Monmouthshire County Council Local Development Plan.

6 No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall build upon the principles set out in the submitted Phase 2 Surveys by Ecological Services Ltd dated 27/07/2018 and take the points raised by NRW in their consultation responses dated 14th June 2018. 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.

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: In the interests of protecting the environmental, ecological and biodiversity value of the area, in accordance with policies S13, GI1, NE1, EP1 and EP2 of the Monmouthshire County Council Local Development Plan.

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

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure in accordance with LDP policies, LC5, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

8 All soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs in accordance with LDP policies, LC5, DES1, S13, GI1, NE1, EP1 and SD4.

9 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation. The principles of the maintenance shall be based on proposals in Section 7, Phase 2 Survey, Land at Newhouse Industrial Estate. Chepstow prepared by Ecological Services Ltd dated 27/07/2018.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features in accordance with the approved designs in accordance with LDP policies, LC5, DES1, S13, GI1, NE1, EP1 and SD4.

INFORMATIVES

1 Please note that otters are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes otters and places used for resting up, breeding, etc. whether an otter is present at the time or not. If otters are disturbed during the course of works, all works must cease and Natural Resources Wales contacted immediately.

2 The Drainage Strategy by Mon Motors Group dated 16 March 2018, indicates foul and trade effluent disposal is based on disposing of foul water via a new private pumping chamber connecting to mains sewer. This is Natural Resources Wales (NRW) preferred option. If at any point the intended means of foul water disposal is amended or altered further consultation needs to be undertaken with NRW.

With regard to pollution prevention, it should be noted that:

- o any cleaning and valeting areas will require sealed drainage as contaminated run off from the valeting areas will render any oil interceptors ineffective.
- o with regard to the clean surface water plan, at the point where the ponds discharge to the water course a shut off valve should be installed to limit the impact should an onsite pollution incident occur.

o all cleaning agents, emulsifiers and detergents should be stored in suitable secure bunded areas or containment facilities away from surface water drains.

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Application Number: DM/2018/00858

Proposal: Four bedroom detached property, with integral garage.

Address: 100 Hereford Road Monmouth Monmouthshire NP25 3HH

Applicant: Mr Adrian Palmer

Plans: Elevations - Proposed P3/1606/39004 - , Site Plan 2127 LP01 - , Floor Plans - Existing FFT 1606 39004 - , Ground Plan GFT 1606 39004 - , Site Layout REV A P4 1606 39004 - B, Street Scene REV A P5 1606 39004

RECOMMENDATION: Approve

Case Officer: Mr David Wong

Date Valid: 22.05.2018

1.0 APPLICATION DETAILS

1.1 Planning Committee previously considered this application on 3rd July 2018. After discussions about the merits of the application, Members approved the proposed development subject to the applicant signing a section 106 Legal Agreement requiring a commuted sum of £26,068.00 for a contribution towards affordable housing provision in the locality.

1.2 The application was re-presented to the Planning Committee on 2nd October 2018 as the applicant has provided information to confirm that it would not be viable for the development to be constructed with the financial contribution sought. The information submitted by the applicant has been scrutinised by the Council's Senior Housing Strategy & Policy Officer who has concluded that this particular site is not able to provide a financial contribution towards affordable housing. On the 2nd October 2018 the Planning Committee deferred a decision on the application until the figures in relation to the viability of the scheme were scrutinised by the Committee Members. This sensitive viability information in relation to the application has been forwarded to members to consider. In terms of a timeline of this site there is an extant outline planning consent on the site under application DC/2016/00519 (16/02/2017) where a S106 legal agreement was signed for an affordable housing contribution of £26,068.00. This application was submitted and the legal agreement signed by the previous owner of the site. The applicant for this application (DM/2018/00858) purchased the site and has submitted this full planning application and after fully considering the build costs of the development is unable to provide an affordable housing contribution given the viability of the scheme. This has been evidenced by the applicant and verified by the Councils Affordable Housing Officer.

1.3 It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should contribute to the provision of affordable housing in the local planning area however; this is subject to the viability of each individual scheme. Given that a full viability appraisal of the development has concluded that a financial requirement it is not viable for this particular site it is recommended that the application is approved (subject to the conditions outlined in the report below) without any requirement for a financial affordable housing contribution.

1.4 The previous report presented to the Committee meeting held on 3rd July 2018 is below.

1.0 APPLICATION DETAILS

1.1 The application seeks full planning consent for the construction of a new dwelling within the residential curtilage of Eldorado, 100 Hereford Road, Monmouth. The principle of the proposal has already been assessed and approved under the outline planning permission DC/2016/00519. This is a full planning application as this proposal comprises a new access arrangement; it is useful to note that the height and depth of the proposal is different from the outline permission – hence the full application.

1.2 The proposed dwelling would still be sited to the north of Eldorado and it would have a footprint measuring around 130m², which is within the parameters of the outline permission. The proposed eaves height is 4m and the overall ridge height is 8.5m, which is 500mm higher than the outline approval. Also, the overall depth of this proposal is approximately 13.5m as compared to 10m under the outline approval.

1.3 The appearance of this proposed dwelling is contemporary. In addition, it is now proposed to widen the existing access so that each of the dwellings, i.e. the existing dwelling and the proposed dwelling, will have its own individual access. It is useful to note that the outline permission was to utilise the existing access to the site to be shared between the two dwellings.

2.0 RELEVANT PLANNING HISTORY

DM/2018/00858 Four bedroom detached property, with integral garage. Pending Determination

M05959 Outline Planning Application For Detached Two Storey Dwelling And Vehicle Access Improvements Etc.
Refused 31.07.2001

M05523 Outline Planning Application for Detached Two Storey Dwelling In Proposed Building Plot.
Refused 16.03.2001

DC/2016/00519 Building plot for single detached residential dwelling.
Approved 16.02.2017

DC/2018/00112 Single detached residential development. (DC/2016/00519).
DM/2018/00858 Four bedroom detached property, with integral garage.
Pending Determination

M05523 Outline Planning Application for Detached Two Storey Dwelling in Proposed Building Plot.
Refused 16.03.2001

DC/2016/00519 Building plot for single detached residential dwelling.
Approved 16.02.2017

DC/2007/00745 Extensions & refurbishment of existing single family house with new double garage & summer house.
Approved 09.08.2007

DC/1979/00324 Extension; Approved 02.07.1979

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations EP1 LDP Amenity and Environmental Protection
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
NE1 LDP Nature Conservation and Development

4.0 REPRESENTATIONS

4.1 Consultation Replies

Monmouth Town Council: No objection to a property being built at the location but requested a smaller footprint and the build is out of character for the area.

Glamorgan Gwent Archaeological Trust: There is an archaeological constraint; standard conditions requested.

4.2 Neighbour Notification

One comment received:

- 1 - On the application document the proposed address for the property is 100A Hereford Road this conflicts with our address which is also 100A.
- 2 - When the site is cleared of tree stumps and hedging this work must not de-stabilise the foundations of our retaining wall and fence posts which line the full length of the north side of the development site.
- 3 - There is also a stretch of land owned by us between the proposed north boundary wall and our retaining wall which acts as a pathway for the maintenance of the retaining wall and fencing, and also provides access to our back garden. This is currently identified by our boundary tape to signify the width of the pathway.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The principle of constructing a dwelling within the residential curtilage of 100 Hereford Road has already been considered and approved by Committee under the outline approval DC/2016/00519. It is useful to reiterate that the proposed site lies within Monmouth's development boundary as designated within LDP Policy S1. Policy H1 considers that residential development is permitted within settlement development boundaries subject to detailed planning considerations.

5.2 Design

5.2.1 The proposed site is a small gap between dwellings, the newly built dwelling within the ground of 102 Hereford Road and the host dwelling (known as Eldorado, 100 Hereford Road). The overall width of the proposal is similar to that approved under the outline approval, being approximately 10m. The overall height of the proposal is 500mm higher than the outline approval. However, these changes are marginal. Also, it is considered that the bulk of the

proposal would sit comfortably between the neighbouring properties, maintaining the hierarchy along Hereford Road. This would be because of the topography as the site is on a slope.

5.2.2 In terms of design, the appearance of this dwelling is modern in style. There is a good mix of dwellings with various design along this part of Hereford Road. The dwellings immediately opposite the road are more traditional in design than those dwellings alongside the application site. Also, there are dwellings of more modern design off Hereford Road e.g. Highfield Close. Therefore, this element is considered to be acceptable and would not be out of place within this part of Monmouth.

5.3 Highway Safety

5.3.1 Under the previous outline approval, it was proposed to utilise and share the existing access for the proposal and the host dwelling. This application is now proposed to widen the existing access so that each dwelling has its own access. Having consulted the Council's Highways Department, they advised that the width of the current proposed access point is significantly wider than that considered in the outline proposal. Highways want to see the width of the access reduced to approximately 4.5m maximum and a demonstration that vehicles are able to park and manoeuvre within the site to enter and exit in a forward gear.

5.3.2 In addition, Highways would like to see that the car parking provision for each property is in accordance with the Monmouthshire Parking Standards - one space per bedroom per dwelling with a maximum of three spaces per dwelling. It should be noted that integral garage parking will not count towards the overall car parking provision based on permitted development rights to convert integral garages to additional living space. It is considered that there is ample space at the forecourt area of the proposal to provide for turning and the three on-site parking spaces.

5.3.3 The applicant agrees to reduce the width of the proposed access; a retaining wall will be erected to restrict the width of the access point to approximately 4.5m. In addition, there will be at least three parking spaces within the proposed parking bay as demonstrated on the latest site layout (Site Layout Version B). These changes were then presented to the Highways Department and have been accepted. A condition will be imposed to ensure that the retaining wall remains in place in perpetuity.

5.4 Residential Amenity

5.4.1 There will be a first floor bedroom window on the side elevation of bedroom 2, facing towards the host dwelling, 100 Hereford Road. It is considered that due to the angle of this window in relation to the host dwelling, it would largely be obscured by the remaining part of the proposed dwelling. Therefore, it is unlikely to cause a significant loss of privacy to the neighbouring property.

5.5 Response to the Representations of the Town Council

5.5.1 The Monmouth Town Council has no objection to a property being built at the location but requested a smaller footprint. They also considered that the proposal is out of character for the area. It is useful to note that under the outline approval, the footprint approved parameters were 140m² to 160m² and the footprint of this proposal is approximately 120m². Therefore, this footprint of the proposal is smaller than the outline approval. The proposal is not considered to be an over development of the site and sits comfortably on the plot.

5.5.2 In terms of design, the proposal is contemporary and as stated above there is a good mix of dwellings with various designs and sizes along this part of Hereford Road. Therefore, it is not considered that this modern design is, of itself, sufficient reason to justify refusal. In addition, the submitted street scene drawing shows that the bulk, height and width of this

proposal would sit comfortably in between the existing neighbouring properties. Therefore, this element is considered to be acceptable.

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

5.6.1 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' wellbeing objectives set out in section 8 of the WBFG Act.

5.7 Affordable Housing Financial Contribution

5.7.1 It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is set out in the table below. Based on the previously approved outline permission, it is required to secure a sum of £26,068.00 and the applicant has confirmed in writing that this request is acceptable.

5.8 Archaeology

5.8.1 The proposed development is in an area of known Roman and medieval activity, and whilst no structures or features are known to exist in the development area, it remains a possibility that during requisite ground works, buried archaeological remains may be encountered. Therefore, relevant conditions are requested.

5.9 Other issues raised

5.9.1 A neighbour commented that on the application document the proposed address for the property is 100A Hereford Road; this conflicts with his address which is also 100A. They also would like to make known that when the site is cleared of tree stumps and hedging this work must not de-stabilise the foundations of his retaining wall and fence posts which line the full length of the north side of the development site. Finally, they commented that there is also a stretch of land owned by them between the proposed north boundary wall and their retaining wall which acts as a pathway for the maintenance of the retaining wall and fencing, and also provides access to our back garden. This is currently identified by their boundary tape to signify the width of the pathway. Having reviewed these comments, it is considered that these are not material considerations.

6.0 RECOMMENDATION: APPROVE subject to a section 106 Legal Agreement requiring the following:

A commuted sum of £26,068.00 is required for the Affordable Housing Financial Contribution.

If the S106 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 Before the approved development is first occupied the access shall be constructed in accordance with the approved plan.

REASON: To ensure the access is constructed in the interests of highway safety.

4 The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

5 No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building is first occupied.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water.

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed retaining wall along the western elevation (front) of the site. The hereby approved retaining wall shall be built in accordance with the approved details and maintained thus thereafter in perpetuity.

REASON: To safeguard the visual amenities of the area.

INFORMATIVES 1 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.

2 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. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

3 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 birds is between March and September

4 The developer is advised that the provisions of the Party Wall etc. Act 1996 may be applicable to the proposal and is advised to seek appropriate advice prior to any work commencing on site.

DM/2018/00880

OUTLINE APPLICATION (WITH ALL MATTERS OTHER THAN ACCESS RESERVED FOR FUTURE DETERMINATION) FOR THE ERECTION OF UP TO 130 DWELLINGS (USE CLASS C3), PROVISION OF NEW OPEN SPACE INCLUDING A NEW COMMUNITY PARK AND OTHER AMENITY SPACE, ENGINEERING AND LANDSCAPING WORKS INCLUDING SUSTAINABLE URBAN DRAINAGE SYSTEM AND ENABLING WORKS.

LAND TO EAST OF CHURCH ROAD, CALDICOT, MONMOUTHSHIRE

HARVINGTON PROPERTIES LTD

RECOMMENDATION: APPROVE

Case Officer: Kate Young
Date Registered: 29/05/2018

1.0 APPLICATION DETAILS

1.1 This is an outline application with all matters reserved except for access. It seeks permission for up to 130 dwellings, 35% of which would be affordable. The application site includes a community park in the northern part of the site, other amenity open space and significant woodland areas. The main vehicular access would be from the existing residential area through Heol Sirhowy with smaller access from Clos Ystwyth. Provision could be made at some future date for a second main access into the south of the site from Heol Teifi. The site measures 10.09 ha and consists of four fields immediately to the north east of the new housing development off Church Road. The site is outside the Town Development Boundary and consequently has been advertised as a departure to the Development Plan. The land generally slopes downwards from west to east and the site is adjacent to the Nedern Brook Wetland which is designated as a SSSI for its importance for over wintering and wading birds. To the south of the site is the Caldicot Country Park A public right of way dissects the northern part of the site. There are several mature hedges crossing the site and the eastern boundary is formed by a wide woodland belt. The northern part of the site is a Mineral Safeguarding area for Limestone. The agricultural land classification is made up of Grade 1 and 3 agricultural land.

1.2 The application is accompanied by the following supporting documents

- Site Location plan
- Illustrative master plan
- Building's Heights parameter Plan
- Land Use parameters Plan
- Land Budget Plan
- Design and Access Statement
- Landscape and Visual Appraisal
- Archaeological Assessment
- Arboricultural Impact Assessment
- Ecological Assessment
- Planning Statement
- Pre-application Consultation Report
- Transport Statement
- Framework Travel Plan

Flood Consequences Assessment and Drainage Strategy Soil and Agricultural Quality of Land east of Caldicot
Travel Audit
Additional Transport Information.

1.3 In December 2017 a formal screening request was submitted and MCC determined that an Environmental Impact Assessment (EIA) was not required. The developers held a public exhibition in February 2018 and a Pre-Application Consultation Report has been submitted as part of the application which includes a summary of the consultation responses received.

2.0 RELEVANT PLANNING HISTORY

No other applications have been received on this site.

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
S5 LDP Community and Recreation Facilities
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S15 LDP Minerals
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
CRF2 LDP Outdoor Recreation/Public Open Space/Allotment Standards and Provision
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
M2 LDP Minerals Safeguarding Areas
MV1 LDP Proposed Developments and Highway Considerations
MV3 LDP Public Rights of Way
DES1 LDP General Design Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Caldicot Town Council – recommends refusal.

Development is outside of LDP

Insufficient Infrastructure, schools, health, traffic congestion (Church Road).

Caerwent Community Council: Caerwent is not included in the Traffic Assessment;

Impact on the traffic in Caerwent;

Impact on the Roman Remains;

Increase in Traffic over Caerwent Brook Bridge;

No footpaths on the road from Caerwent to Caldicot;
Discharge of Surface water into watercourse;
Close to a flood risk area;
Impact on the SSSI;
Impact on Caldicot Castle;
Inadequate Infrastructure;
Additional 1500 people in the area.

Glamorgan Gwent Archaeological Trust (GGAT) - No objection subject to a condition requiring a programme of archaeological work to protect the archaeological resource to be attached to any consent.

The proposal is located in an area of high archaeological potential. Extensive archaeological remains are located in the vicinity, including Romano-British farmsteads and land divisions, roundhouse, prehistoric pits and ditches, Roman cremations, as well as possible loom-weights. Several Scheduled Monuments are also located in the area, including a motte and bailey (The Berries, MM026), Caldicot Castle (MM050), Manor Farm (MM053) and a Romano-British farmstead (MM334).

Natural Resources Wales (NRW) -

We received a statutory pre-application consultation notice for this proposal under Article 2D of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2012. We provided a substantive response to that consultation on 11 May 2018. A copy of this response is contained in Appendix 10 of the pre-application consultation (PAC). Our advice remains unchanged. We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Condition 1: Submission of a Construction and Environmental Management Plan (CEMP)

Condition 2: Submission of a Landscape and Ecological Management Plan (LEMP)

Condition 3: Details of the foul and surface water disposal.

Fluvial flood risk

The submitted Flood Consequence Assessment & Drainage Strategy (FCA) prepared by Jubb Consulting Engineers Ltd (dated May 2018, referenced: 17147-FCA-01-v3) indicates two very small areas of the application site fall within zone C2, as defined by the Development Advice Map (DAM) referred to under TAN15.

Our Flood Map information, which is updated on a quarterly basis, confirms these small areas are within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines.

The FCA (4.1.1 and 4.1.2) explains that the areas at risk are currently woodland and grassland, however new development is not proposed for these areas. The proposed retention of these areas as woodland and grassland is reflected in the illustrative masterplan.

Given the scale of the areas and their retained use as woodland and grassland, we do not require any further assessment or information regarding the potential consequences of flooding in accordance with TAN15.

Land drainage and land drainage consent

The eastern boundary of the site is adjacent to the Internal Drainage District (IDD) boundary. The FCA states that a possible option for the site includes discharging to a local watercourse, with flows being discharged at a restricted rate.

From an IDD perspective, we may wish to comment on these details when they become available. However, we are satisfied that 'condition 3', requesting details of the foul and surface water drainage disposal, will control this aspect of land drainage. We advise the

applicant to contact us to discuss this further and whether IDD land drainage consent is required.

MCC Planning Policy -

The site is located outside the Caldicot Development Boundary in an area considered as open countryside, its development for a residential use would be contrary to Strategic Policy S1 of the LDP relating to the spatial distribution of new housing provision. The proposal is considered a departure from the adopted development plan and open countryside policies would subsequently apply.

With regard to the claimed need for the development, the shortfall in the Housing Land Supply (currently 3.9 years) is an issue that has been addressed in both the September 2016 LDP Annual Monitoring Report (AMR) and October 2017 AMR. Both of these AMR's are available on the Council's website, the latest of which was formally endorsed for submission to the Welsh Government by Cabinet on 11 October 2017. The AMR recommended an early review of the LDP as a result of the need to address the shortfall in the Housing Land Supply and facilitate the identification and allocation of additional housing land. It also suggests that the adoption of a pragmatic approach to the determination of residential development sites will also assist in this context (as recognised in para 6.2 of TAN1). That is, where sites are a departure from the LDP but are otherwise acceptable in planning terms a recommendation for approval may be considered, however, the Welsh Government Cabinet Secretary made the decision on the 18th July 2018, to dis-apply paragraph 6.2 of TAN1, meaning that the requirement for Councils to give any housing land shortfall 'considerable weight' was removed. Nevertheless, the letter made it clear that it is for the decision-maker to decide how much weight, if any, to give its housing land supply shortfall. You may be aware that a report regarding Monmouthshire's approach to the housing land supply shortfall and unallocated sites was taken to Full Council on 20th September. The decision was made that when considering planning applications for residential development on unallocated sites, the Council gives 'appropriate weight' to its lack of a five year housing land supply, insofar as those development proposals are otherwise acceptable in planning terms and that a number of 'ground rules' are met. The Council minutes outlining this approach are available. In respect of this approach, any application would need to meet the ground rules and be assessed against the relevant policies considered in the remainder of these comments.

Strategic Policy S1 of the LDP relating to the spatial distribution of new housing provision states that the main focus of new housing development will be within or adjoining the main towns of Abergavenny, Chepstow and Monmouth, and that a smaller amount of new housing development will be provided in the Severnside sub region which includes the settlement of Caldicot. In this respect, as the proposal is for residential development within the Severnside area it is in general alignment with the spatial strategy of the plan, however, as it is outside the development boundary of Caldicot open countryside policies would apply.

Policy S4 relates to Affordable Housing Provision, as the site is located outside the Caldicot Development Boundary it is a departure from the LDP. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and contains a specific section relating to departure applications in the open countryside (Section 4.4 E). This states that there is a requirement for 35% of the total number of dwellings on the site to be affordable. The proposal relates to 130 dwellings, the affordable housing requirement would therefore be 46 units. The planning statement refers to a contribution of up to 35% which would be in line with guidance but states that the applicant maintains the right to review the percentage of affordable housing provided subject to a viability assessment. As a departure site, however, if granted permission it will be expected that the site would deliver 35% affordable housing in line with policy.

Policy LC1 relates specifically to new built development in the open countryside, the policy contains a presumption against new built development although it does identify a number of exceptional circumstances involving new built development that might be permitted (subject to policies S10, RE3, RE4, RE5, RE6, T2 and T3). None of these exceptional circumstances apply and as a consequence the proposed development would be contrary to the policy.

Strategic Policy S13 relating to Landscape, Green Infrastructure and the Natural Environment is of importance. Policy LC5 relating to the protection and enhancement of landscape character must also be considered. Additionally Policy GI1 should be referred to in relation to Green Infrastructure, the GI team will no doubt provide more detailed comments in relation to these matters. Policy NE1 relating to Nature Conservation and Development must also be considered, liaison with the Council's Biodiversity Officer is advised in relation to this.

Strategic Policy S17 relating to Place Making and Design should also be considered along with Policy DES1 in relation to General Design. The site slopes down from west to east and is visible from the M48 Motorway. There is a substantial tree belt planted on the east side of the site and there is a SSSI beyond the eastern boundary. It would need to be demonstrated that the development would not have an adverse impact on this wider landscape and in this regard the density of the development would have to be carefully considered. Criterion i) of DES1 requires a minimum net density of 30 dwellings per hectare in order to ensure the most efficient use of land. The area of the site in the planning statement is stated to be 3.44 hectares, as the application relates to the construction of up to 130 dwellings this would give a density of some 38 dwellings per hectare. However, if all of the land within the site boundary is included this gives a total area of some 6.84 hectares. The illustrative masterplan provided with the application shows a large area of the site given over to Community Parkland and existing woodland, if these areas are excluded this would leave a net developable area of some 4.7 hectares which would reduce the density to some 27 dwellings per hectare.

Policy EP1 relating to Amenity and Environmental Protection should also be considered.

The majority of the site is Grade 1 Agricultural Land which is identified as Best and Most Versatile. The applicant states that a soil and agricultural land quality survey was prepared by Land Research Associates for the site in October 2017 which found that while the site is technically classified as 'best and most versatile' agricultural land, it is right at the lower end of the scale and is not in a practicable sense suitable for intensive agricultural use. This issue will need to be addressed as part of the planning application.

Policy MV1 should be referred to with regard to access and car parking. Policy MV2 relating to highway considerations and sustainable transport access is also of relevance. Policy MV2 states that, where necessary, financial requirements deemed will be required towards improvements in transport infrastructure and services, in particular to support sustainable travel links / public transport, cycling and walking. This is a matter that will need to be considered in any planning obligation / heads of terms. It is noted a Transport Assessment has been submitted. Colleagues in the Highways section will no doubt provide comment on this matter.

Policy CRF2 should be considered relating to outdoor recreation/public open space/allotment standards and provision. The policy requires outdoor playing space at a standard of 2.4 hectares per 1,000 population and 0.4 hectares of public open space per 1,000 population. It is noted that 4 hectares of open space is included in the proposal in the form of community parkland with existing woodland also incorporated into the scheme. The last paragraph of Policy CRF2 also states that any development exceeding 50 dwelling units per site, should make provision for allotments if required in accordance with the standards

set out in the policy. Colleagues in the landscape/recreation team will no doubt provide comment in relation to these matters.

Policies SD2 and SD4 relating to Sustainable Construction and Energy Efficiency and Sustainable Drainage respectively must also be considered

The site is within a Minerals safeguarding Area for Limestone and as such Policy M2 should also be considered.

With regard to the claimed need for the development, the shortfall in the Housing Land Supply is an issue that has been addressed in the current LDP Annual Monitoring Report (AMR) (September 2017) which is available on the Council's website. The AMR recommends an early review of the LDP as a result of the need to address the shortfall in the Housing Land Supply and facilitate the identification and allocation of additional housing land. The Council has formally begun the LDP revision process with a Delivery Agreement for the revised Monmouthshire LDP agreed by Welsh Government on 14th May 2018. This means that work has formally commenced on the revised LDP, albeit that the revised Plan will not be in place until early 2022. It is acknowledged that to date the delivery of housing in the Severnside area has not reflected the levels proposed in the LDP with the strategic sites taking longer to come forward than expected, albeit it is acknowledged that they are progressing. For a site to make a positive contribution to the Council's land supply it would need to be ensured that the housing can be delivered within a five year period following any resolution to grant planning permission. If outline permission were to be granted for the site then the reserved matters timescale would need to be shortened to ensure delivery within this period.

MCC Housing -

Housing and Communities have pleasure in responding to the consultation as set out in the table below. I have tried to include all of the information that the developer would require with links to our Affordable Housing Supplementary Guidance (SPG) and Welsh Government Development Quality Requirements (DQR).

Evidence of Housing Need

There are 876 households on Monmouthshire's Common Housing Register waiting for a house in this area.

The price of housing in Monmouthshire has risen to a level beyond that which many local people can afford. The average house price is now £299,400. The affordability ratio is 9:1 (Source: Hometrack LQ Date 09/04/18).

Policy compliant percentage of affordable housing: Departure from LDP: 35%

Standard required

Welsh Government Development Quality Requirements (DQR) - a copy of this document can be obtained from the Welsh Government website.

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.

Number of units 130 @ 35% = 46 As we require an adapted bungalow for a disabled person we will accept 45 units

Mix Required

General Needs

2 person, 1 bed flats 12 (3 x 4 blocks of walk up flats)
4 person 2 bed houses 16
5 person 3 bed houses 4
6 person 4 bed houses 2

OAP and Disabled

2 person 1 bed flats 8 (with a lift)
3 person 2 bed bungalows 2
Adapted bungalow (2 or 3 bed) 1

Price to be paid by RSL for affordable units

42% of Welsh Government Acceptable Cost Guidance

Preferred RSL Partner: Monmouthshire Housing Association

MCC Highways – No objection

The site is not an allocated strategic site in the Local Development Plan.

The application is for outline approval, with all matters reserved except for access.

With particular reference to the Transport Assessment dated April 2018 and Technical Note 02 Sensitivity Testing and Additional Modelling dated June 2018 and Drawing No. edp4019_d005j Illustrative Masterplan, I would offer the following highway comments;

Transport Assessment General Observations;

Site Accessibility

Pedestrian accessibility

The proposed development abuts existing residential developments and links with existing pedestrian provision on the developments and Church Road providing reasonable links to the main attractors/facilities available in Caldicot, albeit the vast majority are in excess of 800 metres but all bar two identified locations are within 2km of the site.

Reference to a link to Heol Teifi is made but no details of the proposal have been provided for consideration.

Cycle Accessibility

The proposed site is within 600 metres of the National Cycle Network Route 4, the connection to the route has been assessed as part of the Active Travel audit but no details of any improvements or links between the site and adjacent infrastructure has been provided.

Public Transport Accessibility

The nearest bus stops to the development are located at Caldicot Cross (Chepstow Road / Church Road / Sandy Lane junction). They are approximately 890 metres from the nearest edge of the proposed development.

No real assessment of existing demand and spare occupancy on the 74 & X74 bus service has been undertaken.

Rail

Caldicot Station is within 1.8km and Severn Tunnel Junction is within 2.7km, walking from the development to either station is likely to be limited, although cycling may well be a more viable option for residents.

Highway Safety

No road safety concerns or issues have been identified.

Means of Access

The primary means of access is via the recently adopted roads known as Heol Sirhowy and Heol Trothy with a further two means of access proposed off Clos Ystwyth via the existing private drive serving Nos. 28 - 32 and the extension of Clos Ystwyth serving Nos. 34 – 40.

The highway authority at pre-application stage recommended that the development would benefit from two means of vehicular access thus promoting permeability, facilitate alternative routes of travel in and out of the development, emergency access and provide a through route for public transport. The transport assessment has concluded that the development can adequately be served via the recently adopted roads known as Heol Sirhowy and Heol Trothy and provision provided within the internal estate road layout to provide the opportunity at a later date for a connection to Heol Teifi over land outside the ownership and control of the applicant.

Traffic Impact

Heol Sirhowy, Heol Trothy and Church Road will operate within capacity with the increase in traffic generated by the development.

The development increases traffic flows on Church Road outside the school by approximately 6.2% and 5.9% in the am and pm peaks respectively. The increase in traffic is not considered to be detrimental to the existing situation. The site is not an allocated strategic site in the Local Development Plan.

The traffic increase and impact on the junctions in the immediate vicinity of the site is not detrimental and will operate within capacity, thus requiring no improvement or mitigation to accommodate the increased traffic flow.

Internal Layout

It is recommended that all internal estate roads will have a design a speed of 20mph or less. Parking provision shall be in accordance with the Council's Adopted Supplementary Planning Guidance " Monmouthshire Parking Standards"

Estate roads and will be constructed to adoptable standards enabling their future adoption pursuant to Section 38 of the Highways Act 1980.

In principle the Highway Authority have no objections to the proposed development from a traffic impact perspective, albeit that secondary access is neither required in capacity terms nor is in the ownership of the applicant.

Therefore on the basis of the aforementioned and with particular reference to the Transport Assessment dated April 2018 summary and conclusions, Technical Note 02 Sensitivity Testing and Additional Modelling dated June 2018 and Drawing No. edp4019_d005j Illustrative Masterplan, I would offer no objections to the proposed outline application (with all matters other than access reserved for future date) subject to the following:

The internal estate roads and footways shall be designed and laid out to facilitate the future connection of the desirable secondary means of access if so required by the Highway Authority at a future date.

The highway authority will expect the developer to enter into a Section 106 Agreement for the following:

A financial contribution towards local highway and transportation improvements in Caldicot.

MCC Green Transport -

Because of the distance to many trip attractors and the state of the current bus service and active travel routes we feel a contribution to improve the local bus services and to improve walking and cycling links to key destinations is appropriate.

In terms of bus services, Church Road is currently served by route 75. However, it is running very infrequently (five buses per day) and a contribution of £40,000 is sought to pump-prime an enhanced service for up to five years.

In terms of active travel, as set out in the documents, while overall the routes to key destinations are reasonable, there are a number of issues (score between 70 and 95%) and a contribution of £30,000 would enable improvement of the routes.

Gwent Police - No objection to the proposed development.

MCC Education - Castle Park Primary School currently has some surplus capacity, however, with the developments assigned as part of the LDP we are anticipating that all Caldicot town schools will be under significant pressure and therefore have claimed / registered our intentions to claim contributions from the LDP site at the appropriate time.

On the basis of the above, and prioritising the LDP sites, we would be seeking to claim a shortfall of 20 pupil places for this development on the basis of 90 market 3 bed dwellings.

In terms of how these contributions will be spent, I am not able to commit at this stage to an increase in capacity at Castle Park Primary as a result of this development. We would need to undertake some feasibility studies, as I know the site of Castle Park is particularly pressured in its existing form of a 210 place school. However, if investment / increase in capacity at Castle Park is considered not to be appropriate, we would be looking to invest elsewhere in the town to ensure there are sufficient school places to accommodate the children forecasted to be generated.

The catchment area school for this development is Castle Park Primary School which currently has 185 pupils on roll with a capacity of 210. Caldicot town is one of our pressurised areas in terms of pupil places and we have prioritised the following developments within our pupil projections for the Caldicot area.

- * Sudbrook Shipyard
- * Crick Road, Portskewett
- * Sudbrook Paper Mill

Therefore it has been anticipated that Sudbrook Shipyard will take the remaining places and we have requested S106 contributions from Crick Road and the Paper Mill.

Dwr Cymru-Welsh Water -

The potable water hydraulic modelling assessment has recently been completed and it was confirmed that the development has three connection options into surrounding water mains network that would not cause an unacceptable level of detriment to existing water supplies. We can therefore remove our OBJECTION, please see following comments and recommended planning conditions should this application receive consent.

The proposed development site is crossed by a number of public sewers with the approximate positions being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991, Dwr Cymru Welsh Water has rights of access to its apparatus at all times:

In addition, as shown on the Statutory Public Sewer Record, Nedern Rise/Clos Alwen SPS – Asset No 73604 lies in the West corner of the proposed development site. We would advise that no habitable buildings should be constructed within a 15m vicinity of this Sewerage Pumping Station (SPS) so as to minimise any effects of noise and odour nuisance. We would advise that the applicant consult with Monmouthshire's County Council's Environmental Health Team to seek their opinion regarding potential noise/odour issues and the current separation distance from the proposed development. We note the applicant is proposing to use sustainable drainage systems for the management of the development's surface water, as this does not involve direct/indirect connection to the public sewerage system we are satisfied with this. If the applicant proposes an alternative surface water removal method then we request the applicant exhausts the use of all sustainable drainage systems and make reference to "recommended non statutory guidance for sustainable drainage systems (SuDS) Wales" this has a surface water removal hierarchy, progression down the list should only be completed once each method has been exhausted. Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Wales and West Utilities -

Our records show those pipes owned by Wales and West Utilities in its role as Licenced Gas Transporter. Service pipes, valves, syphons, stub connections etc. may not be shown but their presence should be anticipated. No warranties therefore are given in respect of it. They may also provide indications of gas pipelines owned by other gas transporters. WWU have pipelines in the area. Our appliances may be affected and at risk during the construction works. Should planning permission be granted, then we would require the promoter of these works to contact us directly to discuss our requirements in detail. Development will not be allowed on any plant or enclosure apparatus.

Health and Safety Executive -

Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

MCC Green Infrastructure (GI) -

In principle GI support the application subject to the following information being submitted as part of the outline application. In particular it is essential that the Landscape Schedule Drwg is amended based upon the comments below prior to approval:

1. Upgrade the LVA currently submitted to a full LVIA to include consideration of cumulative effects in relation to existing development. Consideration of the cumulative impact in relation to the existing settlement and its impact on the wider landscape.
2. Production of a clear Green Infrastructure Assets and Opportunities plan to identify:

- a. Existing assets, opportunities and constraints which will feed into the GI masterplan.
 - b. Existing movement and connections around and into the site, including consideration of the Caldicot Greenway Scheme and how the site may have opportunity to connect to the disused railway to the east;
 - c. Existing vegetation and green links;
 - d. The course of the gas main and the easements required (including what is acceptable for inclusion within the easement) no plant zones and their extent.
 - e. Existing play facilities adjacent to the site – play areas, the grass area /historical space.
 - f. Existing PROW and opportunities for connection.
 - g. Drainage constraints (possible attenuation tanks, open drainage channels – no plant zones.
 - h. Opportunities for connecting to castle.
 - i. Routes through to town.
3. Landscape Schedule Drwg to be retitled - Green Infrastructure Framework Plan:
- a. The plan should clearly identify the difference between existing and proposed vegetation;
 - b. The plan should clearly show the inclusion of a hedgerow between existing and new development (currently not clear enough and in places hidden by the redline boundary); please show this hedge boundary to be a minimum width of 3 double staggered rows with hedgerow trees incorporated within this boundary but for it not to be in private ownership so access for maintenance will be needed.
 - c. Note that the majority of internal tree planting is located within private gardens – please divert away from this if possible and include more street tree planting within strategic GI areas capable of being adopted;
 - d. Mark on a 4m wide maintenance strip/easement along strategic planting and existing hedgerows;
 - e. Within the northern green space simplify the grassland blocks into more consolidated areas of wildflower for ease of management, remove the kick-about area and include informal trim trail equipment and opportunities for informal play to link down into the central green corridor;
 - f. Areas within the gas main easement be mounded up with planting to create visual diversity and include narrow tunnels for informal wild play thus ensuring maximum use of these potentially sterile areas;
 - g. Clearly set out requirement for grazing within the south western field in the blue line to aid the lifecycle of the Hornet Robber Fly. This will be supplemented by detailed management plan that will need to be provided for 10 year period to run in perpetuity with the land – a specific separate Management Plan will need to be dovetailed into the GIMP and will form part of the Unilateral Undertaking.
 - h. Where the secondary pedestrian access will be incorporated please provide more planting and have consideration as to how this may affect the existing play area and footpath routes.
 - i. Identify and allow for a maintenance access to the woodland buffer strip.
 - j. Remove the road layout and only illustrate access points into /out of the site.
 - k. Opportunities for seating and interpretation to be incorporated along all green corridors and the northern green space.
 - l. Please indicate hatched areas where sections of the existing hedge/trees/vegetation will be lost to create access, either roads or gate to carry out maintenance.
 - m. All areas where planting is restricted to be shown and their extent.
 - n. Remaining areas to be developed to be caveated that there may be additional open space/GI assets to be incorporated.
 - o. Northern Green space to clearly illustrate consolidated areas of wildflower planting and retain existing grassland sward to aid a more deliverable management. Incorporation of trees/copses.

- p. All footpaths and PROW through and beyond site to be clearly illustrated and key connection points incorporated on the plan.
- q. All existing hedgerows, woodland and parkland character to be protected and reinforced as part of the new development and integrated into accessible green corridors.
- r. Design principles for key areas along street frontages to be incorporated.

4 Indicative GI Masterplan will need to dovetail with the Landscape Schedule/ GI Framework Plan. The two are interlinked.

MCC Biodiversity -

We have concerns about the loss of habitat for priority species and a more emphasis on mitigation is required before we can be satisfied that there the planning decision will not be contrary to local policy and national legislation. We have outstanding concerns relating to the principle of the development and loss of habitat for Priority Species however, subject to a unilateral undertaking to cattle graze the adjacent land for a period of 10 years plus improvement of the floral diversity of the open space to be adopted by MCC, we do not object to the scheme.

Aneurin Bevan University Health Board -

This is to confirm that there are no specific building issues related to this development, as although there are some capacity issues in the Caldicot practice, they are resolvable within the current footprint. There are staffing challenges in primary care as you are aware, however the practice are optimistic that they will be able to meet the requirements of the residents of this particular development.

Comments received from the Health Board in relation to the pre-application submission MC/2017/ENQ/00906:

In order to assess whether the new unallocated housing units proposed in Caldicot will impact on the provision of health services in this area, it has been necessary to also examine the proposed housing developments in Chepstow and The Forest of Dean. It is clear that if all the proposed housing allocations are developed, there could potentially be insufficient capacity to accommodate the increased demand on General Medical Services in Chepstow, Severnside and Tutshill/Sedbury areas.

Severnside Area

Mon CC Local Development Plan highlights the increase of 1,782 housing units up to the year 2026, with a proposed increase in population of 4,633.

There are four GP practices which cover this area, however in reality the majority may attend the Caldicot practice with a smaller amount going to Mount Pleasant branch in Portskewett. Therefore if the total number of units is developed there will be a strain on General Medical Services provided in this area.

Chepstow Area

The three Chepstow GP practices are set to experience an increase in the population due to Mon CC Local Development Plan, which highlights the increase of 248 housing units in Chepstow up to the year 2026, with a proposed increase in population of 6,488.

Working on the assumption that this increased population will be equally divided between them equates to 2,149 to each practice and this will impact on the practices, putting strain on the General medical Services provided in this area.

Tutshill/Sedbury Areas

Also to be included in this is the Forest of Dean District Council Local Development Plan which indicates that in the Sedbury and Tutshill area there will be an increase of 222 units which equates to a proposed 577 population increase. The increase in patients will create further demands on the Chepstow practices.

Conclusion

In summary up to the year 2026 there are a total of 4,484 housing units proposed with a total potential increase in the population of 11,658.

MCC Heritage Officer -

Recommendation: Acceptable

The development site is north of Caldicot Conservation Area, within a 1km radius several listed buildings can be found, of particular note is the Grade I Caldicot Castle, within the radius three Scheduled Monuments can be found, the castle is a monument and LB. In regard to the potential impact of the development on the setting of Scheduled Monuments comments should be sought from Cadw. Heritage comments relate strictly to the listed buildings and the Conservation Area.

LBs:

2006 – Caldicot Castle (GI)

2019 – Church of St Mary (GI)

2741 – The Manor Nursing Home (GII)

2055 – Church Farmhouse (GII*)

2756 – Barn at Church Farm (GII)

2738 – Upper House (GII)

Apart from Caldicot Castle, the above designations sit within an existing urban environment; it is considered the development will not have a detrimental impact on the special architectural or historic interest of the buildings. Caldicot Castle, northbound views from the tower sections contain a mixture of rural and urban landscape vistas. Elements of the proposed development will be visible from the north tower, however due to the enclosing nature of the castle grounds and mature vegetation surrounded by the park, soft landscaping mitigation can screen the potential loss of views from the tower, it is viewed such impact is negligible.

Caldicot Conservation Area:

It is considered, the development will not have a detrimental impact on the character of the conservation area. The north-west is an urbanised view and Caldicot Castle Park is relatively screened with existing mature growth. The development would be established from the area as a further urban extension, potential impacts can be further mitigated via soft landscaping which will mature in time to provide coverage.

Planning (Listed Buildings and Conservation Areas) Act 1990:

Paragraph 66 – (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 72 – (1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Planning Policy Wales (Edition 9):

Paragraph 4.11.10:

In areas recognised for their landscape, townscape or historic value, such as National Parks...and conservation areas, and more widely in areas with an established and distinctive design character, it can be appropriate to seek to promote or reinforce traditional and local distinctiveness. In those areas the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important. The impact of development on listed buildings should be given particular attention.

Paragraph 5.1.2:

The Welsh Government's objectives for the conservation and improvement of the natural heritage are to:

- Ensure that statutorily designated sites are properly protected and managed.

Paragraph 6.5.9:

Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

Paragraph 6.5.10:

Applicants for listed building consent must be able to justify their proposals, show why alteration or demolition of a listed building is desirable or necessary.

Paragraph 6.5.11:

There should be a general presumption in favour of the preservation of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.

Paragraph 6.5.20:

There should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting,

Monmouthshire Local Development Plan 2011-2021

Policy HE1 – Development in Conservation Areas Within Conservation Areas, development proposals should, where appropriate, have regard to the Conservation Area Appraisal for that area and will be permitted if they: a) preserve or enhance the character or appearance of the area and its landscape setting; b) have no serious adverse effect on significant views into and out of the Conservation Area; c) have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape; d) use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and e) pay special attention to the setting of the building and its open areas. Where development is acceptable in principle it should complement or reflect the architectural qualities of adjoining and other nearby buildings (unless these are harmful to the character and appearance of the area) in terms of its profile, silhouette, detailing and materials. However, good modern design may be acceptable, particularly where new compositions and points of interest are created.

MCC Public Rights of Way -

The Active Travel Act requires that LA continually improve facilities and routes for pedestrians. The Act aims to make active travel the most attractive option for short everyday

journeys. All schemes should be permeable to pedestrians and cyclists and form safe and convenient connections to surrounding infrastructure.

Although pedestrian links to the adjacent existing housing development could be better these are probably as good as is achievable given the site's constraints. These links must however be made up to appropriate standards and maintained and protected for the public. Public footpaths 37, 38 and 39 run through or adjacent to the site. The developer must accommodate these paths or apply for a path order to divert them. Paths should avoid the use of estate roads and private areas wherever possible, they should be made away from vehicular traffic. The proposal although in outline looks to divert path 37 onto an estate road. The effect of development on a public right of way is a material planning consideration. Another footpath runs close to the site that has no recorded legal status. This path is well used and forms path of the Wales Coast Path Caldicot Circular Route. Although outside the red line we would like to see this path formalised as part of the application by way of planning gain.

Local Member Councillor Tony Easson

Magor GP surgeries need major improvement to cater with the expected population growth. Patients will gravitate to Caldicot from Magor. Need also to consider growth from Sudbrook, Crick Road and Magor. Do not consider that the Health Board have explored the effects that all development pressure will put on GP surgeries.

4.2 Neighbour Notification

Adverse impact on air quality

TA uses national not local data

Loss of views

Needs high quality design, detailing and materials

Impact on bat roosts

Impact on Great Crested Newts

Inconstancies in the ecological appraisal

Ecological report is not objective

Needs technical examination of submitted documents

Impact on protected wildlife

Local residents and RSPB have not been consulted

Needs planning condition to exclude the keeping of domestic animals?

There is a five-year management plan for the protection of robber flies on this land through a S106 agreement

Impact on the SSSI, pollution and disruption

Development by stealth

TA underestimated car use

Site not allocated in the LDP

Effect on the landscape character of the area

MCC is failing to meet housing targets

Needs sufficient water and sewerage infrastructure

Will not provide sustainable development

Site will not be accessible by public transport or walking

Contrary to policy S13 of the LDP

Exacerbate existing flooding issues

Will not reduce the need to travel

Loss of agricultural land

No economic gain for the area

Planning statement is inaccurate

Cars will park on the roundabout

Heol Sirhowy is not suitable for a further 130 dwellings

Applicants have not put forward reliable evidence

Disruption to a beautiful area filled with wildlife
Disruption during building works
Roads are not fit for purpose
Doctors and dentists are overloaded
Increased risk of accidents
Additional stress on the health service
Tarnish the charm of Caldicot
Impact on the National Cycle Network
MCC lack of investment in integrated footpaths
Footpaths are too narrow
The DAS is inaccurate saying that it was always intended that this site be developed
Loss of open green space
Primary school is already full
Lanes through Caerwent are unsuitable for more traffic
Land will become compacted during construction and this could affect land drainage
Impact on traffic through Caerwent
Will lead to more commuting
Will not lead to more job opportunities
Caldicot is overloaded
Additional 1000 homes added to Caldicot /Portskewett
Development is not needed
Over development
Impacts negatively on the quality of life and health of local residents
No guarantees on how the sustainable drainage will work
Impact on the Severn Estuary SAC, SPA and RAMSAR
Surface water and run-off may pollute the Nedern Brook
A second access is needed but not provided
MCC does not have the resources to provide a second access
Danger to children using the park
Dangerous road junction and a blind corner
Vehicles will mount the pavement
Roads are in a poor state of repair
Lack of council investment in the area
Local leisure centre is at capacity
Local roads are at gridlock
Caldicot is full
Safety issues with the high-pressure gas main
Compromises LDP policies
Building near protected limestone deposits
Destruction of the landscape
No justification for this development in the LDP
Loss of wildlife corridors
Danger of pedestrians going to school
Loss of public rights of way
Developments in Sudbrook and Portskewett will add to the pressure
Faulty surveys
The roads are unsuitable for construction traffic
The very fabric of Caldicot Town is threatened
Traffic survey was carried out during half term
No considerations of other developments in the area
No joined up thinking about the cumulative impact
Loss of protective boundary for the SSSI
The land for the community park already exists, it is not being created
Impact on Roman Ruins in Caerwent
Loss of views from existing houses and Nedern Trail

Adverse impact on Tourism Loss of Green Space
 Where will the cattle be relocated into the SSSI or the Flood Zone?
 No monitoring of the site for the last 10 years for the Hornet Robber Fry despite a requirement in the S106
 Why was the site not included in the LDP?
 Not enough mitigation for the impact on the landscape
 LVIA says this is a high to sensitive landscape and the proposal will have a major adverse effect on the landscape and PROW
 The democratic process does not work
 Houses are too expensive for local people so people will move in from England, which is contrary to WG goal to promote a bilingual Wales.
 Church Road is unsafe for pedestrians and drivers
 Increased flood risk
 Disagree with the Health Board's comments. Heath Board do not know how difficult it is to get an appointment in Caldicot. This is not what local residents want
 Town Council's objections have been ignored
 MCC does not listen to public's views
 Do not believe that all the correspondence from the developer is appearing on the website
 As suitable access points were made on the previous development, they must have known that this site was going to be developed
 Landscape is high to medium sensitivity
 Neddern Valley acts as a setting for the Castle and other SAM's
 Ignoring the advice given in the "Ecological Connectivity Assessment of 2010
 Conflict with LDP Policy LC1
 Caldicot is providing more new housing that other towns should be accommodating
 The density of development is too high
 The affordable housing will not be delivered
 Major impact on landscape character
 No employment opportunities
 Increase in pollution
 Decaying infrastructure
 Existing trees are not substantial enough to protect the SSSI
 Loss of TPO's
 Reports not issued in Welsh
 Impact on the castle from south facing solar panels
 Underhand tactics by MCC officers, insufficient time to study reports
 Inaccurate reports
 Loss of high quality agricultural land
 MCC should work for local people who elected them and not be persuaded by bribes.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site is located outside the Caldicot Development Boundary in an area considered as open countryside. As such, its development for housing is a departure from the adopted development plan and open countryside policies apply. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications shall be determined in accordance with the adopted LDP unless material planning considerations indicate otherwise. One of those material considerations is the Council's housing land supply. There is a shortfall in the five year land supply in Monmouthshire with the land supply currently at 3.9 years. Until July 2018, paragraph 6.2 of TAN1 required that, when considering planning applications for housing development on land not allocated in an adopted LDP, 'considerable weight' must be given to the lack of a five year housing land supply. This meant that otherwise acceptable housing development would be approved

even if it were not allocated for development in the LDP. Appeal decisions in this regard were consistent and clear. In July 2018, the Cabinet Secretary with responsibility for Planning issued a consultation on a proposal to 'suspend' paragraph 6.2 of TAN1 for an undetermined period, while a review of housing supply is undertaken. The Cabinet Secretary has since issued her decision, which is to dis-apply paragraph 6.2. The duration of this decision is unspecified. Her letter, however, goes on to state that it is now for the decision-maker (i.e. Monmouthshire County Council as Local Planning Authority) to decide the weight to give its housing land supply shortfall.

5.1.2 On 20th September 2018, Council considered a report entitled "Addressing our lack of 5 year land supply: Monmouthshire's Approach to Unallocated Sites". This report set out the challenges and opportunities facing the County and our communities, including significant affordable housing need, the highest average house prices in Wales, our increasingly imbalanced demography and the resultant weak economic base, and the opportunities arising from Cardiff Capital Region City Deal and the economic growth in the Bristol area. Our housing land supply stands at 3.9 years, and our development trajectories show that by the end of the current LDP's plan period in December 2021, we would have a shortfall of 961 homes (of which 337 are affordable homes) against the LDP housing targets. Council resolved that our housing land supply shortfall will be given 'appropriate weight' when considering planning applications for residential development on sites outside of the adopted LDP. Consideration would follow a hybrid spatial model based on a balance between evidence of delayed site delivery, which shows the greatest shortfall is within the Southern local housing market area which includes Chepstow and Severnside; and the LDP settlement hierarchy which seeks to focus growth on the three main towns of Abergavenny, Chepstow and Monmouth, then Severnside, then the rural secondary settlements of Llanfoist, Penperlleni, Raglan and Usk. The Council resolved that consideration of unallocated sites would be subject to the following ground rules:

1. Residential development is unacceptable in principle within undefended flood plain (zone C2) or on greenfield sites within defended flood plain (zone C1), as per national planning policy and TAN15;
2. Residential development is unacceptable in principle within allocated Green Wedges: the appropriate time to review Green Wedge designations is via the new LDP;
3. Residential development is unacceptable in principle on allocated employment sites. Such sites will not be released for housing development unless full compliance with LDP Policy E1 can be demonstrated and there is no realistically likely future demand for the site for employment purposes;
4. Unallocated sites are required to deliver 35% affordable housing and no negotiation will be entertained (60% where the development relates to a Main Village);
5. The development must be acceptable in other planning terms. If infrastructure is inadequate to support new development, and it cannot be satisfactorily improved via a S106 planning agreement, permission would normally be refused. This includes matters such as highway capacity, school capacity, primary health care and air quality;
6. The scale of additional residential development will be considered in the context of the LDP spatial strategy, both in its own right and cumulatively with other approved residential development.
7. Development should be restricted to the Main Towns, Severnside, and Rural Secondary Settlements (with the exception of Llanfoist where there shall be no additional development on unallocated sites outside of the new LDP); and small 60% affordable housing sites in those Main Villages without an allocated site (namely St Arvans and Llandogo).
8. The size and mix of the proposed dwellings is both suitable for the location and seeks to address our demographic challenges;
9. Any planning permissions will have a reduced lifespan: full planning permissions shall be commenced within 2 years, and outline planning permissions shall be followed by

reserved matters within 1 year, with commencement within 1 year of approval of the reserved matters;

10. Applications recommended for approval shall be accompanied by a Unilateral Undertaking by the time they are presented to Planning Committee;

11. This decision ceases to have effect should we regain a five year land supply and/or meet the LDP housing shortfall identified in this report.

In the case of this current outline application for new housing development on the eastern side of the Town of Caldicot, the proposal does comply with the overall LDP spatial housing strategy as the site is adjacent to a Severnside settlement, next to the development boundary, in a sustainable location within walking distance of the Town Centre. The site is located within the Southern local housing market area where the evidence shows the housing delivery delays are greatest in magnitude. The proposal therefore complies with option 2e as set out in the 20th September 2018 Council report.

Since the date of Council's decision, the following planning applications for unallocated sites have been approved:

None

However, an application for outline planning permission for up to 111 dwellings in Raglan is reported elsewhere on this agenda.

It is therefore considered that there has been no change in circumstances to diminish the appropriate weight to be given to our housing land supply shortfall when considering this application.

With regards to the ground rules agreed by Council:

- 1) A small part of the site, but not the developable area, is in a C2 Flood zone. No dwellings or roads would be located within the flood zone;
- 2) The site is not designated as a Green Wedge in the adopted LDP;
- 3) The site is not allocated as an Employment Site in the adopted LDP;
- 4) . The development would provide 35% affordable housing which is policy compliant and not subject to viability testing. Based on 130 dwellings, the site would provide 46 affordable dwellings (or 45 if the requested adapted bungalow is provided);
- 5) The site is acceptable in planning terms for new housing development and is in a sustainable location within easy walking distance of the Town Centre, shops, medical facilities, schools, amenity sites and community facilities. The site also has good access to the local bus and train services. Aside from the fact that the site is not allocated within the LDP, it meets all other policy objectives. This is considered further in the remainder of the report;
- 6) The scale of the proposed development (up to 130 dwellings) is considered to be proportionate in the context of the scale of Caldicot, a town of approximately 4350 homes, and part of the wider Severnside area. There are no LDP allocated housing sites within Caldicot itself, although Severnside includes the following allocated sites:
 - a. Crick Road, Portskewett: allocated for 291 homes (25% affordable), outline planning application reported elsewhere on this agenda;
 - b. Former Paper Mill, Sudbrook: planning permission granted for 212 dwellings (9.6% affordable), under construction;
 - c. Rockfield Farm, Undy: outline planning permission granted for around 270 dwellings (25% affordable), reserved matters application received for phase 1;
 - d. Vinegar Hill: allocated for around 225 homes, no application submitted to date.

The following additional development in Caldicot appears in the latest Joint Housing Land Availability Study:

DC/2016/01453 Brookside 25 dwelling units

In conclusion, the scale of additional residential development is considered proportionate and acceptable both in its own right and cumulatively with other approved and allocated residential development;

7) As stated above, the application site is located within Severnside, so this ground rule is complied with;

8) The size and mix of the proposed dwellings, and their effect on tackling our demographic challenges and their suitability for the location will be considered at the Reserved Matters stage, should this application be approved;

9) Should Committee be minded to grant planning permission, a condition would be imposed to require submission of reserved matters within 1 year, with commencement within 1 year of approval of the reserved matters. The reason is to ensure prompt delivery to meet the housing shortfall which is the justification for departing from the adopted LDP;

10) This application is accompanied by a Unilateral Undertaking;

11) Neither the identified housing delivery shortfall of 961 dwellings by the end of the LDP plan period, nor the housing land supply shortfall, have been addressed to date, and so the Council's decision of 20th September 2018 remains in place.

5.2 Loss of Agricultural Land

5.2.1 Section 4.10 of PPW gives weight to the protection of land in agricultural grades 1, 2 and 3a. Paragraph 4.10.1 states that such land should only be developed on "if there is an overriding need for development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations." A soil and agricultural land quality survey was prepared by Land Research Associates for the site in October 2017. The majority of the site is Grade 1 Agricultural Land which is identified as Best and Most Versatile. Part of the site is woodland and the majority of the site has been used for the grazing of cattle. There is an overriding need for housing development within the Severnside sub region due to the shortfall of housing provision in the area which can be demonstrated through the latest Joint Housing Land Availability Study. The applicant maintains that the land in question is at the lower end of the "best and most versatile" land classification and that it has imperfect subsoil drainage and that it has limited potential for growing crops, hence why it has been used as grazing land. According to the applicants, the land is not suitable for intense agricultural use. In this case, officers consider that the overriding need for housing development in the area overcomes the need to protect agricultural land which is grade 1 and that the proposal is in accordance with the objectives of paragraph 4.10.1 of PPW.

5.3 Mineral Safeguarding Area

5.3.1 The Regional Technical Statement (RTS) of the South Wales Aggregates Working Party (October 2008) requires MCC to investigate and safeguard limestone for possible future use. This requirement is achieved through LDP Minerals Policy S15 which states that the Council will seek to contribute to regional and local demand for a continuous supply of minerals by safeguarding known and potential resources and maintaining a 10 year land bank of permitted aggregate resources through the plan period. To this end Minerals Safeguarding Areas have been identified on the LDP proposals map. The northern half of the development site is in the Limestone Safeguarding Area. Policy M2 of the LDP states that development proposals which may impact on the MSA will be considered against the following requirements:

a) Proposals for permanent development uses within identified MSA will not be approved unless:

- i. “The potential of the area for mineral extraction has been investigated and it has been shown that such extraction would not be commercially viable now or in the future or that it would cause unacceptable harm to ecological or other interests; or
- ii. The mineral can be extracted satisfactorily prior to the development taking place; or
- iii. There is an overriding need for the development; or
- iv. The development comprises infill development within a built-up area or householder development or an extension to an existing building.”

5.3.2 The proposed housing site is in close proximity to a SSSI and there is a risk that any mineral extraction in this location could cause ecological harm to the SSSI. The limestone could not be satisfactorily extracted prior to development taking place due to the close proximity to the existing residential housing, which abuts the site. Minerals would not normally be quarried within 200m of existing homes, so future extraction from this site is considered to be very unlikely. The SSSI to the east means allowing this proposed development would not, in itself, sterilise further mineral reserve from future extraction because the SSSI would likely limit this opportunity anyway. In this case, it has been demonstrated above that there is an overriding need for the development to provide much needed housing in the area. The proposal is therefore not contrary to the objectives of policy M2 of the LDP

5.4 Affordable Housing

5.4.1 Policy S4 of the LDP relates to Affordable Housing Provision, as the site is located outside the Caldicot Development Boundary it is a departure from the LDP. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and contains a specific section relating to departure applications in the open countryside (Section 4.4 E). This states that there is a requirement for 35% of the total number of dwellings on the site to be affordable. The proposal relates to up to 130 dwellings, the affordable housing requirement would therefore be 46 units if the full 130 dwellings are included at the detailed planning stage. The Planning Statement refers to a contribution of up to 46 units but requests the right to review the percentage of affordable housing provided subject to a viability assessment. MCC planning officers maintain that if this departure development should go ahead the development must provide the full 35% in order to be policy compliant and that there is no need for a viability assessment: if 35% cannot be achieved the whole development would not be allowed. The developers have now agreed that 35% will be provided and that this will not be subject to a viability assessment. This will be clearly stated in the Unilateral Undertaking between the Council and the landowner. This is in accordance with the ‘ground rules’ agreed by Council on 20th September 2018.

5.4.2 There is clear evidence of need for affordable housing in the Caldicot Area. The MCC Housing officer has outlined the mix of affordable housing that is required based on local need. This being as follows:

Mix Required

General Needs

2 person, 1 bed flats	12 (3 x 4 blocks of walk up flats)
4 person 2 bed houses	16
5 person 3 bed houses	4
6 person 4 bed houses	2

OAP and Disabled

2 person 1 bed flats	8 (with a lift)
3 person 2 bed bungalows	2

Adapted bungalow (2 or 3 bed) 1

Total 45

5.4.3 The houses would all be built to the relevant DQR standards and will be available under 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. Of the 130 dwellings provided on this site 35% would be affordable and this equates to 46 units. As we require an adapted bungalow for a disabled person the Council's Housing Officer is prepared to accept 45 units as the adapted bungalow will be land hungry with a larger than average floor area. The affordable housing units will be handed over to a registered Housing Association. The specific mix of housing types required will be included in the legal agreement and will be altered pro rata if the housing numbers alter with the reserved matters. The affordable housing will be provided in three separate areas in line with the 'pepper potting' requirement of the policy. It will be part of the terms of the unilateral undertaking that all of the affordable housing will be constructed before the occupation of 80% of the market housing. The provision of affordable housing will be fully compliant with LDP Policy S4 and the Affordable Housing Supplementary Planning Guidance.

5.5 Education Provision

5.5.1 MCC Directorate for Children and Young People has considered all major new housing developments in the Caldicot, Sudbrook and Portskewett areas and has concluded that while Castle Park Primary School currently has some surplus capacity, taking into account the developments assigned as part of the LDP or with extant planning permission, it is anticipated that all Caldicot town schools will be under significant pressure. Therefore a S106 contribution is required to increase capacity at primary level. There is sufficient secondary education capacity.

5.5.2 On the basis of the above, and prioritising the LDP sites, there would be a shortfall of 20 pupil places for this development on the basis of 90 market 3 bed dwellings. This takes into account the open market housing and does not include the affordable housing units, which do not pay a contribution.

5.5.3 As this is an outline application, the exact mix of the housing types is not known at this stage, so we have taken a 3-bedroom property as the average. The proposed development would provide a maximum of 85 open market houses and this figure has been used to predict the demand for school places required in the area as a result of this development. It is predicted that this development will result in a shortfall of 20 primary school places in the Caldicot Catchment area, the exact number will be determined by the number of houses put forward in the reserved matters but the contribution will be £17,257 for each extra school place required. This will be required through a unilateral undertaking. This money will be used to provide extra school places in the most expedient locations to ensure there are sufficient school places to accommodate the children forecasted to be generated.

5.6 Health Provision

5.6.1 As agreed with Members in 2017, the Aneurin Bevan Health Board is consulted on all major residential planning applications. The number of GPs in an area is based on population number. Aneurin Bevan Health Board have confirmed that GP provision within the area is at capacity. However, in this particular case the local GP surgery can accommodate an additional GP without needing to physically extend the surgery building or its car park. Consequently, no S106 contribution is sought in this instance. In terms of concerns raised during a recent public meeting organised by the Town Council that there is difficulty recruiting GPs, this has been raised with the Health Board. The Health Board

advises that although this is an issue in some areas of their Health Board area, they and the practice are optimistic that they will be able to meet the requirements of the residents of this particular development. There is no justification for requiring any new infrastructure in the form of a new surgery based on the number of new homes being created as a result of this development.

5.7 Highway Safety

5.7.1 The application was supported by a Transport Assessment (TA) that included sensitivity testing and additional modelling. This TA has been considered by MCC Highways and independently assessed by Capita. The TA found that the proposed site had good pedestrian links to Caldicot Town Centre and that there was a bus stop within 900 metres of the edge of this site at Caldicot Cross from where there are services to Newport and Chepstow. There are two train stations within 3km of the site, Caldicot Station that has links to Newport and Chepstow and Severn Tunnel Junction which has access to Bristol and London. In addition, the site is only 600 metres away from the National Cycle Network Route 4. It can be seen therefore that this is a sustainable location with good links to public transport. Of all the settlements within Monmouthshire, Caldicot with its two local train stations and good bus links, is the most connected in terms of public transport. The principle of new housing development in this sustainable location conforms to policy objectives for new housing development within the County. The pedestrian links to the town centre and the cycle routes are good.

5.7.2 With regards to Highway Safety Issues, MCC Highways offer no objection. Although this is an outline application, access into the site is being considered at this stage. The proposal shows that there will be one main access into the new housing development and this will be from the recently adopted Heol Sirhowy and would serve up to 120 of the new dwellings. There would also be two vehicular accesses off Clos Ystwyth each serving approximately five dwellings (dependent on the reserved matters design). The capacity of the local road network to accommodate the additional traffic generated by the proposal has been considered especially with reference to Church Road, Heol Trothy, Heol Sirhowy and Clos Ystwyth. The TA concluded that the development can adequately be served along those roads without detriment to the local road network and that those roads do have sufficient capacity to accommodate the new development. The TA looked particularly at the increase in traffic flows along Church Road. It found that there would be a 6.2% increase in traffic during the morning peak (rush hour) and a 5.9% increase during the pm peak. This level in the increase in traffic can be accommodated at the junctions in the immediate vicinity. MCC Highways concur with this stating that the roads will operate within capacity after the development is completed and that there is no need for any improvement or mitigation.

5.7.3 While it is agreed that the new development can be safely served by one main vehicular access into the site, the local area would benefit from two means of vehicular access into the site thus promoting permeability, facilitating alternative routes of travel in and out of the development, emergency access and potentially providing a through route for public transport. It is for this reason that a clause will be put into the unilateral undertaking requiring that the developers provide the opportunity for the new development to link up to Heol Teifi over land outside the ownership and control of the applicant.

5.7.4 As this is an outline application the design of the estate roads is not being considered but it is expected that they will be designed to have a speed of 20mph or less and that the layout will comply with the adopted Monmouthshire Parking Standards. This will be considered at the Reserved Matters stage, should this outline application be approved.

5.7.5 In conclusion, MCC Highways have no objection in principle to the proposed development from a traffic impact perspective. While a secondary access is not required in terms of capacity, it would be desirable at a later date to improve permeability.

5.8 Sustainable location and sustainable transport

5.8.1 Paragraph 9.1.2 of Planning Policy Wales (PPW) emphasises the importance of locating residential development on sites that are easily accessible by public transport, cycling and walking, as well as by private car. Paragraph 4.4.3 of PPW also emphasises the need to promote resource-efficient settlement patterns that minimise land-take. Paragraphs 4.9.1 and 9.1.1 outline the preference to utilise previously developed land in advance of greenfield sites, ensure high levels of sustainability and an appropriate mix of private and affordable housing. In this regard, Paragraph 9.2.8 states that when identifying sites, local authorities should follow a search sequence, as follows:

- 1) Re-use of previously developed land and buildings within settlements;
- 2) Settlement extensions; and then
- 3) New development around settlements with good public transport links.

5.8.2 Whilst this location is a greenfield site, there are very few brownfield sites available in Monmouthshire; it is on the edge of an existing settlement. The site does comply with the overarching housing strategy of the LDP which is that the main focus for new housing development should be within or adjoining the main towns and Severnside sub region settlements. The proposed site abuts the existing residential development along Church Road and is within easy walking distance of Caldicot Town Centre and other community facilities. This site can be considered as a sustainable location. The proposal also conforms to the strategy outlined in the recently adopted report for Addressing the Lack of Five Year Land Supply: Monmouthshire's Approach to Unallocated Housing Sites. The site is not allocated as part of a green wedge, it is well related to the existing built form being adjacent to similar housing development, and the site boundary is clearly formed by existing woodland planting to the east of the site and its close proximity to community facilities.

5.8.3 An Active Travel Audit was submitted as part of the application and was prepared in accordance with the Welsh Government's Design Guidance: Active Travel (Wales) Act 2013. The Active Travel Audit gives an assessment of walking and cycling routes. A number of walking routes between the site and important destinations within Caldicot were identified. Each of the identified walking routes achieved a score equal to or above the 70% identified as a 'Pass' within the 'Active Travel Design Guidance'. These routes are all well-established walking routes, generally with footway, footpath or shared-use provision. Many of these routes also comprise part of the existing active travel routes. It did identify some areas where the routes could be improved for example by cutting back overhanging vegetation or by repainting road signs. An existing cycle route runs through Caldicot but is not adjacent to the proposed development site. The cycle route element of the Audit also scored 70% which is identified as a 'Pass' within the 'Active Travel Design Guidance' and as such, it is considered that this link between the site and National Cycle Network (NCN) Route 4 is suitable for cycling. There is currently no signage from the site to the cycling route but, as part of the Full Travel Plan, future residents of the site would be furnished with details on local cycle routes and this could include directions to connect into this local cycle route. As part of MCC's Active Travel Annual Report 2016 – 2017, improvements to the cycle infrastructure within Caldicot are identified. These comprise the "Installation of retro cycle hoops at 6 locations and large public pumps at 2 locations within and around the town centre, including Woodstock Way, Newport Road, Chepstow Road and Sandy Lane in Caldicot. It is noted that this equipment has been purchased but not installed, with installation envisaged during improvement works to the town centre in 2018.

5.8.4 The Council's Transport Planning and Transport Officer has identified that there is a need to pump prime a local bus service and also to have a financial contribution towards an active travel plan. This will be included in the Unilateral Undertaking under the Heads of Terms "local Highways and Sustainable Transport".

5.9 Drainage

5.9.1 The application is proposing the use of a suburban urban drainage system which would incorporate a number of attenuation features such as tanks and large diameter pipes to provide the required storage for surface water. This is in line with the objectives of Policy SD4 of the LDP which requires that development proposals will be expected to incorporate water management measures, including Sustainable Drainage Systems (SuDS), to reduce surface water runoff and minimise its contribution to flood risk elsewhere. As with the recently completed site adjacent, the use of SuDS can control the rate at which the surface water enters the Nedern Brook and its catchment area thereby reducing the risk of flooding. The details of the surface water drainage will need to be provided as part of the reserved matters application as its nature and location will be dependent on the layout of the site and vice versa. NRW are satisfied with this approach and have requested a condition requiring that details of the foul and surface water drainage disposal be provided at the Reserved Matters stage. As the site is adjacent to an SSSI, it is important that any surface water entering the water course is not contaminated. The site is also located within Zone 1 of the Great Spring Source Protection Zone (SPZ). Source Protection Zones are designated by NRW to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface. Source Protection Zone 1 (SPZ1) areas are designated closest to the source of potable water supplies and indicate the area of highest risk for abstracted water quality. Inappropriate foul or surface water drainage disposal has the potential to pollute the SPZ1. The current application does not provide details in relation to surface and foul water disposal but states that surface water management design will be incorporated into the detailed layout at the Reserved Measures stage. The Drainage Strategy states that it is proposed to discharge surface water run-off to the watercourse. NRW are satisfied that the discharge of clean roof water to ground is acceptable both within and outside SPZ1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. There is a pipe carrying surface water (between 450mm and 2100mm in width) which crosses the northern part of the site. The developers are aware of the width of easement required for this and the layout of the housing development can be designed to accommodate these easements.

5.10 Water Supply

5.10.1 Welsh Water states in the consultation response, "The potable water hydraulic modelling assessment has recently been completed and it was confirmed that the development has three connection options into surrounding water mains network that would not cause an unacceptable level of detriment to existing water supplies." Local residents have reported concerns regarding water pressure, with some residents in the older homes saying their water pressure has reduced since the new homes have been built. However, Welsh Water have no objection to the proposal, and confirms that sufficient water can be supplied to the site.

5.11 High Pressure Gas main through the site

5.11.1 There is a high-pressure gas pipeline crossing the site. It runs between Caerwent and Sudbrook with an operating pressure of 39 Bar and a diameter of 168mm. It is constructed of steel and is approximately 1.1 metres in depth.

The applicants have discussed the proposal with Wales and West Utilities confirming that the existing high-pressure gas infrastructure is located within the site and it was confirmed that an easement along the pipeline provides for 6m either side of the pipeline to be kept clear of buildings, to ensure access and maintenance to the pipeline at all times. The applicants also consulted with The Health and Safety Executive whose guidance identifies consultation distances (measured from the centre of the pipeline) within which lie sub-zones named “Inner Zone” (IZ), “Middle Zone” (MZ), and “Outer Zone” (OZ). HSE bases its advice on land-use proposals on features of the proposal and how the site area lies in relation to these Land-Use Planning (LUP) Zones. These distances are as follows:

Inner Zone – 15m
Middle Zone – 15m
Outer Zone – 21m

5.11.2 As this is a development of more than 30 dwellings, the HSE would classify the development a Level 3 sensitivity. For a development with a sensitivity level of 3, HSE guidance suggests this type of development would be acceptable within the outer zone but would not be suitable within the inner or middle consultation zone. The developers considered various mitigation measures but decided that the site could be developed by leaving an area of 15 metres either side of the gas pipeline on which no houses would be constructed. This conforms to the HSE requirements and will also provide a green wildlife corridor through the centre of the site.

5.11.3 The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE’s planning advice web application, based on the details input on behalf of Sir Fynwy – Monmouthshire. Planning Officers ran the development proposal through the HSE’s web application plotting the position of the housing development and also the areas of landscaping. According to the advice in Annex 2 of An introduction and guide to HSE’s Planning Advice Web App, A Local Authority Guide v1.0, the definition of “landscaping” includes gardens, car parking areas, open spaces etc., associated with a development. It is considered to be areas where people are transient and do not congregate. The land on the northern part of the site was not classified as Outdoor Use by Public because according to the HSE definition this classification is for land where members of the public congregate in large numbers such as food festivals, picnic areas, outdoor markets, car boot sales, community and adult education, open-air theatres and exhibition, coach/bus/railway stations, park & ride interchanges, ferry terminals, sports stadia, sports fields/pitches, funfairs, theme parks, viewing stands, marinas, playing fields, children’s play areas, BMX/go-kart track, country parks, nature reserves and marquees. The use of the land on the northern part of the site is more closely aligned to the definition of Landscaping than it is for Outdoor Use by the public. Applying the app there are only 10 land uses to choose from and we have run it using the land use with the most appropriate definition. The Health and Safety Executive response is that they do not advise, on safety grounds, against the granting of planning permission in this case.

5.12 Flooding

5.12.1 A Flood Consequences Assessment and Drainage Strategy by Jubb Consulting Ltd, has been submitted as part of the application. It was prepared in accordance with the requirements of the current national planning policy and in particular the Technical Advice Note 15: Development and Flood Risk (TAN 15) published by the Welsh Government. The assessment examines key flood risk issues as they relate to the proposed residential development, and as such demonstrates its suitability for development in accordance with TAN 15 developing a full appreciation of:

- The consequences of flooding on the development
- Consequences of the development on flood risk elsewhere within the catchment for a range of potential flooding scenarios up to that flooding having a probability of 0.1%
- Establish whether appropriate mitigation measures can be incorporated within the design of the development to ensure that development minimises risk to life, damage to property and disruption to people living and working on the site or elsewhere in the floodplain.

5.12.2 The topography of the site results in the land falling away in a south-easterly direction with a difference in levels of about 20 metres. The lowest part of the site is the south-east corner reaching a level of 7.5m AOD. This part of the site is within a C2 flood Zone. This zone is classed within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines. The majority of the site is outside either of the flood zones and it is here that the houses would be built. The small area of the site which is in the flood zone will be an area of woodland with no houses or roads being located within the flood zone.

5.12.3 NRW acknowledges that there are two small areas of this site that fall in the C2 flood zone and that these areas at risk of flooding are currently woodland and grassland and that no new development is proposed for these areas. Given the small scale of these two areas and their retained use as woodland and grassland NRW did not require any further assessment or information regarding potential or consequences of flooding. NRW have no objection to the proposal on flood grounds given that no new development is proposed on the land liable to flooding. During the construction phase of the development the land may be compacted and this may alter the drainage on the land. It is important that this is addressed as part of the drainage details to be submitted with the reserved matters. The two small areas identified as being at risk of flooding will probably continue to flood during the winter months but the proposed development will not exacerbate this situation.

5.13 Impact on Caerwent and Other Heritage Assets

5.13.1 Local residents have expressed concern that the increase in traffic resulting from this development will have an adverse impact on the Roman remains at Caerwent. It is true that the development will generate additional traffic and that some is likely to exit the site and join the A48 travelling through Caerwent. The developers have amended their TA to address this point. At the crossroads in Caerwent a Classified Turning Count was undertaken on Wednesday 6th June 2018. It found the junction to be lightly trafficked even during the am and pm peak. Junction capacity modelling was undertaken and found that the junction was operating well. It is estimated that if 62% of the traffic generated by the new development resulting from this application would turn north on Church Road to travel to Caerwent rather than turning south toward Caldicot Town Centre, then the junction capacity would still be acceptable with only slight queuing and delays. The fact that there would only be slight queuing at this junction even at the peak times, is important as long delays could lead to air pollution which could affect the Roman Walls which are close to this junction. But given the very small increase in queuing traffic and the distance from the wall to the road there will be no damage to the walls as a result of this proposal.

5.13.2 Immediately to the south of the site is Caldicot Country Park and a designated Conservation Area. The edge of the proposed Housing Site is just over 100 metres from the boundary of the Country Park. Although it is proposed that there would be woodland planting along the southern boundary of the housing site, which will in part act as a buffer, the proposed development would be visible from parts of the Castle and Country Park. However, these views would be against the backdrop of other modern housing developments, and consequently are not considered to significantly impact on the setting of historic importance of the castle, or on the amenity or relative tranquillity of the Country Park. MCC Heritage Officers have assessed the impact that the proposal will have on the Caldicot Conservation Area and all the listed buildings within a 1 km radius of the site. They found

that apart from Caldicot Castle, all of the other listed buildings sit within an existing urban environment; and is considered the development will not have a detrimental impact on the special architectural or historic interest of the buildings. From Caldicot Castle, northbound views from the tower sections contain a mixture of rural and urban landscape vistas. Elements of the proposed development will be visible from the north tower, but due to the enclosing nature of the castle grounds and mature vegetation surrounding the park, soft landscaping mitigation can screen the potential loss of views from the tower. It is considered that such impact is negligible.

5.13.3 It is also considered the development will not have a detrimental impact on the character of the Conservation Area. The north-west is an urbanised view and Caldicot Castle Park is relatively screened with existing mature growth. The development would be established from the area as a further urban extension, potential impacts can be further mitigated via soft landscaping which will mature in time to provide coverage. The proposed housing development would preserve the character and appearance of the Caldicot Conservation Area and would not have an adverse impact on significant views into or out of the Conservation Area or on significant vistas within it. The proposal therefore accords with the objectives of Policy HE1 of the LDP which relates to Development within Conservation Areas.

5.14 Ecology and Impact on the SSSI

5.14.1 An assessment titled Church Farm, Caldicot Ecological Appraisal prepared by The Environmental Dimension Partnership Ltd on behalf of Harvington Properties Ltd dated May 2018 was undertaken and submitted as part of the application. It looked in detail of the impact of the proposal on the Nedern Brook Wetlands SSSI which has been designated for its breeding and wintering bird assemblages. The interface between the SSSI and the plantation woodland east of the southern and the broadleaved woodland north east of the of the northern fields sits above a steep cliff formed by a limestone outcrop. The Ecological Assessment considered the ecological implications of development on the site through a Desk Study, an Extended Phase 1 Habitat Survey and further detailed surveys for breeding and wintering birds, bats, badgers and Great Crested Newts. Both MCC Biodiversity Officers and NRW reviewed the Assessment.

5.14.2 NRW welcome the Ecological Appraisal and agree that, provided the measures set out in the Ecological Appraisal are implemented, the proposal will not have significant impacts on the nearby Nedern Brook Wetlands Site of Special Scientific Interest. NRW also suggest that a notice board is produced by the applicant to educate home owners of the potential disturbance that could be caused to wintering birds by activity on the SSSI. They suggested a Construction and Environmental Management Plan (CEMP) condition to manage the generation of contaminated materials during construction that could result in pollution to ensure adequate protection of the water environment. MCC officers consider that this is necessary and could be secured by condition.

5.14.3 NRW also suggested that a Landscape Ecological Management Plan (LEMP) should be secured by condition. MCC do not consider that the LEMP is necessary as the as the detailed landscaping issues will be covered in the Green Infrastructure Management Plan to be submitted alongside the reserved matters submission which will cover long term management of the site. There is an existing strip of woodland extending down the eastern side of the site, this will be retained and will act as a buffer between the SSSI and the housing development, NRW identify the main issues affecting the SSSI are the disturbance of birds from dog walkers and the water quality of the Nedern Brook. The ecological appraisal submitted by the applicants considers how to avoid and mitigate these disturbance pressures, these include the creation of the community park away from the SSSI and interpretation boards advertising local walks and directing recreational activities away from

the SSSI. NRW are satisfied that provided that the measures set out in the ecological appraisal are implemented fully, the proposal will not have a significant impact on the SSSI. In addition to the interpretation boards, NRW advise that notice boards are produced to educate home owners and potential dog walkers of the disturbance they could cause to wintering birds.

5.14.4 Some local residents have expressed concern regarding the loss of the application site for dog walkers and those wishing to use the public right of way to walk in the countryside will result in walkers being forced to walk in the SSSI, causing harm to the wildlife. Although the public right of way through the site would be retained, albeit likely diverted to follow the road network through the site, it is acknowledged that this section would no longer be a countryside route. However, as part of this application, the applicant is providing a 2.82 hectare area of open space in the northern part of the site, to be gifted to the Council as a community park. There would also be 0.92 ha of woodland with public access.

5.14.4 The majority of the existing hedgerows and woodland on the site will be retained and incorporated into the scheme. Protection and long term management of these will need to be secured via the GI Management Plan. These should not be included within the ownership of individual plots and adequate buffer strips to allow maintenance will need to be incorporated. MCC officers are satisfied that there will not be a significant loss of priority species from the site. The development will however result in the loss of grassland habitat. This includes poor semi-improved grassland and improved grassland of low intrinsic value. This is offset by the open space to be provided to the north which will include grassland managed for biodiversity and public enjoyment and would include species rich grassland and will compensate for the wider loss of grassland.

5.15.5 At least ten species of bat were recorded using the site. The Council's ecologists disagree with the approach of clumping Myotis species together as it has the potential to skew the value of the site but based on the proposals and the availability of foraging / commuting habitat and ecological connections wider in the landscape, the scheme should not have a negative impact on local bat populations. The reserved matters plans should show roosting opportunities for crevice dwelling bats incorporated into the scheme.

5.15.6 The site is currently a home to The Hornet Robber Fly which is Priority Species. As part of a previous application for the adjacent housing development, a section 106 agreement required that the current application site and adjoining field be grazed by cattle to ensure sufficient dung was available for the Robber Fly. A similar approach will be taken here. The applicant owns the surrounding fields to the east of the site and is prepared to enter into agreement that he will continue to graze cattle on the land for the next 10 years. The Hornet Robber Fly is presumed to be inhabiting the development site and this species has been listed as a species of Principal Importance

5.16 Green Infrastructure

5.16.1 Policy GI1 of the LDP states that development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network by ensuring that individual green assets are retained where possible and integrated into the new development. Developments should incorporate new and/or enhance green infrastructure of an appropriate type, standard and size. In this case, there is a substantial area of mature woodland along the northern boundary of the site, and this will in part help to screen the proposed development from views when travelling west along the M48 Motorway. The development will still be visible from the M48, but just because something can be seen does not mean it is harmful or unacceptable. The belt of trees will be retained as part of the development, adopted by and maintained by MCC. There is also existing woodland to the

east of the site, and this being retained will help to protect the SSSI from the impacts of the development by providing some screening. It is acknowledged that one of the primary characteristics of the SSSI relates to over-wintering birds, and that the woodland is deciduous, however the separation distance and level of screening are considered to be sufficient. The Landscape Plan shows enhanced tree planting along the eastern boundary of the development site. The existing hedgerows on the site are to be retained and incorporated into the scheme design. There will also be tree planting though the developable part of the site. The community park proposed for the northern part of the site will provide biodiversity opportunities and informal recreational provision. There will be a green corridor through the site, following the line of the gas pipeline. Other green corridors will be provided running east/west. In total approximately 50% of the site will be retained as green space. The details of this will be drawn up as part of the reserved matters but a Landscape Master Plan is being considered at this stage.

5.17 Landscape Impact

5.17.1 A Landscape and Visual Appraisal (LVA) was submitted as part of the application and further work was undertaken during the course of the application. As a result of this further information the Landscape and Visual Appraisal (LVA) was revised and became a Landscape and Visual Impact Assessment (LVIA). The site does not sit within any local or nationally designated landscape, although Caldicot Castle Country Park does lie to the south of the site. The site has been identified by LANDMAP as being of high value for historic and geological landscape and of moderate value for visual and sensory, cultural and habitats landscape. This type of landscape is relatively common in Monmouthshire. The LVA found that the site has limited visibility from the surrounding area and is not visible from more than 1 km from the site. The existing vegetation and topography do partially screen the site when viewed from the wider landscape. The development will be seen against the existing built form of development which makes up the north-eastern part of Caldicot Town. MCC's Landscape Officer does not object to the findings of the LVIA.

5.17.2 Policy LC1 of the LDP presumes against new built development in the open countryside unless it can be justified under national planning policy or other LDP policies. In this case there is an overriding justification for new housing development, but in such exceptional circumstances, the new built development will only be permitted where all the following criteria are met:

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;
- b) new buildings are wherever possible located within or close to existing groups of buildings;
- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and
- d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value.

5.17.3 The LVIA submitted by the applicants found that "overall the proposed housing scheme will result in a major - moderate adverse level of effect upon landscape character of the site itself – due to a land-use change from greenfield to residential. It is predicted that the wider landscape (including the LANDMAP aspect areas and adjacent landscape setting) will experience no more than a minor level of change, with the addition of the proposed scheme perceived to be a logical rounding off of infill along this edge of Caldicot by creating a settlement edge with more organic character." Specific viewpoints were identified and the report found that those receptors anticipated to experience the most visual change, were those in close proximity to the site. These are the public footpath crossing the site, the public footpath to the south of the site and the existing dwellings on the site's western and southern boundary. Here there was anticipated to be a major to moderate level of visual effect. It is from these public footpaths and existing dwellings where the impact will be the greatest as

the land immediately adjacent will turn from greenfield to housing development. This impact will only affect the immediately adjoining residents and users of the footpath. This is a relatively small number of people affected and will have the same level of impact as when those existing houses were built in the last 10 to 15 years. Some residents have expressed concern that, when purchasing their homes, searches showed this site was not included within the current LDP. This concern is acknowledged, and it is accepted that a negative consequence of considering sites outside of the adopted LDP is this change in circumstance. However, as set out in the report to Council on 20th September, on balance this negative impact is considered to be outweighed by the benefits of delivering much needed housing and affordable housing. Moreover, had the alternative approach been taken by Council, and a decision made to reject all applications for unallocated sites, instead dealing with the identified issues in the new LDP, the outcome would essentially be the same; namely, this site would be proposed for inclusion in the LDP, based on our assessment for this application. The strong likelihood is it would be allocated in the new LDP.

5.17.4 The effect on the wider landscape will be less pronounced as the intervening vegetation, notably a substantial and well-established tree belt will restrict long distance views of the site. Beyond the site boundary views of the proposed scheme from public rights of way, road, commercial and play receptors surrounding the site will be in part filtered by the existing topography and vegetation. The proposed planting and green open spaces within the site itself including the Country Park on the northern and highest part of the site will also help to reduce the visual impact of the scheme. The main adverse effects expected as a result of the proposed site are partly mitigated through a number of strategic measures including the retention and management of the existing tree belt which runs through the site from north-west to south, the provision of the community parkland to the north of the site and green corridors along existing pipelines crossing the site. All this is designed to give a softer settlement edge than that which currently exists. The Council's Landscape Officer has not objected to the findings of the submitted LVIA. The site might be seen when traveling west along the A48 but this will only be a glimpse and the development will be interspersed by planted vegetation and will be seen with the background of existing and recently completed residential development. There are no specific landscape designations such as an Area of Outstanding Natural Beauty or National Park close to the development site that require additional consideration (the Country Park and Castle having been considered above). It is considered that for the reasons outlined above the proposal will be satisfactorily assimilated into the wider landscape and will have no significant adverse impact.

5.17.5 The proposed development will be located on the edge of an existing settlement adjacent to the recently completed housing development on Clos Ystwyth, Heol Sirhowy, Heol Glaslyn and Heol Towy. The application site is not set in isolated countryside away from any other form of built development. In fact it relates well to the existing settlement form. The detailed layout and design of the proposal will form part of the reserved matters submission but with careful design the development will have no unacceptable adverse impact on the landscape, historic, cultural or geological heritage, biodiversity or local amenity value. The proposal therefore accords with the objectives of Policy LC1 of the LDP.

Policy LC5 of the LDP states that development proposals that would impact upon landscape character, as defined by LANDMAP Landscape Character Assessment, must demonstrate through a landscape assessment how landscape character has influenced their design, scale, nature and site selection.

Development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects by:

- a) Causing significant visual intrusion;
- b) Causing significant adverse change in the character of the built or natural landscape;
- c) Being insensitively and unsympathetically sited within the landscape;

- d) Introducing or intensifying a use which is incompatible with its location;
- e) Failing to harmonise with, or enhance the landform and landscape; and /or
- f) Losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both the built and natural environment.

Particular emphasis will be given to those landscapes identified through the LANDMAP Landscape Character Assessment as being of high and outstanding quality because of a certain landscape quality or combination of qualities.

5.17.6 In this case a LVIA has been submitted as part of the application. It concludes that:

“Overall, the proposed development is considered to be a logical extension of Caldicot. It shares the same topographical context and character as the rest of the eastern parts of the town; it comprises undesignated land of the same use and character, as have previous extensions to the town which have been considered acceptable. There are no landscape features within the site which are especially rare or special that would suggest development would be inadvisable, much less precluded as a matter of principle. The proposal retains and reinforces wherever possible the best on-site vegetation. The position of the tree belt, which defines and visually reinforces the boundary between Caldicot and the Nedern Brook is especially significant. It is already effective at containing the current leading edge of Caldicot and conserving the visual integrity/openness of the Nedern Brook valley. Some harm would accrue nonetheless in both landscape and visual terms. The loss of the site’s openness and farmland character represents a degree of harm, but not at a level which ought to preclude development given the site’s undesignated status and otherwise perfectly ‘representative’ visual character. Local residents with homes overlooking the site will lose their attractive views over the site; while no doubt valued by them, their homes occupy land which, not that long ago, was of the same character. There would also be some harm to the user-amenity and open character of footpaths through the site. This is compensated for – if not on a like-for-like basis, by the delivery of an area of community parkland. Overall however, and having particular regard to the spatial logic of this site as a potential extension to Caldicot, together with the mitigating effects of the already mature tree belt, EDP concludes that there are no landscape-related grounds which are so significant that they should preclude planning permission.”

5.17.7 It is recognised that there would be a change to the landscape character on the site itself and upon the land immediately adjacent to the site but that this impact would not be so great when considered in relation to the wider landscape of the area. The proposal would not cause significant visual intrusion on the wider landscape due to the existing mature woodland on the eastern part of the site and the proposed green spaces within the site. The proposal would not cause a significant adverse change in the character of the built natural landscape given that the site is adjacent to the built form of Caldicot and will be seen against a backdrop of existing residential development. The proposed housing development with its green corridors and open parkland is sympathetic to its surroundings and is compatible with its location. The proposal therefore accords with the broad aims and objectives of Policy LC5 of the LDP.

5.18 Outdoor Recreation Provision

5.18.1 Policy CRF2 of the LDP considers Outdoor Recreation/Public Open Space and Allotment Standards and provision. It states that proposals for new residential development should provide appropriate amounts of outdoor recreation and public open space in accordance with the National Playing Fields Association minimum standards and make provision for allotments. In this case, it is proposed to provide a 4 hectare community park in the northern part of the site. This would contain informal areas for play and a circular walking path which could link into the two existing footpaths that cross the site. In addition

there would be a 30 metre wide strip through the centre of the site, either side of the gas pipe line which would not be developed by housing and would be planted as a green corridor. Informal play facilities could also be provided in this area. There are several Local Areas for Play (LAPs) and a Local Equipped Area for Play (LEAPs) on the adjacent development. It would be more beneficial to the existing residents as well as the occupiers of the new development, to upgrade the existing play facilities in the area rather than creating more LAPs on the proposed site. This would provide a better overall provision within the locality, and help integrate the new development as part of the existing community. Overall, over half of the site will be retained as green open space for the public to enjoy. The proposal does not include provision for any allotments. As per the requirements of Policy CRF2 the outdoor recreation and public space is being provided within the site in line with the NPFA standards and this will have benefit to the local community. The scheme will provide significantly more than the 0.5 hectares of informal open space and 1.6 hectares of adult outdoor recreational space. The proposal exceeds the requirements set out in Policy CRF2 of the LDP. A financial contribution of £25,000 will be required for the installation of informal play equipment in the community park. This could include a Trim Trail and wooden logs. In addition, there would be requirement for a commuted sum of £233,152 for the maintenance of the community park for 20 years. A sum of £1566.00 per market dwelling would also be required to offsite recreational facilities. This money could be used to fund facilities including the Caldicot Greenway Scheme, Caldicot Castle Country Park, Hall Park Open Space and the Caldicot Town Centre Regeneration Project.

5.19 Residential Amenity

5.19.1 The impact of the proposal on residential development can be divided into two distinct parts. Firstly the physical impact of the development on the existing residential properties immediately adjacent to the application site and secondly the impacts on the local area from increased traffic generation. Many of the properties along Clos Ystwyth, Heol Sirhowy, Heol Glaslyn and Heol Towy actually abut the development site. There is an existing footpath between Heol Towy and the development site and this would be retained giving a green buffer between the existing houses and the proposed housing. Many of the properties along Clos Ystwyth, Heol Sirhowy and Heol Glaslyn have their rear gardens abutting the development boundary. When designing the layout for the reserved matters, consideration will be given to maintaining privacy distances between the existing and the proposed dwellings. It would also be ensured at that stage that the proposed dwellings will not have an overbearing impact on the residential amenity of the occupiers of the existing properties. There is no justification for requiring a tree buffer to be planted on the western boundary of the proposed site between the existing and proposed dwellings and this request, coupled with the requested maintenance strip, all in public ownership, would create a potential no-man's land between the new and existing homes which is not considered to be desirable. Adequate protection of residential amenity can be achieved through good design. The objectives of Policies DES1 and EP1 of the LDP will be considered with the reserved matters but the site is certainly capable of delivering these.

5.19.2 With regards to impact of the proposed development on the local area as a result of increased traffic generation, there will inevitably be more traffic moving through the area and this will generate more noise. The TA, however, has demonstrated that the road network is capable of accommodating the increase in traffic. The increase in noise and disturbance along the existing residential streets over and above that already generated will not be so great as to justify refusal.

5.20 Archaeology

5.20.1 An archaeological assessment (EDP, dated November 2017) and a geophysical survey (SUMO Services Ltd, dated December 2017) were completed. Based on the results,

a field evaluation was conducted by GGAT Projects in February 2018 (Report number 2018/006).

5.20.2 The proposal is located in an area of high archaeological potential. Extensive archaeological remains are located in the vicinity, including Romano-British farmsteads and land divisions, roundhouse, prehistoric pits and ditches, Roman cremations, as well as possible loom-weights. Several Scheduled Monuments are also located in the area, including a motte and bailey (The Berries, MM026), Caldicot Castle (MM050), Manor Farm (MM053) and a Romano-British farmstead (MM334).

5.20.3 The geophysical survey noted several anomalies that may represent archaeological features. Whilst the majority were located in areas that would be preserved as 'Community Parkland' within the proposal, a potential linear feature was evaluated by two trenches. No evidence of the geophysical anomaly was apparent during the field evaluation, although a north-south rock-cut feature was exposed and recorded. This feature was not apparent on the geophysical survey.

5.20.4 There are significant archaeological remains in the vicinity. There is the potential for similar remains to extend into the currently proposed development area. It is clear that in at least one instance, there are archaeological features present that are not apparent on the geophysical survey. GGAT has no objections to the proposal subject to a condition being imposed should planning permission be granted, requiring a written scheme of investigation for a programme of archaeological work to protect the archaeological resource.

5.21 Public Rights of Way

5.21.1 There are two public footpaths crossing the site and these are both currently well used. The majority of the existing footpath length is in the area of the proposed country park and their alignment not be affected by the housing development. Part of one footpath does cross the developable area and its alignment may have to be altered as a result of the detailed layout of the housing site. Given the amount of green open space proposed for the site and the fact that there will be several green corridors running through the site, there will be plenty of scope to have the footpath separated from vehicular traffic and provide a pleasant link through the development. The exact position of this footpath will be determined with the reserved matters and if necessary, a diversion order will be required.

5.22 Advertising the application

5.22.1 Under the provisions of the Town and Country Planning Development Management Procedure (Wales) Order 2012, this application needed to be advertised as being a Major Development, a Departure from the Development Plan and a Development Affecting a Public Right of Way. Several site notices were displayed stating that the application was a Major Development and that it was a Departure from the Development Plan. The application was also advertised in the local press as being a departure but the application was not initially advertised as Affecting a Public Right of Way or as being a Major application in the press. It was advertised as Affecting a Public Right of Way on site on the 23/10/18 and in the press on 31st October 2018. Therefore, the 21 day period for representations to be received has not expired at the time that Committee considers the application. No responses have been received to date, but if any are received between now and the time that the application can be determined that raise fresh, material issues they will be reported to the Council's Member Panel (which comprises the Chair and Deputy of Planning Committee and the Opposition spokesperson) for consideration. This would be done before the final decision is issued (whether Committee decides to approve or refuse the application).

5.23 Economic Development Implications

5.23.1 There are economic development implications stemming from this development, most notably the jobs created during the construction phase when the houses and roads are being built. Obviously, this is a temporary benefit. Longer term, these houses will provide homes for people who may want to work in the area and in a small way will contribute towards growing the County's economic base. Future residents are also likely to use and support businesses within the town centre and local leisure amenities.

5.24 Response to the Representations of the Community/Town Council and other issues raised

5.24.1 Caldicot Town Council raised the issue that the site is not allocated within the LDP and that there is insufficient infrastructure provision within the Caldicot area. These matters have been addressed in detail in the report above.

5.24.2 Caerwent Community Council is concerned about the impact on increased traffic through the village of Caerwent. Again this has been discussed in detail within the main body of the report and reference has been made to the additional information appended to the TA which was submitted to address the traffic issues in Caerwent especially at the crossroads.

5.24.3 Most of the issues raised by local residents have been addressed in the main body of the report. This development is proposing a maximum increase of 130 dwellings into the town of Caldicot; the resultant traffic will not be so great as to impact on the air quality of Caldicot or the wider area. The impact of the proposal on the Severn Estuary SAC, SPA and RAMSAR have been considered as part of the submitted Ecology Appraisal which is available to view on line. The lack of investment in Caldicot in terms of roads and footpaths is not of immediate concern to this development but we have passed these concerns onto our colleagues in the Highway Department. Members may be aware that town centre regeneration proposals are currently being drawn up, part of which includes public realm improvements at The Cross, with improved linkages from the town centre to this area of Caldicot and to/through the castle grounds. Disruption during the construction phase of development is temporary and would not be grounds to refuse an application. There will be no loss of public rights of way - the existing ones will be retained on site and additional footpaths will be provided. The existing footpaths will be incorporated into the layout and design of the site.

5.24.4 The submitted documents were not translated into Welsh but it was made clear at the public meeting that if any resident wanted to request in writing that any specific document be translated then we would arrange for this to be done. Caldicot does not have a high percentage of Welsh speakers and building more homes in the area, even if many are occupied by people moving into the area from across the border, will not materially alter the linguistic balance of the town or harm the Welsh language.

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

5.25.1 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.

5.26 Conclusion

5.26.1 Although this site is not allocated in the LDP as a new strategic housing site and is not within the Town Development boundary, it does conform to the strategy outlined in the report "Addressing our lack of 5 year land supply: Monmouthshire's Approach to Unallocated Sites", which seeks to establish the Council's decision on the weight to be given to our housing land supply shortfall. This report was agreed by Council in September 2018. There is a significant shortfall of housing development within the south of the county and this proposal would help to meet that shortfall. The site conforms to the Council's other strategic housing policies of concentrating new housing development in major towns and Severnside Settlements. This is a sustainable location on the edge of a settlement within walking distance of community facilities and with good public transport links. The proposed development complies with the 'ground rules' set out in the Council report.

6.0 RECOMMENDATION: APPROVE

Subject to a Unilateral Undertaking Legal Agreement requiring the following:

1 Affordable Housing

35%, DQR, Tenure Neutral.

Triggers: The Landowner covenants not to occupy or permit first occupation of more than 80% of the market housing until all of the affordable units have been constructed and are ready for occupation.

No need for a viability review as they are providing 35% which is policy compliant and that the AH be provide in 3 separate parcels.

2. Education

There is a shortfall of 20 places this needs to be provided in the form of a financial contribution to be used to provide extra school places in the most expedient locations within Caldicot to ensure there are sufficient school places to accommodate the children forecasted to be generated. Cost of 20 spaces at £17,257 = £345,140

Triggers 50% prior to 50% of market housing being occupied
50% prior to 80% of market housing being occupied

3. Access and Green Transport

A financial contribution towards local highway & transportation improvements in Caldicot.
£130,000

40% contribution on the occupation of 50% dwellings

60% contribution on the occupation of 80% dwellings

4. Primary Health Care - no need for a financial contribution.

5. GI and Biodiversity.

Area of Land to adopted by MCC for public open space to be shown on a plan and 20 years of Maintenance cost added.

Net Developable £233,152.61 inclusive of inflation. Maintenance for 20 years

Land for grazing of Robber Fly. A management plan for 10 years to include cattle grazing of the remaining land in Mr Heaven's ownership. The management plan will need to specify stocking densities etc. and will need to reference the habitat improvements that will be undertaken on site.

Contribution of £5,000 for delivery of a Green Infrastructure Management Plan to be delivered through the Council for the areas of adopted POS.

Access from point A on the 106 plan to the land which will be transferred land edged purple. Seller will need access for retained land.

The Council is pursuing a centralised play strategy and will not be seeking formal on site play equipment however contribution of £25,000 towards informal on-site wild play in the parkland/ woodland area is sought. A trim trail and other informal structures.

A contribution of £1,566 per market dwelling is payable to help support connections to this on site recreational resource.

It is anticipated that this would cover one or a combination of the following:

- Caldicot Greenway Scheme – linking Caldicot via the castle to Caerwent/Crick at the A48 by utilising the former MOD railway line – as per the Sustrans report commissioned previously from another of the Church Road developments;
- Caldicot Castle Country Park – which is an MCC managed site adjacent to Church Road and a major recreation provision in the local area;
- Hall Park Open Space, providing another pedestrian walkway/cycle path to Caerwent (from behind Castle Park Primary School up through the open space to Sandy Lane at the top end of the open space), which then forms a footpath link through to Caerwent under the M4 motorway.
- The Caldicot Town Centre Regeneration Project – relating to connectivity to /from the Cross Street scheme.

If the 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. Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.

REASON: The application is in outline only.

2. (a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 12 months from the date of this permission.

b) The development hereby approved must be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990 and to adhere to the ground rules set out in "Addressing our lack of 5 year land supply: Monmouthshire's Approach to Unallocated Sites".

3. No development shall take place until the applicant or his agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

4. No development shall take place until a drainage scheme has been submitted to, and approved by, the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water and shall include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no foul water, surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water.

5. The Reserved Matters pursuant to the layout of the proposed development shall ensure that the internal estate roads and footways shall be designed and laid out to facilitate the future connection of the desirable secondary means of access if so required by the Highway Authority at a future date.

Reason: To provide for a secondary vehicle access at some time in the future.

6. The details submitted pursuant to the Reserved Matter for landscaping shall reflect the guidelines set out in the Landscape Schedule/ GI Framework Plan and GI Masterplan in addition to providing details incorporating all strategic planting and open space and design principles in addition to providing details incorporating;

- proposed finished levels or contours;
- means of enclosure;
- Hard surfacing materials;
- Soft landscape details including 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 ensure the provision afforded by appropriate landscape design and Green Infrastructure in accordance with policies LC5, S13, and GI1 and NE1.6.

7. The details submitted pursuant to the Reserved Matter for layout shall include the proposed and existing functional services above and below ground (e.g. drainage details, power etc);

- Water Features (including SUDS details);
- Clarification of access connections beyond the site.

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure in accordance with policies LC5, S13, and GI1 and NE1.6.

8. LANDSCAPE WORKS IMPLEMENTATION

All hard and soft landscape works shall be carried out in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. A time table for these works shall be submitted as part of the reserved matters submission and all works shall be carried out in accordance with the timetable agreed with the Local Planning Authority. The planted areas shall be kept clear of underground utilities. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

9. LANDSCAPE MAINTENANCE

A schedule of landscape maintenance for a minimum period of five years or until the areas are passed to the council for adoption, whichever is the sooner, shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation this shall be integrated into the GI management Plan.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

10. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- 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; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

NOTE: See BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.

REASON: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

11. Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP.

REASON: To ensure a satisfactory form of development takes place.

12. There shall be no built form of development within either side of a 15 metre easement from the centre line of the high pressure gas main that crosses the site.

REASON: In the interests of public safety.

13. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance

details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

REASON: In the interest of highway safety and to ensure compliance with Policy MV1 of the Local Development Plan.

Informative.

Wales and West Utilities has pipes in the area, the apparatus may be affected and at risk during construction works. Should planning permission be approved the developer should contact Wales and West Utilities directly on any plant or enclosure apparatus to discuss details of their requirements before any works commence on site. Development will not be allowed on any plant or enclosure apparatus.

Application Number: DM/2018/01050

Proposal: Residential development of up to 111 dwellings, new vehicular access from Monmouth Road and emergency vehicle access to Station Road, public open space and associated landscaping, engineering and infrastructure works.

Address: Land Development off Monmouth Road, Raglan, Monmouthshire

Applicant: C/o Agent

- **Plans:** All Drawings/Plans A107 - Rev C, All Drawings/Plans 20 - Rev A, Block Plan 001 -Block Plan 01 - , Site Layout 23451 00 010 01 - , All Drawings/Plans 002 - , The Green Infrastructure Masterplan Drawing, Great Crested Newt Mitigation Strategy by Tyler Grange LLP, Dormouse Mitigation Strategy by Tyler Grange LLP.

RECOMMENDATION: Approved subject to a unilateral undertaking

Case Officer: Andrew Jones

Date Valid: 26.06.2018

1.0 APPLICATION DETAILS

1.1 This is an outline planning application that seeks detailed approval for access only with all other matters reserved for future consideration. Permission is sought for up to 111 dwellings (35% of which would be Affordable Housing), vehicular access would be provided via a new priority junction onto Monmouth Road with an emergency access to Station Road.

1.2 The application site measures approximately 7.71 hectares and is located to the south of Monmouth Road on the eastern edge of the village of Raglan. The site comprises a single field of semi-improved grassland and scattered mature trees. It is enclosed by established hedgerows, dry and wet ditches and an established tree line. The site slopes steadily down from the north (approximately 50m AOD) to the south (approximately 38m AOD). The north-west site boundary adjoins a community cemetery, with the north and north-east boundaries formed by an established hedgerow fronting Monmouth Road.

1.3 The site lies outside of the development boundary for the Rural Secondary Settlement of Raglan and has accordingly been advertised as a departure to the adopted Local Development Plan. The site is located outside of the Raglan Conservation Area (CA), which is to the north of the site, it contains a number of protected trees and a Public Right of Way exists along the eastern boundary of the site.

2.0 RELEVANT PLANNING HISTORY (if any)

No relevant planning history on the site.

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

S5 LDP Community and Recreation Facilities

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

H2 LDP Residential Development in Main Villages
CRF2 LDP Outdoor Recreation/Public Open Space/Allotment Standards and Provision
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
MV1 LDP Proposed Developments and Highway Considerations
MV2 LDP Sustainable Transport Access
MV3 LDP Public Rights of Way
DES1 LDP General Design Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Local Member Councillor Penny Jones - Whilst I recognise the need for housing, and in particular affordable housing, I am concerned about the application for a site outside the LDP of 2014. This could potentially allow for applications to be submitted on LDP sites which could run alongside this application and the implications for the village would be immense.

The proposed development of 111 houses will have an effect on the Infrastructure - Highways:

- The main thoroughfare in Raglan is already busy with a large amount of traffic passing through it, particularly at peak times.
- The A40 entrance and exit at the top of Monmouth Road is a cause of concern and the Welsh Government has been asked on several occasions to survey the risks attached to it. We were told at the Consultation meeting that there were no records of any accidents on this crossing which is untrue. There have been serious accidents as well as many near misses and this will be exacerbated with the extra traffic flow.
- The large number of extra residents in the village (also taking into account the new development of 45 houses on Chepstow Rd), will put a strain on the Surgery.
- Although the influx of pupils will be over a period of 3 years plus, the new school was not built to cater for large housing developments and there will be problems arising from the increased numbers of pupils with a possible knock-on effect for siblings.
- There is a natural concern that the character and natural charm of the village will be irrevocably destroyed.

Raglan Community Council - objects to the application raising the following observations and areas of concern:

- Infrastructure of village will make it difficult to manage the size of the proposed development.
- Negative impact upon the sustainability of Raglan and wider community.
- Conflicts with points made in Wales Spatial Plan.
- It is not clear that consideration has been given to surface water management.
- Contrary to Policy S1 which seeks to focus housing on Main Towns not Rural Secondary Settlements.
- Proposal will conflict with TAN6.
- Proposal is contrary to Policies S1, S9, H3, LC1, LC5, DES1, MV1 EP5, E1, E3, S11, S13 and S16.
- Fails to give consideration to modes of travel other than private motor vehicles.
- Highway safety concerns with regard to the junction onto the A40 Trunk Road.
- Raglan will need a robust, adequate and efficient system to manage the increase in the drainage system.
- Would increase the pressure on the capacity of the existing road network.
- Must consider the provision of safe and easy access for all road users.
- Additional pressure of demands on medical care and medical practices.
- School would appear to be at capacity, consideration whether the size of the school will be sufficient.

MCC Highways - Have no objection subject to conditions, providing the following observations:

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Pedestrian Accessibility

The site is located within reasonable walking distance, 800 metres, of local amenities, shops,

doctors, primary school etc. A footway is located on the northern side of Monmouth Road, albeit substandard in width.

Cycle Accessibility

The development proposes no specific provision or improvements to encourage or promote cycling.

Local Transport (Bus) Accessibility

Bus stops are located on Monmouth Road approximately 230 metres from the centre of the proposed development. Unfortunately, based on the proposals as submitted, the modal split for the proposed development is likely to include minimal, if any, bus use, because of the low frequency levels of buses. Services currently operate once every two hours for both the 60 and 83 bus routes.

Local Transport (Rail) Accessibility

The nearest rail station is located in Abergavenny, 14km away; therefore, rail travel is likely to be dependent on car travel, due to poor connecting bus provision.

Means of access

The development proposes a simple T junction with Monmouth Road as detailed on Drawing No. T17574/001 - Proposed Site Access Layout and the provision of an emergency access via Station Road.

The proposed junction with Monmouth Road is within the existing 30mph speed limit and visibility standards are in accordance with Manual for Streets.

The Council have actively promoted the provision of a secondary access off Station Road for the purpose of providing an emergency access only, direct access off Station Road has been discouraged by the highway authority due to existing physical and environmental constraints and that it already serves a number of significant attractors, namely Raglan Primary School, Puddle Ducks Nursery, Monmouthshire County Council depot, Raglan Golf course and local playing fields. The development will provide pedestrian access to Station Road by the introduction of internal footways and footpaths providing access for residents of the development and residents south and east of Monmouth Road to the school and other local amenities via the existing footpath from the school to Chepstow Road.

The development will provide access to the existing footway on the east side of Monmouth Road by way of new footway constructed along the western side of Monmouth Road providing uncontrolled crossing points to the north and south of the junction.

Traffic Distribution and assignment

Based on the distribution submitted, traffic on the High Street will increase by 15 and 17 vehicles in the AM and PM peaks respectively. Due to on street parking the High Street effectively operates in a one-way shuttle arrangement at certain points on this route.

This operation has not been modelled. However this is acceptable as the development flows are likely to be within daily variations in flow within the peak hour and there is no significant record of pedestrian and vehicular accidents at this location. A review of accident records highlights only three slight accidents on High Street since 1999.

The Technical Note identified that the right turn from Monmouth Road onto the A40 has a 42% increase in the AM peak (from 71 to 101 vehicles) and a 23% increase in the PM peak (from 69 to 85 vehicles). However, whilst the percentage increases are high, the total number of vehicles is relatively low. Should traffic to the west also reroute via the A40/Monmouth Road junction, then the percentage increase is likely to be even higher for this movement as existing left turning flows recorded in May 2018 are only 7 and 9 vehicles respectively. Based on the capacity analysis, there is sufficient capacity to cope with the additional traffic.

The junction falls under the remit and control of the Welsh Government (A40 is a trunk road) and they should be consulted.

Traffic Impact

The increase in traffic movements generated by the development, as well as the allocated allocation on Chepstow Road, has limited impact on the local highway network and the proposed means of access off Monmouth Road will operate efficiently with minimal queues in the future. No off site mitigation or improvements are required to the immediate local network to accommodate the development and the approved LDP allocation mitigation is required.

Internal Layout

Although the internal layout is not for consideration at this stage the scale and design of the estate should not be discounted at this time and I would suggest that the applicant considers the following when developing the internal estate roads and associated infrastructure:

- Monmouthshire County Council Highways actively encourage the adoption of residential estate roads under section 38 Highways Act 1980 and promote the design principles reflected in Manual for Streets and welcome early engagement with developers to create an acceptable layout and street scene.
- Appropriate levels of off street parking in accordance with the Council's Adopted Supplementary Planning Guidance "Monmouthshire Parking Standards".
- The internal estate roads should be designed and laid out to ensure for connectivity through the site to and from Monmouth Road and emergency connection with Station Road.
- The applicant should where appropriate avoid using materials and unnecessary street furniture and concentrate on good quality geometric design and use of conventional materials in an innovative way so as to avoid costly commuted sums for the future maintenance of extraordinary materials if estate roads are to be offered for adoption.
- The Transport Assessment submitted in support of the application demonstrates that the traffic generated by the proposed development has a minimal impact on the local network and the highway authority would not object to the proposal on highway capacity and safety grounds. Unfortunately the proposed site is within an area that suffers with poor sustainable transport provision and it is recommended that should the planning authority be minded to approve the application then the highway authority would require the consideration and inclusion of the suggested conditions.
- The Highway Authority will also require the developer to enter into a legally binding agreement (S106 of the Town and County Planning Act) to make a financial contribution towards highway and transportation improvements
- To enter into a Section 278 Agreement, Highways Act 1980 for the proposed Monmouth Road junction, footways, street lighting, crossing provision, the widening and improvement of the existing footway on Monmouth Road, the provision of speed limit gateway and speed awareness measures. To provide a financial contribution to enable the extension of the existing footway on Station Road providing sustainable and accessible access to the recreational area / playing fields to the south east along Station Road.

MCC Planning Policy - Provided the following comments:

The Settlement of Raglan is identified in Strategic Policy S1 of the Local Development Plan (LDP) as a Rural Secondary Settlement.

The site is located outside the Raglan Development Boundary in an area considered as open countryside; therefore its development for a residential use would be contrary to Strategic Policy S1 of the LDP relating to the spatial distribution of new housing provision. The proposal is considered a departure from the adopted development plan and open countryside policies would subsequently apply.

With regard to the claimed need for the development, the shortfall in the Housing Land Supply (currently 3.9 years) is an issue that has been addressed in 2016, 2017 and 2018 LDP Annual Monitoring Report (AMR) which are available on the Council's website. The AMRs recommended an early review of the LDP as a result of the need to address the shortfall in the Housing Land Supply and facilitate the identification and allocation of additional housing land. They also suggest that the adoption of a pragmatic approach to the determination of residential development sites will assist in this context (as recognised in para 6.2 of TAN1). That is, where sites are a departure from the LDP but are otherwise acceptable in planning terms a recommendation for approval may be considered, however, the Welsh Government Cabinet Secretary made the decision on the 18th July 2018, to dis-apply paragraph 6.2 of TAN1, meaning that the requirement for Councils to give any housing land shortfall 'considerable weight' was removed. Nevertheless, the letter made it clear that it is for the decision-maker to decide how much weight, if any, to give its housing land supply shortfall. A report regarding Monmouthshire's approach to the housing land supply shortfall and unallocated sites was taken to Full Council on 20th September 2018. The decision was made that when considering planning applications for residential development on unallocated sites, the Council gives 'appropriate weight' to its lack of a five year housing land supply, insofar as those development proposals are otherwise acceptable in planning terms and that a number of 'ground rules' are met. The Council minutes outlining this approach will be made available on the following link. <https://democracy.monmouthshire.gov.uk/ie/ListDocuments.aspx?Id=143&Mid=2428&Ver=4>

In respect of this approach, any application must be shown to meet the ground rules and be assessed against the policies set out below.

Policy S4 relates to Affordable Housing Provision, as the site is located outside the Raglan Development Boundary it is a departure from the LDP. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and contains a specific section relating to departure applications in the open countryside (Section 4.4 E). This states that there is a requirement for 35% of the total number of dwellings on the site to be affordable. The proposal relates to approximately 111 dwellings, based on this figure the affordable housing requirement would therefore be 39 units. Given that one of the stated justifications for this departure application is the need to provide affordable housing then it is considered to be essential to be satisfied at this stage that the proposal is both deliverable and viable and can achieve an appropriate amount of affordable housing.

Policy LC1 relates specifically to new built development in the open countryside, the policy contains a presumption against new built development although it does identify a number of exceptional circumstances involving new built development that might be permitted (subject to policies S10, RE3, RE4, RE5, RE6, T2 and T3). None of these exceptional circumstances apply and as a consequence development in this location would be contrary to the policies contained in the Local Development Plan, most notably policies S1 and LC1.

Strategic Policy S13 relating to Landscape, Green Infrastructure and the Natural Environment is of importance. Policy LC5 relating to the protection and enhancement of landscape character must also be considered. Additionally Policy GI1 should be referred to in relation to Green Infrastructure, it is noted an assets and context plan, GI masterplan and opportunities and constraints plan has been submitted. Policy NE1 relating to Nature Conservation and Development must also be considered.

Policy CRF2 should be considered relating to outdoor recreation/public open space/allotment standards and provision. The policy requires outdoor playing space at a standard of 2.4 hectares per 1,000 population and 0.4 hectares of public open space per 1,000 population. The provision of a total area of 3.72 hectares of open space within the proposed scheme is welcomed, particularly given the location of the proposed development outside the Raglan development boundary adjacent sensitive uses including an existing Cemetery and school. Policy CRF2 also states proposals for sites exceeding 50 dwelling units should also make provision for allotments if required in accordance with the standards. It was agreed at the pre-application meeting that an alternative to allotments such as a community orchard or community growing may be more appropriate in this location given the layout of the proposed scheme. It is noted in response to these discussions a community orchard has been incorporated into the scheme, which is welcomed.

Strategic Policy S17 relating to Place Making and Design should also be considered along with Policy DES1 in relation to General Design. Criterion i) of DES1 requires a minimum net density of 30 dwellings per hectare in order to ensure the most efficient use of land. The site area excluding open space (3.72ha) is 3.99 hectares, giving a net density of approximately 28 dwellings per hectare. As the application relates to a site on the edge of Raglan, a Rural Secondary Settlement it may be considered that criterion i) is of relevance and a slight reduction in density could therefore be more appropriate, particularly due to the quantity of open space provided within the overall site area.

Policy EP1 relating to Amenity and Environmental Protection should also be considered.

Policy MV1 should be referred to with regard to access and car parking. Policy MV2 relating to highway considerations and sustainable transport access is also of relevance. Policy MV2 states that, where deemed necessary, financial contributions will be required towards improvements in transport infrastructure and services, in particular to support sustainable travel links / public transport, cycling and walking. This is a matter that will need to be considered in any planning obligation / heads of terms. Colleagues in the highways section will no doubt provide comment on this matter.

It is noted an Agricultural Land Survey has been submitted as per the request in the pre-application meeting.

MCC Environmental Health - Provided the following observations:

- Have considered the information available in relation to this application and in particular that provided in the Noise Assessment and Planning Statement.
- Having regarded to this information I would propose conditions be attached to any permission granted to agree a noise mitigation scheme and Construction Environmental Management Plan.

MCC Senior Housing Strategy & Policy Officer - Provided the following comments:

- Confirmed policy complaint percentage of affordable housing is 35%.
 - Mix required (Number of units $111 \times 35\% = 39$)
- 2 person 1 bed flats - 12 units (3 x 4 walk up flats) - 4 will be OAP
4 person 2 bed houses - 16 units

5 person 3 bed houses - 6 units
6 person 4 bed houses - 1 units
3 person 2 bed bungalows - 4 units

MCC Green Infrastructure (GI) Team - Provided the following observations:

The proposal submitted and the LVIA, GI assets and opportunities plans represent a positive development to the integration of GI in this project. The GI team welcome the principals identified in PLAN 11: the GI Masterplan in contributing towards health and well-being, community access and enjoyment, biodiversity resilience, and landscape setting and quality of place. However we feel that the following issues that were raised at pre-app still haven't been fully addressed;

GI Opportunities

- An integrated SUDS scheme which seeks to capture surface water drainage throughout the development. A permanent pond should be incorporated within the SUDS basin linking to the swales to ensure it isn't just a dry basin.
- Management of the grassland sward for pollinators whilst maintaining circular routes and connections - this aspiration needs to be added to Plan 11: GI Masterplan Plan.
- The proposals do not include opportunities for development of key links between the site and to the PROW beyond sites to increase permeability of the proposal. This should include access to the public open space on the opposite side of the road.

Opportunity to address key issue of no walkway along Station Road between the school, nursery and playing fields. This is an issue that must be addressed either by providing a walkway within the site or by contribution to provide one on the opposite side of the road.

Opportunities that would serve both new and existing residents well is the improvement of the walkway along Monmouth Road and the formalisation of the desire line from the Golf Club House to Footpath 59 (identified by a broken black line) on land which it is understood might belong to the applicant. Improved access to Footpath 52 on the northern edge of the trunk road to Abergavenny would also be of benefit to new residents and the wider community.

- Proposals need to make it clear that all existing hedgerows, woodland and parkland character will be protected and reinforced as part of any new development and integrated into accessible green corridors (reflective of the character as historical deer park) incorporation of interpretation to reflect setting and character.
- Veteran trees need to be highlighted and protected and management for long term and interpretation provided relating to their significance as part of the historic parkland character that was once a deer park linked to the Castle.
- The open space area overlooked by development would benefit from some informal play equipment rather than being concentrated in an area which is not overlooked.
- Strengthening of the hedgerow boundaries to incorporate 5m buffer to address biodiversity and landscape impacts.
- All areas of strategic GI should be outside of private ownership and allow 4m maintenance strips.

Proposed S106/ Contributions

1. A combined off-site recreation and play contribution to be provided at the rate of £3,932 per dwelling to cover the cost of improvements to local community facilities, including:

- community hub facilities on the former primary school site;
- a safe pedestrian route from Station Road to the village community facilities via the former school site;
- the existing LEAP at Prince Charles Road;
- access to and support of a new play provision in the vicinity of the existing multi use games area.

2. Commuted sum to be agreed for the management of the open space and wild play area.

Detailed scaled drawings will be required to provide a specific sum, if these are available they should be made available, in the absence of these and for the benefit of the applicant a schedule of rates is attached.

Can confirm that we would discount Contribution 1 due to the increased on-site provision being offered. So you are aware the council's rates have increased since our original comments, although the figure quoted £3,932 was based upon holding our original 2017 figures as a discount but included the discounted play provision of £800.

Nevertheless we have looked at the proposal again and are prepared to half the adult recreation contribution from £3,132 to £1556. Together with the discounted £800 for off-site play this would come to a total of £2,356 per dwelling for the sum of £261,516, to cover the cost of improvements to local community facilities (detailed above).

MCC Biodiversity - Following receipt of further information received from Tyler Grange yesterday (10/10/2018) and this morning (11/10/2018), there are still ecological issues which have not been addressed satisfactorily.

We will not object to the scheme subject to the receipt of a revised plan/documents addressing the following issues:

- Deliverability of the 5m buffer native thorny species planting along retained hedgerows, which is required as part of the mitigation strategy for dormice, but is also important for protecting the commuting routes for bats (the importance of which we are unable to quantify). I requested that a plan showing the 5m buffer be provided, which is included in Appendix 4 of the comments provided, there are two issues demonstrated by this plan:

- a) The buffer is taken from the midline of the hedge, where it should extend from the edge of the habitat; and

- b) It clearly shows that it is not achievable to plant a 5m buffer and at the same time deliver the other GI aspirations for the site, this is a particular issue along the NE boundary where the existing public right of way needs to be maintained.

- The distribution of "rough tussocky grassland" as shown on the "Impacts and Proposed Site Value to Dormouse/Great Crested Newt" plans in Appendices 2 and 3 of the comments, and included in the revised mitigation strategies for both species. We consider this to be inappropriate in relation to both the residential areas and amenity use of the site. We would suggest that this plan is replaced with the illustrative masterplan which is less prescriptive in the distribution of grassland, and will therefore allow for negotiation over management at reserved matters.

- The size of the site in the mitigation strategies issued June 2018 is 7.7 ha (which is what I have calculated using mapping tools), but in the revised strategy is 8.5 ha - can this be explained?

- The following are also issues which either have not been satisfactorily addressed, or have been made apparent by the additional information received, but can be controlled with conditions:

- Probable loss of a tree with high potential to support roosting bats (dead ash tree T01 drawing ref. 11094/P03), which will require further surveys if it is to be lost; and

- Potential for breeding owls in two retained trees, one of which had evidence of recent use by little owl, nonetheless other bird species including Schedule 1 protected barn owl may use these features for breeding.

With regard to re-consulting NRW on the revised mitigation strategies received today; NRW have agreed to the strategies originally submitted and advised that the scheme should only be granted subject to a planning condition securing the methods therein. I understand that Tyler Grange have discussed the changes (in relation to the area of hedgerow to be lost/moved) with NRW and the principle has been agreed. It would be good practice to re-consult NRW to ensure that they are conversant with the documents that are to be approved, however, if there is not time to wait for their response (particularly as we are requesting changes to the plans in the mitigation strategies), I believe it would be acceptable to amend the wording of the condition provided by NRW to refer to the most recent strategies.

MCC Heritage - This site borders the Raglan Conservation Area to the area to the south of the castle. The Conservation Area has two main parts, the town and the castle, the setting of the latter is of relevance to this application, referred to Character Area 2 in the Raglan Conservation Area Appraisal 2016. This part of the Conservation Area has key views towards the castle mainly along the Monmouth Road looking north; these views will not be affected by the development. Views from the castle looking south will still be maintained and the GI landscape plan shows key areas of landscaping to soften these edges of the site helping it be integrated to the wider landscape. In addition there is also planting within the site again mitigating the effects. The retention of the two key trees in the site is also welcomed.

There are few traditional buildings in this character area and so it is the landscaping identified above which is an important characteristic of this area, however this is the main access into the Conservation Area and so should be carefully considered. The existing hedgerow should be maintained along this road. The active frontage facing towards Monmouth Road is welcomed as this helps to create an interesting approach into the historic core of the town and is set back from the road side in a similar manner to the northern properties along this road. Building heights should be kept to two storeys, especially along this main road. Additionally planting and the community orchard to the eastern corner of the site are also helpful as they again help deal with the transition of rural to residential.

There is a mix of building types and materials in the adjacent properties, however a palate of

materials is clearer in the core of the town, the buildings should take this into account and use designs and house types that follow the architectural styles of the town. Buildings should be varied (mix of types) and mix of positions to help create space between the buildings and emphasise the linkages to the wider landscape.

Natural Resources Wales (NRW) - Provided the following observations:

- We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.
- We note from the ecological assessment report, that dormouse survey work is currently ongoing. However, due to the existence of a dormouse record circa 350m from the site, and the presence of suitable habitat onsite, the application assumes those dormice are present on site.
- The ecological report states that great crested newt (GCN) was recorded at a pond circa 50 metres to the south of the site boundary. No ponds or other permanently wet habitat exists on site; however, hedgerows, grassland margins, deadwood piles at the eastern corner of the site, and seasonally wet ditches have been assessed as having high terrestrial habitat value for GCN. We are therefore satisfied that the dormouse and GCN mitigation strategy documents submitted sufficiently address our detailed requirements.
- We therefore do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, provided the land is secured and the suggested conditions are included on any permission your authority is minded to grant.
- We advise that the applicant seeks a European Protected Species licence from Natural Resources Wales under Regulation 55 of The Conservation of Habitats and Species Regulations 2017 before any works on site commence that may impact upon dormice. Please note that the granting of planning permission does not negate the need to obtain a licence.

Glamorgan Gwent Archaeological Trust (GGAT) - Provided the following observations:

- The proposal has an archaeological restraint.
- The supporting information for this application includes a Heritage Statement prepared by Pegasus Planning Group (Report Ref: P17-1744, dated June 2018). The report details the geophysical survey that was undertaken across the application area, which was comprised of a gradiometer (magnetometry) survey, followed by a targeted resistivity survey, in order to identify any potential buried archaeological remains.
- The results of the survey identified a number of intermittent linear and discrete anomalies within the north-eastern area of the proposed development, which were later interpreted as possible palaeochannels. The Heritage Statement concludes that neither the desk-based assessment nor the geophysical survey suggest that significant archaeological remains are present (Section 8.4).
- However, the geophysical survey report noted that alluvium is present within the south western area of the site; consequently, there is a possibility that any potential archaeological remains would not have been detected beyond the instruments effective range of 1m to 2m depth (Appendix 5, section 5.1).
- Furthermore, there is a potential for the survival of organic remains within the possible identified palaeochannels features, which can consequently inform upon the palaeoenvironment of the area. Therefore, it is considered that in order to prevent the potential loss of information of the archaeological resource that mitigation is required.
- As a result, it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.
- We envisage that this programme of work would take the form of archaeological trial trenching and environmental sampling within the area of the possible identified palaeochannels and an archaeological watching brief during all associated groundworks required for the development, with detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

Welsh Government Network Management Division - Provided the following observations:

- The Welsh Government (Transport) has had the associated traffic generation reviewed in terms of potential impacts to the A40 and its junctions. The conclusion is that there are no adverse safety or performance impacts arising from this proposal. - As highway authority for the A40 trunk road, the

Welsh Government does not therefore raise an objection.

Cadw - Provided the following observations:

- Due to intervening topography and buildings only scheduled monument Raglan Castle (MMOO5) and registered historic park and garden Gt 42 Raglan Castle are inter-visible.
- The Heritage Impact Assessment (HIA) has been produced in accordance with the methodology outlined in Welsh Government's best practice guidance.
- The eastern area of the application site extends into the lower deer park associated with Raglan Castle, the HIA states that the former extent of the deer park was fossilized in the southern site boundary and within a curvilinear boundary which ran across its eastern extent and that two trees survive on the line of the latter where LIDAR data indicates a very low earth bank is extant.
- Damage to these aspects of the setting of the scheduled monument and historic park and garden will be mitigated by retaining the trees along the former park boundary, by locating built form to the west of the area with land to the east retained as public open space.
- The conclusion is the site will result in a small increase in the extent of built form visible in non-key views looking south from castle towers.
- This reduction of views to the castle/alteration of views south from the castle will result in a very small level of harm to the significance of the Grade I Listed Building and Grade I Registered Park.
- The conclusions of the HIA are accepted with mitigation as suggested and if implemented the proposal will result in a slight though not significant effect upon the setting of the scheduled monument.

Dwr Cymru Welsh Water - Provided the following observations:

- We previously commented on the development site under our non-formal pre planning advice application as well as under Schedule 1C-Article 2D notice, from reviewing the development proposal we confirmed we could accept foul water only flows from the development site.
- We note that the applicant has proposed alternative connection points to those previously suggested.
- We note the applicant is proposing to discharge surface water to sustainable drainage systems as well as to the public sewerage system, the drainage strategy outlines a number of surface water removal solutions which are subject to further on site investigations.
- The public sewerage systems surrounding the vicinity of the site is for foul water only, we would not accept any surface water flows into a foul water only sewer system.
- If sustainable drainage systems have been identified as a feasible solution for disposal of surface water then all of the proposed surface water should be managed through this means.
- We advise the applicant exhaust the surface water removal hierarchy as set out in statutory guidance.
- Notwithstanding this, we would request that if you are minded to grant planning consent to the development that the suggested conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Woodland Trust - Have lodged a holding objection to the application on the grounds of potential impact to several veteran trees on site:

- The proposed path network will be routed through the root protection areas of T3, T4, T5 and T6 which could result in a slow deterioration of the trees through root compaction and damage. The Trust asks that the path network is re-configured outside of the RPA's of all veteran trees on site, and in addition the RPA of T3 is similarly un-encroached by any residential infrastructure.
- Planning Policy Wales, Paragraph 5.2.9 states: "Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source.
- Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage."

Aneurin Bevan Health Board - Castle Gate GP practice have discussed the proposed development in Raglan at their practice meeting and they have no objection to the proposal. We are investigating whether the Community Infrastructure levy may be applied in this case to enable some alterations within the practice, and will confirm at a later date if we believe it to be applicable.

Raglan Village Action Group - Objects raising the following areas of concern:

- The adopted LDP provides a very clear spatial strategy for the delivery of the residential dwellings required to be delivered through the plan period. Policy H1 notes that residential development in main towns, Severnside settlements and rural secondary settlements all have development boundaries within which new residential development will be permitted subject to criteria.
- This policy position is further reinforced by LC1 which expresses a presumption against new built development in the open countryside, unless justified under national planning policy and or LDP policies.
- Planning Policy Wales (PPW) likewise reinforces the message that rural housing should be planned and accommodated within settlements.
- The application site is located, in its entirety, outside of the development boundary for Raglan.
- The dis-application of paragraph 6.2 of TAN1 fatally undermines the applicant's case for approval and hands power back to Monmouthshire County Council to operate a plan-led system.
- Given the prima facie conflict between Monmouthshire's Development Plan seeking to limit growth in Raglan to a sustainable level and the application site's position outside of the development boundary this conflict alone is clearly enough to refuse the planning application.
- The positive steps MCC are already taking mean that there is no pressure for them to do anything other than proceed along the current path of a full-scale review of the LDP with speculative applications which are of course premature in terms of the review process being resisted.
- Household projections have dropped dramatically over the last 10 years. It is now estimated that there will be a 3.5% increase in households (based on 2014 figures) compared to a 10.1% increase in the 2008 based projections.
- Given the inability to deliver and maintain a 5 year housing land supply coupled with the significant reductions in household projections it is highly probable that whilst the overall housing target for MCC may increase, reflecting the elongation of the plan period to 2033, the annual requirement for housing delivery will reduce significantly reflecting the lower requirement for housing in the area.
- It is entirely appropriate to first review and calculate the housing need for the revised LDP over the elongated period and also to then review the housing land supply prior to making any decisions about requiring further currently un-identified sites.
- Where the shortfall is only in the order of 1 year as in the case of MCC a reduced level of weight should be attached to this than when looking at an administrative area where a shortfall of multiple years is identified.
- The rural secondary settlements, including Raglan, are identified to deliver 'a small amount of new housing development'.
- The scale of development being proposed at land off Monmouth Road is vastly in excess of the anticipated level of development in Raglan. It would represent an overprovision of housing of 148%.
- Raglan village has around 520 households. The addition of 186 dwellings to this figure would result in a 36% rise in the number of households in the village.
- Proposal is contrary to LDP Policy S2.
- The application as presented fails to adequately assess the impact it will have upon the landscape setting of Raglan.
- The LVIA gives no indication of what impact the development will have contrary to best practice.
- The LVIA underplays the sensitivity of the location.
- The LVIA underplays the visibility of the site.
- The proposed development is contrary to LDP Policies S13, S17, LC5, DES1.
- The depth and breadth of the development would completely denigrate the current rural setting of the historic park undermining this key view and with it part of the significance of the heritage asset.
- The introduction of a modern housing estate of 111 houses of virtual 3 storeys in height expanding the settlement of Raglan to the east impacting on key views would be seriously detrimental to the heritage asset and clearly contravenes the presumption in favour of preserving the setting of the castle as a nationally significant heritage asset.
- The views towards the church from the east can be considered to be key views and the proposed development will remove these key views towards the church which detracts from the setting of the church harming its significance.
- The puncturing of a hole in the hedgerow of 135m in length (when taking into account visibility splays) will doubtless have an urbanising and harmful impact on the conservation area failing to preserve or enhance its character or appearance.
- Increased use of the unsafe A40 crossing junction.

- Failure to consider the impact of the proposal on the High Street.
- Pedestrian accessibility into Raglan.
- The application submission clearly discriminates and fails to promote equality of opportunity for those with disabilities and in its current form must be resisted on this basis having regard to the Public Sector Equality Duty (PSED).
- Limited public transport connectivity.
- The timing of the bat survey is of significant concern.
- The submitted Dormouse assessment is not only incomplete at this stage it is also flawed in its understanding of the level of hedgerow removal required to facilitate the proposed access arrangement.
- It is not acceptable to proceed without understanding the impact upon the dormice population of the area.
- Lack of information in respect of great crested newts.
- Loss of best and most versatile agricultural land.
- Inadequate school places.
- The doctor's surgery in the village is also understood to be operating at capacity and these factors point to the village's infrastructure being unable to cope with such a large uplift in housing.

Raglan Conservation Group - Objects raising the following areas of concern:

- Site lies outside of the development boundary and would set dangerous precedent.
- Totally disproportionate to the size of the existing village.
- The A40 junction is well documented as being unsafe.
- It has recently been announced that TAN1 has been revised.

4.2 Neighbour Notification

Letters of objection have been received raising the following areas of concern:

- In conjunction with the 45 dwellings already given outline planning permission, this would see a growth of 27%.
- Welsh Government has given MCC the tools to refuse such speculative applications but it looks as though this is being ignored.
- The most democratic thing would be to refuse the application and through LDP review see what other more suitable sites are brought forward.
- If passed would make mockery of whole LDP system.
- Raglan would be changed forever and the precedent set for developing the fields surrounding the site.
- Raglan should not be the scapegoat to reach MCC housing targets.
- Contravenes housing policies S1,S13,S16, LC1,LC5 but claims exemption as the MLDP does not meet revised housing targets.
- Richborough claim site categorisation 2 under TAN1 i.e. completion within 5 years but since there is a restrictive covenant prohibiting residential development and a current legal injunction this assertion is totally without foundation.
- If this setting is harmed then it calls into question the whole point of the Raglan eastern conservation area and all the planning decisions made within it.
- There are better development sites in Raglan village.
- There is a question why the planners have given so much assistance to Richborough and not the owners of the next most favoured development site and this is linked with ex-chairman of MDC Andrew Crump the owner of the Richborough site.
- In Richborough's original village presentation there was mention of a substantial section 106 contribution to the village hall. There is no mention of an amount in the planning application.
- Any plans to bus local pupils to other schools in the area will prove a major disruptor of village society and destroy the village cohesion that attracts people in the first place.
- The village infrastructure is not prepared to take on an extra 111 households.
- The proposed development would crowd the small graveyard opposite the Monmouth Road.
- The local school is at capacity.
- The view from the listed castle would be ruined.
- No mention of community benefits or S106 contributions.
- Specialist information and reports submitted are biased in favour of the developer.
- Approval would constitute a serious breach of the public's trust.
- The land in question is good agricultural land in open countryside.
- Will harm local business by deterring visitors to the village.
- Level of CO₂ will increase along with the disruption and dust from building works.
- Site provides a great environment to walk, explore nature, observe wildlife and chat to friends.
- Lack of public transport.

- Pedestrian safety on Monmouth Road.
- Pressure on restricted vehicular parking.
- There is little employment in the village.
- Will result in significant light pollution.
- Information within the application is misleading.
- Increase in the village numbers would likely require a policing presence, not currently available.
- Development nearer the Severn Bridge would make more environmental sense.
- Loss of trees will have adverse impact on wildlife.
- The housing density is far too high.
- The proposed proportions of housing types cannot possibly provide affordable housing aspired to nationally and locally.
- There are a further 2 fields there which would then go for house so realistically we could be looking at 300+ new houses not just the 111.
- Would destroy the Raglan Healthy Footsteps Walk.
- Question whether developer profits are more important than our villages.
- Bottom of the field floods.
- Brownfield sites need to be considered first.
- Create pollution with the extra rubbish, fumes and waste of 111 houses.
- While the need for affordable housing for future generations in the village is understood, the truth is these will likely be expensive houses out of the reach of those in need.
- There is a covenant on the land preventing building which villagers believed protected the attraction of living in this rural village.
- Affordable housing could be supplied in other ways.
- Several proposals in the area have been refused or altered due to the development being visible from the conservation area.
- Further archaeological work required.
- The land forms a green approach to the gateway of the village which defines its character.
- S106 contributions required are derisory.

Letters of support have been received making the following observations:

- The geographic location of Raglan is superb.
- Offers affordable housing for future generations.
- Good for commuting and business in general.
- Would allow young people to move back to the village.
- Raglan needs new housing to bring in young families to the village and rebalance the age distribution of its population.
- It is unreal to expect the village not to change.
- Need housing to support demand.
- Believe the village can sustain the volume increase.
- Consideration should also be given to the age demographic in the village which is undoubtedly growing older.
- There is such a poor choice of housing in Raglan and the surrounding area.
- The council must ensure that the 35% affordable housing is delivered.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site is located outside the Raglan Development Boundary in an area considered as open countryside. As such, its development for housing is a departure from the adopted development plan and open countryside policies apply. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications shall be determined in accordance with the adopted LDP unless material planning considerations indicate otherwise. One of those material considerations is the Council's housing land supply. There is a shortfall in the five year land supply in Monmouthshire with the land supply currently at 3.9 years. Until July 2018, paragraph 6.2 of TAN1 required that, when considering planning applications for housing development on land not allocated in an adopted LDP, 'considerable weight' must be given to the lack of a five year housing land supply. This meant that otherwise acceptable housing development would be approved even if it were not allocated for development in the LDP. Appeal decisions in this regard were consistent and clear. In July 2018, the Cabinet Secretary with responsibility for planning issued a consultation on a proposal to 'suspend' paragraph 6.2 of TAN1 for an undetermined time period, while a review of housing supply is undertaken. The Cabinet Secretary has since issued her decision, which is to dis-apply paragraph 6.2. The duration of this decision is unspecified. Her letter, however, goes on to state that it is now for the decision-maker

(i.e. Monmouthshire County Council as Local Planning Authority) to decide the weight to give its housing land supply shortfall.

5.1.2 On 20th September 2018, Council considered a report entitled "Addressing our lack of 5 year land supply: Monmouthshire's Approach to Unallocated Sites". This report set out the challenges and opportunities facing the County and our communities, including significant affordable housing need, the highest average house prices in Wales, our increasingly imbalanced demography and the resultant weak economic base, and the opportunities arising from Cardiff Capital Region City Deal and the economic growth in the Bristol area. Our housing land supply stands at 3.9 years, and our development trajectories show that by the end of the current LDP's plan period in December 2021, we'll have a shortfall of 961 homes (of which 337 are affordable homes) against the LDP housing targets.

Council resolved that our housing land supply shortfall will be given 'appropriate weight' when considering planning applications for residential development on sites outside of the adopted LDP. Consideration would follow a hybrid spatial model based on a balance between evidence of delayed site delivery, which shows the greatest shortfall is within the Southern local housing market area which includes Chepstow and Severnside; and the LDP settlement hierarchy which seeks to focus growth on the three main towns of Abergavenny, Chepstow and Monmouth, then Severnside, then the rural secondary settlements of Llanfoist, Penperlleni, Raglan and Usk. The Council resolved that consideration of unallocated sites would be subject to the following ground rules:

1. Residential development is unacceptable in principle within undefended flood plain (zone C2) or on greenfield sites within defended flood plain (zone C1), as per national planning policy and TAN15;
2. Residential development is unacceptable in principle within allocated Green Wedges: the appropriate time to review Green Wedge designations is via the new LDP;
3. Residential development is unacceptable in principle on allocated employment sites. Such sites will not be released for housing development unless full compliance with LDP Policy E1 can be demonstrated and there is no realistically likely future demand for the site for employment purposes;
4. Unallocated sites are required to deliver 35% affordable housing and no negotiation will be entertained (60% where the development relates to a Main Village);
5. The development must be acceptable in other planning terms. If infrastructure is inadequate to support new development, and it cannot be satisfactorily improved via a S106 planning agreement, permission would normally be refused. This includes matters such as highway capacity, school capacity, primary health care and air quality;
6. The scale of additional residential development will be considered in the context of the LDP spatial strategy, both in its own right and cumulatively with other approved residential development.
7. Development should be restricted to the Main Towns, Severnside, and Rural Secondary Settlements (with the exception of Llanfoist where there shall be no additional development on unallocated sites outside of the new LDP); and small 60% affordable housing sites in those Main Villages without an allocated site (namely St Arvans and Llandogo).
8. The size and mix of the proposed dwellings is both suitable for the location and seeks to address our demographic challenges;
9. Any planning permissions will have a reduced lifespan: full planning permissions shall be commenced within 2 years, and outline planning permissions shall be followed by reserved matters within 1 year, with commencement within 1 year of approval of the reserved matters;
10. Applications recommended for approval shall be accompanied by a Unilateral Undertaking by the time they are presented to Planning Committee;
11. This decision ceases to have effect should we regain a five year land supply and/or meet the LDP housing shortfall identified in this report.

5.1.3 The Report agreed by Council in September of this year concluded that taking this approach would give the best chance of tackling the housing shortfall. It would mean that some areas that have effectively delivered on their LDP housing allocations potentially have some more development to help support the County as a whole. It is considered appropriate therefore to consider how the development proposal would meet the ground rules set out above.

1. The southern extent of the site is located within Flood Zone B, as shown on the Welsh Government Development Advice Map. The remainder of the site is located within Flood Zone A, which is considered to be at little or no risk of fluvial flooding. This ground rule is complied with;
2. The site is not designated as a Green Wedge in the adopted LDP;
3. The site is not allocated as an Employment Site in the adopted LDP;
4. The development would provide 35% affordable housing which is policy compliant and not subject to viability testing. This would see the site provide 39 affordable units which is a significant and welcome addition to Raglan and the Central Local Housing Market Area;
5. The site is acceptable in planning terms for new housing development and is in a sustainable location adjoining the edge of the village and is within short walking distance of the village's shops, medical facility, school, amenity sites and community facilities. The site also has good access to the local bus service. It is noted that the some of this infrastructure is to be satisfactorily improved by way of legal agreement. These matters are to be discussed individually in the ensuing sections of this report;
6. The scale of the proposed development, of up to 111 dwellings, in the context of the Rural Secondary Settlement of Raglan (approximately 520 homes) is considered on balance to be of an acceptable scale of additional residential development in the context of the LDP spatial strategy, both in its own right and cumulatively with other approved residential development. Planning Committee has resolved to approve the allocated site in Raglan for 45 dwellings (35%) subject to the signing of a legal agreement securing necessary infrastructure. However, should Planning Committee resolve to approve this application, it is recommended that no further unallocated sites be approved in Raglan outside of the next LDP (similar to the approach taken in Llanfoist);
7. Raglan is a rural secondary settlement as set out in the adopted LDP and as such meets this ground rule. Although the housing shortfall and demand is primarily in the Southern Local Housing Market Area, there are insufficient known options to meet the identified housing shortfall. It is acknowledged that Raglan is not a main town and so is lower in the settlement hierarchy, however its relative proximity and accessibility to the south of the county together with its amenities mean developed of the scale proposed is considered to be acceptable;
8. The size and mix of the proposed dwellings, and their effect on tackling our demographic challenges and their suitability for the location will be considered at the Reserved Matters stage, should this application be approved.
9. Should Planning Committee be minded to grant planning permission, a condition would be imposed to require submission of reserved matters within 1 year, with commencement within 1 year of approval of the Reserved Matters. The reason is to ensure prompt delivery to meet the housing shortfall which is the justification for departing from the adopted LDP.
10. This application is accompanied by a Unilateral Undertaking. The applicant has agreed the Heads of Terms as set out later in this report;
11. Neither the identified housing delivery shortfall of 961 dwellings by the end of the LDP plan period, nor the housing land supply shortfall, have been addressed to date, and so the Council's decision of 20th September 2018 remains in place.

5.2 Loss of Agricultural Land

5.2.1 Section 4.10 of PPW gives weight to the protection of land in agricultural grades 1, 2 and 3a, which is known as the best and most versatile (BMV) agricultural land. Paragraph 4.10.1 states that such land should only be developed on *"if there is an overriding need for development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations."*

The applicant has submitted a Predicted Agricultural Land Quality Survey (March 2018) which concludes that there are two soil types mapped at the site. Consideration of the available data, including mapping of topography and soils, land use and flood risk, indicates that most of the site is likely to be of Subgrade 3a, with around one third in Subgrade 3b and Grade 4.

5.2.2 Therefore whilst the site may include land of Subgrade 3a quality, the Predictive ALC (Agricultural Land Classification) Map shows the site to be amongst some of the lower quality land in the surrounds of Raglan. Subgrade 3a is the lowest of the BMV grades, with Grades 1 and 2 representing excellent and very good quality agricultural land respectively. The Predictive ALC Map shows a swathe of Grade 2 to the north-west and south-west of Raglan, and a substantial area of Grade 1 to the west. As a result the survey concludes that in the local context, any development of agricultural land around Raglan is likely to involve BMV land, given that the poorest quality land is within the floodplain and so is not available for development. The loss of 5.8ha of Subgrade 3a, which is the lowest category of BMV is not significant within this context.

5.2.3 As such officers consider that the overriding need for housing development in the area overcomes the need to protect agricultural land which is in part grade 3a and that the proposal is in accordance with the objectives of paragraph 4.10.1 of PPW.

5.3 Affordable Housing

5.3.1 Policy S4 of the LDP relates to Affordable Housing Provision. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and contains a specific section relating to departure applications in the open countryside (Section 4.4 E). This states that there is a requirement for 35% of the total number of dwellings on the site to be affordable. The proposal relates to up to 111 dwellings, the affordable housing requirement would therefore be 39 units if the full 111 dwellings are included at the detailed planning stage. The developers have agreed that 35% will be provided and that this will not be subject to a viability assessment. This will be clearly stated in the Unilateral Undertaking between the Council and the landowner. This is in accordance with the 'ground rules' agreed by Council on 20th September 2018 which seeks full compliance with a 35% provision without negotiation.

5.4 Education Provision

5.4.1 MCC Directorate for Children and Young People has considered all major new housing developments in the locality. It is forecast that 111 dwellings would generate 24 primary pupil places. Raglan VC Primary School has very limited capacity, with 204 children on roll and a capacity for 210. The Chepstow Road development (DM/2018/00769) was predicted to generate 10 primary aged pupils which will be able to be accommodated in Raglan Primary School. Draft Policy Guidance: Approach to Planning Obligations - Residential Development (January 2018) sets out a formula based approach to financial contributions. The cost multipliers for an individual primary school place are calculated using Welsh Government data for total funding for Band B for the primary programme (2016 – 2019). The formula considers the actual number of dwellings proposed at the detailed planning stage as well as the mix of 2, 3 or 4 bed homes. As such as Raglan is a 210 (single form entry) school a contribution of £17,257.00 per pupil is to be secured through a Unilateral Undertaking. This takes into account the open market housing and does not include the affordable housing units, which do not pay a contribution.

5.4.2 Currently there is sufficient capacity in the County's secondary schools and the Welsh Medium Primary School. No contributions are required, therefore, towards secondary education, although this will be monitored as future development proceeds.

5.5 Health Provision

5.5.1 As agreed with Members in 2017, the Aneurin Bevan Health Board (ABHB) is consulted on all major residential planning applications. The number of GPs in an area is based on population numbers. ABHB have therefore been consulted regarding the capacity of the local GP surgery to be able to absorb the additional people generated by the proposed development. ABHB have confirmed that they have no objection to the proposal. The Castle Gate GP practice have met to consider the impact on capacity and as stated in this particular case the surgery can absorb the additional residents without needing to physically extend the surgery building or its car park. ABHB have noted that if applicable Community Infrastructure Levy (CIL) may be applied in this case to enable some alterations within the practice. However, CIL is not adopted by Monmouthshire County Council. Therefore as there is no requirement to increase the size of the practice or parking facilities as previously stated, there are no grounds to request any financial contribution towards the surgery by way of the Unilateral Undertaking.

5.6 Green Infrastructure and Sustainable Drainage

5.6.1 Policy GI1 of the LDP states that development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network by ensuring that individual green assets are retained where possible and integrated into the new development. Developments should incorporate new and/or enhance green infrastructure of an appropriate type, standard and size.

5.6.2 The proposal includes the submission of a Landscape and Visual Impact Assessment (LVIA), GI Assets and Opportunities plans that have been considered to represent a positive development to the integration of GI in this project. The Council's GI team welcome the principles

identified in the GI Masterplan in contributing towards health and well-being, community access and enjoyment, biodiversity resilience, and landscape setting and quality of place.

The site would be bounded by GI corridors that would preserve and enhance existing planting, the only exception to this being the formation of the main vehicular access onto Monmouth Road and the emergency access to Station Road. The Masterplan also makes provision for considerable public open space, which is appropriate given the edge of settlement context, that would see a new community orchard, wildflower (and grassland) meadows as well as wild play area within the southern corridor opposite Raglan Primary School.

5.6.3 In terms of connectivity it is paramount that the site is not inward looking and communicates with its surroundings. The Masterplan makes provision for two points of connection with the existing Public Right of Way that adjoins the eastern boundary of the site. A financial contribution (£60k) towards pedestrian improvements along Station Road would provide much needed connectivity to several important destinations including the village school, private nursery and playing fields.

Other beneficiaries of the planning contributions would include the community hub (Raglan Village Hall) facilities on the former primary school site as well as enhancement of the existing LEAP at Prince Charles Road.

5.6.4 In respect of drainage, a Drainage Strategy has been submitted in which all methods of surface water discharge have been assessed. Where soakaways are not possible, discharge of surface water to the unnamed watercourse at the southern boundary of the site at a rate of 25 l/s is concluded as the most practical option. Attenuation storage will be required on site in order to restrict surface water discharge to 25 l/s. Attenuation can be provided within the sub-grade of permeable paving or in the form of a pond, detention basin, swale or tank located in the lower southern extent of the site. Welsh Water (DCWW) has considered the submitted strategy and acknowledges the intent to employ sustainable drainage systems and that management of surface water should be through this means. They have also confirmed that no surface water would be accepted into the foul only sewer system. Subject to a condition requiring a detailed drainage scheme no objection has been offered by DCWW.

5.7 Heritage Impact

5.7.1 As detailed previously within this report, Monmouth Road to the north of the site forms the boundary to the Raglan Conservation Area, whilst within 3km of the application site there are seven Scheduled Ancient Monuments (including Raglan Castle) as well as the Raglan Castle Registered Historic Park and Garden.

5.7.2 Thus, the heritage value of the site is duly noted and consideration given to Planning Policy Wales (PPW) 2016 and in particular Chapter 6 - The Historic Environment. Section 6.1.3 of this document highlights the importance of the historic environment as part of the culture and economy of Wales, stating that *to enable the historic environment to deliver rich benefits to the people of Wales, what is of significance needs to be identified and change that has an impact on historic assets must be managed in a sensitive and sustainable way*. Consideration has also been given to the statutory duties in relation to the setting of ancient monuments, the architectural or historic importance of Listed Buildings and their setting, and the preservation or enhancement of the character or appearance of the Conservation Area.

5.7.3 Accordingly a Heritage Impact Assessment (HIA) has been submitted in support of the application that has been confirmed by Cadw as having been produced in line with best practice guidelines. The HIA highlights the need for mitigation which includes retaining the trees along the former park boundary, locating the built form to the west of the former area of park and the line of the former park and the line of the former park boundary together with land to the east being retained as public open space. Therefore Cadw have confirmed that in conclusion with the mitigation suggested it would result in a slight though not significant effect upon the scheduled monument.

5.7.4 With regard to the more localised impact on the Raglan Conservation Area, Policy HE1 of the LDP asserts that all development should preserve or enhance the character or appearance of the area and its landscape setting. The Raglan CA has two main parts, the town and the castle. The setting of the latter is of reference to this application, referred to as Character Area 2 in the Raglan Conservation Area Appraisal (2016). Within this area there are key views towards the castle mainly along the Monmouth Road looking north, and these views will not be unacceptably affected by the development. Views from the castle looking south will still be maintained and the

introduction of key areas of landscaping to soften these edges of the site will assist its integration into to the wider landscape.

5.7.5 There are few traditional buildings in this character area of the CA and so it is the landscaping identified above which provides an important characteristic of this area. This is, however, the main access into the CA. The active frontage that is proposed facing towards Monmouth Road is welcomed by the Council's Heritage Team as this would help to create an interesting approach into the historic core of the town and is set back from the roadside in a similar manner to the northern properties along this road. Whilst details matters such as layout and the appearance of the dwellings (including materials) are reserved, for the reasons detailed above it is considered that the provision of a site of up to 111 dwellings would preserve or enhance the Raglan CA and would meet the statutory duties associated with the surrounding Listed Buildings, registered parkland and Scheduled Monuments. Cadw offers no objections.

5.8 Visual / Landscape Impact

5.8.1 As detailed in the preceding sections of this report, the site is sensitively located owing to its historic context and also for the purposes of the LDP because of its siting within open countryside.

The LVIA concludes that in terms of landscape character, the site itself is generally representative of the main Aspect Areas (Visual and Sensory, Cultural and Historical) identified within the LANDMAP character assessments despite these relating to wider character areas. The development would allow for the retention of a large amount of the existing landscape features on site including veteran trees. The most significant losses would be the section of hedgerow to facilitate both the emergency access off Station Road and the main vehicular access off Monmouth Road; and, the loss of semi-improved grassland within the site itself as would be inevitable for any greenfield development. However, compensation and mitigation for the loss of these features can be secured for the proposed development as shown on the GI Masterplan. Whilst the site is within the open countryside, it is considered to relate well to the existing settlement of Raglan by virtue of its location at the existing south-eastern edge of the village, immediately adjacent to Station Road and Monmouth Road. The strong green corridors that would be retained/enhanced along the site boundaries would assist the transition from countryside to the built form of the village.

5.8.2 Criterion i) of LDP Policy DES1 requires a minimum net density of 30 dwellings per hectare in order to ensure the most efficient use of land. The site area excluding open space (3.72ha) is 3.99 hectares, giving a net density of approximately 28 dwellings per hectare. As the application relates to a site on the edge of Raglan it is considered that criterion i) is of relevance and a slight reduction in density is more appropriate, mindful also of the quantity of open space provided within the overall site area.

5.8.3 Whilst there will undoubtedly be a change in landscape character, the most significant change would be *localised* in particular when viewed from the community cemetery and footpath 377/58/1 along the eastern edge of the site, however it is not considered that it would be overbearing or unduly imposing on those features. It is considered that on balance the proposal would not cause unacceptable harm to views in and out of the site, and the impact would satisfy the requisite landscape policies within the adopted LDP. This is subject to the conditions set out at the end of this report.

5.9 Highway Safety

5.9.1 The application has been submitted with a Transport Assessment (TA), which has been subject to an addendum (June 2018). The findings of the TA have been considered by both MCC Highways Engineers as well as the Welsh Government (WG) Network Management Division, the latter in respect of the impact on the A40 and its junctions.

5.9.2 The TA modelled the two priority junctions of the A40 using Junctions 9 software. As such it recommends that both priority junctions with the A40 are operating significantly within capacity with minor queuing and delays. It also notes that the models do not take into account the 'on slip' to the A40, and as such is considered to provide a robust assessment.

5.9.3 As noted above these findings have been considered by WG who have confirmed that they have had the associated traffic generation reviewed in terms of potential impacts to the A40 and its junctions. The conclusion is that there are no adverse safety or performance impacts arising

from this proposal. Therefore as highway authority for the A40 trunk road, the WG have not raised an objection.

5.9.4 As set out in the introduction of the report, Access details are submitted for consideration now, and is not a reserved matter. The primary access to the site would be via a simple T-junction with Monmouth Road; this would be within an existing 30mph speed area and visibility standards proposed are within those set out in Manual for Streets. A second access to the site would be provided off Station Road, but this would be an emergency access only due to existing physical and environmental constraints; this road also serves Raglan School, a private nursery, the Council's highway depot, playing fields and a golf course all of which attract a significant amount of traffic. With regard to Station Road, a financial contribution of £60,000 is secured to enable the extension of the existing footway on Station Road, providing sustainable and accessible access to the recreational area / playing fields to the south-east along Station Road. This is considered to be of wider community benefit.

5.9.5 With regard to traffic impact and intensification, the TA has concluded that it would anticipate an additional 15 and 17 vehicles on High Street in the AM and PM peaks respectively. As a result of existing on-street parking this section of highway effectively operates in part as a one-way shuttle arrangement. However, the Council's Highways Engineer has confirmed that these increases are acceptable.

5.9.6 The TA did identify that the right turn from Monmouth Road onto the A40 does increase by 42% in the peak AM times and 23% in the peak PM times. Although the percentages are high, the actual numbers are relatively low. The Council's Highway Engineer is satisfied with the findings of the capacity analysis and that there is sufficient capacity to accommodate up to 111 dwellings.

5.9.7 Therefore, it is concluded that when factoring in the additional 45 dwellings pending approval at Chepstow Road, the increase in traffic movements would have a limited impact on the local highway network and the proposed access would operate effectively and safely. The proposed development is therefore considered to meet the requirements of Policy MV1 of the adopted LDP.

5.9.8 The internal layout of the site would be considered as part of the detailed reserved matters application, and with regard to parking, this would be required to meet Monmouthshire's Parking Standards (one space per bedroom up to a maximum of three with dimensions of 4.8m x 2.4m).

5.9.9 Finally whilst the village of Raglan enjoys a number of facilities including a primary school, a surgery, public houses/ restaurants, retail shops and petrol station it is not well served in terms of public transport. The village has no train station with the nearest in Abergavenny, whilst there are two bus services, No.60 to Newport and Monmouth, plus No. 83 to Abergavenny and Newport. Both currently have 7-8 buses per direction each day. A commuted sum of £60k is to be secured through a Unilateral Undertaking to improve this service.

5.10 Residential Amenity

5.10.1 Owing to the outline nature of this application, with all matters reserved (except access), details of the final number and location of the proposed dwellings have not been provided and therefore cannot be considered at this stage. However, the site would be bound on its northern and eastern flanks by neighbouring dwellings along Monmouth and Station Roads respectively, separated by the public highway. The GI Masterplan shows a soft green boundary to the site, particularly to the east. It is for this reason, coupled with the sloping topography of the site that it is considered that it can satisfactorily accommodate up to 111 dwellings without causing unacceptable harm to the amenity of any third parties and therefore meet the requirements of Policy EP1 of the LDP.

5.10.2 The Council's Environmental Health Officer (EHO) has considered the impacts of the proposed development including a Noise Assessment that has been carried out. Whilst no objections have been raised, the EHO has requested a condition to secure and implement a Construction Environmental Management Plan (CEMP). This is in addition to a request by the Council's Highways Engineer for a Construction Traffic Management Plan (CTMP). It is considered that the details to be agreed through the CTMP, including measures to control dust, noise and other related nuisance, would provide adequate safeguards to adjoining parties and the

wider community and thus, there would be no need to duplicate the requirements through multiple conditions.

5.11 Ecology

5.11.1 The application has been supported by a number of investigative surveys which include a Great Crested Newt (GCN) Mitigation Strategy, Dormouse Mitigation Strategy and Ecological Assessment. Both Natural Resources Wales (NRW) and the Council's Ecologist have been consulted on the survey work undertaken. At the time of their comments NRW noted that that dormouse survey work was ongoing but due to the existence of a dormouse record approximately 350m from the site, and the presence of suitable habitat on site, the application assumed that dormouse are present on site, so takes a worst case scenario rather than using surveys to prove if they are on site or not. GCN had been recorded at a pond approximately 50 metres to the south of the site boundary, although NRW have accepted that the mitigation strategy submitted sufficiently addresses their detailed requirements.

5.11.2 In their conclusion NRW have advised that they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, subject to conditions which are detailed at the end of this report.

5.11.3 The Council's Ecologist has sought further information and clarification on matters as detailed in the consultation response found earlier in this report, which includes clarification of the site area as 7.71 hectares. Confirmation has now been provided of the deliverability of the 5m buffer native thorny species planting along retained hedgerows and references to tussocky grassland in the mitigation strategies has been amended to just 'grassland' which would allow for negotiation over management at reserved matters. It has also been confirmed that a dead ash tree would need to be removed, owing to health and safety matters. A small owl nest was found on site in an oak tree (tag 1381). The species would be able to continue to use the site as the tree will be retained and buffers will protect it from development impacts. There is no evidence of barn owl utilising the trees on site although nesting opportunities exist that will be retained and protected by buffers.

5.11.4 Notwithstanding the above, additional dormouse survey work was undertaken on 17th October which found no evidence of dormouse presence, only wood mouse.

5.11.5 It is therefore considered that sufficient information has now been received to inform the planning decision and that the development would meet the criteria detailed within Policy NE1 of the LDP.

5.12 Archaeology

5.12.1 Whilst the site lies outside of an Archaeologically Sensitive Area (ASA), the Council's professional consultants on such matters, Glamorgan Gwent Archaeological Trust (GGAT), has identified an archaeological restraint on the site.

5.12.2 The supporting information for this application includes a Heritage Statement prepared by Pegasus Planning Group (Report Ref: P17-1744, dated June 2018). The report details the geophysical survey that was undertaken across the application area, which was comprised of a gradiometer (magnetometry) survey, followed by a targeted resistivity survey, in order to identify any potential buried archaeological remains. The findings of this show potential for the survival of organic remains within the possible identified palaeochannel features, which can consequently inform upon the palaeoenvironment of the area. Therefore GGAT have requested a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource which is considered reasonable.

5.13 Response to the Representations of the Community Council and Other Third Parties

5.13.1 The majority of the issues raised by third parties, including Raglan Community Council and the action group, have been addressed already in the preceding sections of this report. Other issues and objections raised include a holding objection from the Woodland Trust to the application on the grounds of potential impacts to several veteran trees on site. The application is made in outline only, with matters of layout and landscaping reserved. The submitted Arboricultural Impact Assessment report and associated Tree Loss and Impact Plan make clear

that the alignment of new footpaths, development parcels and attenuation features are shown indicatively at this outline stage, and that adjustments to their positioning will be made at the detailed design stage to avoid incursions within the root protection areas of trees. There is a clear principle, at this outline stage, to accommodate the site's veteran trees within new open spaces. One veteran tree must be felled for safety reasons.

5.13.2 Although not a material planning consideration, a large volume of representations has been raised in respect of a legal covenant on the land. Approval of planning permission would not overrule any legal covenants, nor do such covenants prevent the granting of planning permission. They are matters for the land owner to resolve. The covenant is of some relevance in this instance however, because the rationale for granting planning permission is to secure the timely delivery of much needed market and affordable housing. By way of an update the applicant has confirmed that their legal advice is that the covenant has now expired. There were a number of beneficiaries of the original covenant, some of whom previously claimed that the covenant had not expired. Due to these claims, and notwithstanding the principle that the existence of a covenant should not prevent the granting of planning consent, Richborough Estates (the applicant) obtained Leading Counsel Opinion that confirmed that the covenant has expired and is no longer effective. The majority of original beneficiaries have now taken legal advice and have confirmed that the covenant is no longer enforceable and that they do not wish to be party to any further legal proceedings. While it is understood that a small number of beneficiaries have not confirmed that they have accepted that the covenant has lapsed, in summary, the covenant is not an impediment to the development of the site for residential purposes. In terms of timely delivery of housing, the condition relating to submission of Reserved Matters within 12 months and commencement within 12 months of Reserved Matters approval secure that issue.

5.13.3 A number of objections have been raised regarding the principle of approval of development outside of the Local Development Plan. While these concerns are understood, this matter was given consideration as part of the Council decision on 20th September. This application complies with the 'ground rules', as set out in detail in section 5.1.3 above. Concerns regarding the scale of development are noted, however on balance the site is considered to be a logic rounding off of the village. Raglan has a good range of amenities and good connectivity to the rest of the county via road links, and with a S106 contribution to improve bus services. The scale of development is considered to be acceptable in relation to the scale of Raglan itself: while not insignificant as a proportion of Raglan now, it would remain a modestly sized village. Importantly, the site is within easy walking distance of the primary school, shops and associated amenities in the village, and the additional patronage would support the sustainability of those amenities. Should Committee be minded to approve this application, however, it is considered that no additional residential development should be approved on unallocated sites, with any further expansion being considered via the next LDP. This would be similar to the stance taken in Llanfoist.

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

5.14.1 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.

5.15 Conclusion

5.15.1 Although this site is not allocated in the LDP as a new strategic housing site and is not within the Village Development boundary for Raglan it does conform to the strategy outlined in the Paper "Addressing our lack of 5 year land supply: Monmouthshire's Approach to Unallocated Sites". The purpose of that Paper was to establish the Council's decision on the weight to be given to our housing land supply shortfall. This report was adopted by Members in September of this year.

As a result of Member's decision to adopt the report the Council will give appropriate weight to its housing land shortfall when considering planning applications. This means that our current housing land supply shortfall is considered as a material planning consideration when considering planning applications. However, it does not have considerable or over-riding weight, and the 'ground rules' detailed previously in this report must be adhered to.

5.15.2 Raglan's status as a Rural Secondary Settlement is in line with the ground rule which restricts development to such settlements (excluding Llanfoist) and the Main Towns. Concerns raised through the consultation exercise regarding the scale of the proposed development in relation to the existing settlement have been carefully considered. On the basis of the assessment of all relevant material planning consideration set out in the preceding sections of this report, it is concluded the proposal is proportionate to the existing settlement. Subject to planning conditions and contributions detailed below, the provision of up to 111 dwellings could be assimilated into the village without causing unacceptable harm to its amenities, infrastructure or historic setting.

6.0 RECOMMENDATION: APPROVE

Subject to a Unilateral Undertaking requiring the following:

Unilateral Undertaking Heads of Terms

1. 35% of the total number of dwellings shall be Affordable Housing.
2. £60k towards the improvement of local bus service.
3. £60k to enable the extension of the existing footway on Station Road providing sustainable and accessible access to the recreational area / playing fields to the south east along Station Road.
4. A combined off-site recreation and play contribution to be provided at the rate of £2,356 per dwelling to cover the cost of improvements to one or more of the following local community facilities:
 - community hub facilities on the former primary school site;
 - the existing LEAP at Prince Charles Road;
 - access to and support of a new play provision in the vicinity of the existing multi use games area.
5. Commuted sum to be agreed for the management of the open space and wild play area unless these areas are maintained by a private management company.
6. £17,257.00 per pupil towards the shortfall of places to improve facilities at Raglan Primary which is a 210 place school. The exact contribution will depend on the number of pupil places, which is calculated via the formula set out in the draft SPG (January 2018).
7. To enter into a Section 278 Agreement under the Highways Act 1980 for the proposed Monmouth Road junction, footways, street lighting, crossing provision, the widening and improvement of the existing footway on Monmouth Road, the provision of speed limit gateway and speed awareness measures.

Conditions:

1 Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.

REASON: The application is in outline only.

2 (a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.

b) The development hereby approved must be begun either before the expiration of two years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990 and to adhere to the ground rules set out in "Addressing our lack of 5 year land supply: Monmouthshire's Approach to Unallocated Sites".

3 The details submitted pursuant to the Reserved Matter for landscaping shall reflect the guidelines set out in Plan 11: GI Masterplan and Illustrative GI Masterplan in addition to providing details incorporating;

- proposed finished levels or contours;
- means of enclosure;
- Hard surfacing materials;
- Soft landscape details including planting plans, specifications including

cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities;

4 The details submitted pursuant to the Reserved Matter for layout shall include the proposed and existing functional services above and below ground (e.g. drainage details, power etc);

- Water Features (including SUDS details);
- Clarification of access connections beyond the site.

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure in accordance with policies LC5, S13, and G11 and NE1.

5 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. A time table for these works shall be submitted as part of the reserved matters submission and all works shall be carried out in accordance with the timetable agreed with the Local Planning Authority. The planted areas shall be kept clear of underground utilities. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

6 A "lighting design strategy" shall be submitted at Reserved Matters for approval in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for biodiversity 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 habitat used by foraging and commuting species and to limit adverse changes to behaviour of biodiversity in accordance with LDP policy EP3 and in the interests of visual amenity in fulfilling LDP Policy LC5.

7 Pursuant to the submission of Reserved Matter for landscaping, a Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority. The content of the Management Plan shall include the following;

- a) Description and evaluation of Green Infrastructure assets to be managed e.g.
 - Community Orchard
 - Grassland
 - Swales and suds area
 - Green corridors
 - Wild play areas
- b) Opportunities for enhancement to be incorporated:
 - Management of grassland for botanical species diversity and/or protected species including reptiles
 - SUDS feature to hold water all year round
 - Provision of hibernacula suitable for reptiles/amphibians
 - Maintain habitat connectivity through site for species such as hedgehogs
 - Dark areas to support bat foraging
 - Tree/hedgerow management

- c) Trends and constraints on site that might influence management of above features.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The Management Plan shall also include a schedule of landscape maintenance for a minimum period of five years and shall include details of the arrangements for its implementation. The approved plan will be implemented in accordance with the approved details.

REASON: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4.
(Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

8 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

9 No development shall commence until detailed design, technical audits and safety audits have been submitted for the proposed emergency vehicular access link to Station Road have been submitted to and approved by the Local Planning Authority; the development shall be carried out in accordance with the approved details.

REASON: In the interest of highway safety and to ensure compliance with Policy MV1 of the Local Development Plan.

10 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP.

REASON: To ensure the development is carried out in a safe and considerate manner.

11 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

REASON: In the interest of highway safety and to ensure compliance with Policy MV1 of the Local Development Plan.

12 The development shall be carried out in strict accordance with the submitted documents and drawings:

- The Green Infrastructure Masterplan Drawing
- Great Crested Newt Mitigation Strategy, by Tyler Grange LLP
- Dormouse Mitigation Strategy, by Tyler Grange LLP

REASON: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017.

13 Prior to the removal of or maintenance to any tree on site, a Method statement for the safe removal of the tree (T01 - dead ash tree drawing ref. 11094/P03) shall be submitted to the LPA for approval in writing. The method statement shall include;

- a) Methods in accordance with Best Practice to assess the tree for bat roosts
- b) Methods in accordance with Best Practice to sensitively fell the tree including climbing and section felling under the supervision of a licensed bat worker
- c) Measures and actions to be undertaken if roosts are identified at any time.

The method statement shall thereafter be implemented in full.

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017.

14 Prior to the Reserved Matters Application, a strategy for carrying out bird monitoring surveys will be agreed with the Local Planning Authority and implemented in full to assess the continued use of the site by breeding birds. If any Schedule 1 (Wildlife and Countryside Act, 1981) birds are identified appropriate mitigation shall be incorporated into the Reserved Matters submission.

REASON: To safeguard nesting bird species protected by Schedule 1 of the Wildlife and Countryside Act, 1981, as amended.

15. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- 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; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

NOTE: See BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.

REASON: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

16. No development shall take place until a drainage scheme has been submitted to, and approved by, the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water and shall include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no foul water, surface water or land drainage

shall be allowed to connect directly or indirectly with the public sewerage system.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water.

INFORMATIVES

1 The applicant is advised that there are public rights of way in the vicinity of the development. The grant of planning permission does not give permission to close, divert or obstruct a public right of way. Obstructing a public right of way is a criminal offence for which you may be prosecuted. You should contact the Public Rights of Way Officer, Monmouthshire County Council (Tel 01633 644860/644862) for advice on procedure should you need to close or divert a public right of way.

2 Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at

<https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

3 Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

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DM/2018/01089

CONVERSION OF TWO AGRICULTURAL BARNs AND ASSOCIATED OUTBUILDINGS TO RESIDENTIAL USE

NEW TRECASTLE FARM, TRECASTLE ROAD, LLANGOVAN, NP25 4BW

Applicant: Ben Thorpe – MCC Estates

Plans: Location Plan - , Site Plan - , Cross Section - , Location Plan 17/463/001 REV A - , Elevations - Existing 17/463/010 REV A - , Elevations - Existing 17/463/011 REV A - , Elevations - Existing 17/463/012 REV A - , Elevations - Existing 7/463/013 REV A - , Block Plan 7/463/020 REV A - , Site Plan - , Floor Plans - Proposed 7/463/030 REV A - , Floor Plans - Proposed 7/463/031 REV A - , Proposed Roof Plan 7/463/032 REV A - , Floor Plans - Proposed 7/463/035 REV A - , Proposed Roof Plan 7/463/036 REV A - , Elevations - Proposed 7/463/040 REV A - , Elevations - Proposed 7/463/041 REV A - , Elevations - Proposed 7/463/042 REV A - , Elevations - Proposed 7/463/043 REV A - , Cross Section 7/463/050 REV A

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young
Date Valid: 12.07.2018

1.0 APPLICATION DETAILS

1.1 This application was presented to Members of Committee on 4th September 2018 with a recommendation for approval. Members deferred the decision pending further information from the applicant about the potential for the barn to be used for business purposes (a criterion of Policy H4 of the LDP) and information about other structures on the site (a nearby silage pit and an existing agricultural building that had been proposed to be retained). The applicant has responded with the following information.

1. Policy H4 criterion g): Potential for Business Use

The barns were considered for business use to satisfy criterion g) of Policy H4 of the Local Development Plan (LDP). With similar barn conversion proposals, MCC Estates have previously instructed local rural property and land agents to provide a 'Statement of re-use for business purposes'. However, on this occasion it was deemed unnecessary, following pre-application discussions with the Planning case officer, where it was agreed that the barns are unsuitable for business use for the following reasons:

- Location – rural, semi-isolated position, accessed via narrow country lanes, with limited parking opportunities.
- Market Demand - Insufficient or no demand for small commercial units in rural locations as they are inaccessible with no nearby facilities or amenities.

- Developer Risk - Conversion to business use would be speculative with a high risk of not finding an end user and risk of buildings standing vacant/unoccupied.
- Project Viability - Conversion costs are significant and far outweigh the likely rental returns or capital value as business premises.
- Design & Scale of Buildings - Insufficient floor space for business purposes, inappropriate layout with small individual rooms and limited natural light due to the need to use existing openings as windows and doors.

In summary, without marketing the buildings for business use, of which would be a 'fruitless exercise', the applicants feel that every effort has been taken to satisfy Policy H4, criterion g).

2. Silage Clamp & Two Modern Agricultural Buildings

The silage clamp and two large modern agricultural buildings sit outside the planning application boundary but within the wider land ownership of the applicants. It is currently proposed that both buildings will sit within the boundary ownership of Stable Barn. This approach would allow the owners to exercise full control over the buildings, removing concerns of any potential impact on the residential amenity of the property.

The application is represented to Committee with a recommendation for approval. A copy of the previous report is attached.

PREVIOUS REPORT (4th September 2018)

1.0 APPLICATION DETAILS

1.1 New Trecastle Farm comprises a vacant farmhouse and several farm buildings. It is accessed via a no through road that also serves two other properties. The current full application seeks the conversion of two of the outbuildings into residential use. The first is a stone barn with brick detailing and timber boarding on the two gable ends. There is a lean-to of corrugated metal to the rear. It is proposed to demolish the lean-to and replace it with a stone and timber lean-to and to convert the barn into a two storey, three bedroom dwelling. Existing openings would be utilised and two roof lights would be provided. The free-standing Dutch barn, to the south of the building would be utilised for garaging by infilling some of the panels.

1.2 The second building is a single storey stable block of stone with brick detailing with terracotta tiles on the roof. It is proposed to convert this into a single storey three bedroom dwelling with a glazed link. The existing courtyard would be used as residential curtilage. Both buildings appear structurally sound. Post and wire fences would be used to delineate the boundaries.

1.3 A Design & Access Statement and an Ecology Survey were submitted as part of the application.

1.4 This application is presented to Committee as the applicant is Monmouthshire County Council.

2.0 RELEVANT PLANNING HISTORY (if any)

DC/2014/00821 Discharge of condition 5 of DC/2012/00917
Approved 31.07.2014

DC/2006/00419 Provision and erection of a double portal framed covered yard
18.3m long x 16.8m wide for housing of livestock.
Approved 06.09.2006

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S17 LDP Place Making and Design

S4 LDP Affordable Housing Provision

S16 LDP Transport

Development Management Policies

EP1 LDP Amenity and Environmental Protection

DES1 LDP General Design Considerations

H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use

LC5 LDP Protection and Enhancement of Landscape Character

NE1 LDP Nature Conservation and Development

MV1 LDP Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Raglan Community Council: no objections.

MCC Housing, Strategy & Policy Officer: It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is £54,321.

The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken.

MCC Highways: No Objection. Vehicular Access to/from the public highway, the farm access and the development will remain unchanged. Sufficient parking is being provided.

Natural Resources Wales (NRW): We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission. Condition: The development to be carried out in line with Section 10 of the submitted Ecological Report, to ensure

the favourable conservation of Bats, a European Protected Species. European Protected Species

We have reviewed the submitted Ecological Report 'The Barn and Stables, New Trecastle Farm, Llangovan, Monmouthshire NP25 4BW - An Ecological Survey Report' prepared by Just Mammals Consultancy, dated February 2018. We note that evidence of lesser horseshoe, brown long-eared and common pipistrelle bat use of the buildings was found, and that historic records of soprano pipistrelle and Natterer's bat presence on the site exist. Legislation and policy Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if: i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; ii. There is no satisfactory alternative; and iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. On the basis of the above information, we do not consider that the development is likely to be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, provided that the development is undertaken following the recommendations made in section 10 of the document titled 'The Barn and Stables, New Trecastle Farm, Llangovan, Monmouthshire NP25 4BW - An Ecological Survey Report' by Just Mammals Consultancy, dated February 2018. European Protected Species Licence Please note, a European protected species (EPS) Licence is required for this development. If granted, planning permission does not provide consent to undertake works that require an EPS licence.

MCC Biodiversity: Thank you for consulting the Biodiversity and Ecology Officer on the above case. Due to the numbers and types of bat species recorded at the site we need to formally consult NRW (Ecology).

4.2 Neighbour Notification

Letters of objection received from two addresses.

Significant change of use from farming which will impact on the landscape and its management

The site is adjacent to the AONB

New agricultural buildings may be required to replace those lost

These barns have only been redundant since April 2017

MCC has changed its policy and is now trying to sustain commercial use in agricultural buildings

New Trecastle is a viable farm

Need to update the ecology survey

Impact on historical interests, there is a SAM and Grade II* building adjacent to the site

The site was well managed and husbanded until the forced termination of the tenant farm

MCC is in breach of its obligation to conserve the character of the area

The land for each plot should remain as agricultural land and not be developed as ornamental gardens or built structures

The ecological report is incorrect and misleading. Barn Owls and Little Owls are nesting in the barn, there are long eared bats in the farm house. Playing down the ecological value of the site

DNA analysis is required

The site may be very significant for bats and owls

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 This application seeks the conversion of buildings in the open countryside into residential use and as such it falls to be considered against Policy H4 of the LDP. These are traditional stone buildings with some timber cladding, no extension is required other than replacing the existing lean-to. The principle of converting these buildings is acceptable and complies with the objectives of Policy H4. The conversion of the stables does not involve any extension to the original building but a glazed section will replace some of the original structure, other than that no other new openings will be made. With regards to the stone barn the lean-to at the rear will be replaced with a stone and timber structure and two roof lights will be added. As such the form, bulk and general design of the proposal will respect the rural design and character of the original buildings. Each plot will be given a generous parcel of land but the residential curtilage will be tightly drawn around each property and its parking area, it will be defined by a post and wire fence which is in keeping with the rural character of the area. The curtilage and access is in scale and sympathy with the surrounding landscape. The existing Dutch barn will be utilised to provide parking for plot 1. No other infrastructure or ancillary buildings will be required. Both buildings are structurally sound and only localised repair work will be required. There is no need for substantial reconstruction. The buildings are in a relatively isolated location close to existing residential properties and have limited access; therefore they are not considered suitable for business use.

5.1.2 The proposed conversions comply with all of the criteria set out in Policy H4 of the LDP.

5.2 Affordable Housing Provision

5.2.1 It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is £54,321. This can be secured through entering into a Section 106 Legal Agreement.

5.3 Highway Safety

5.3.1 No new or altered vehicular or pedestrian access is proposed from the public highway. Each new dwelling would have a separate access from the no through road which also serves two other properties. Each plot would have at least three car parking spaces within the site which is in accordance with the adopted Monmouthshire Parking Standards. MCC Highways have no objection to the proposal.

5.4 Residential Amenity

5.4.1 The main property affected by this proposal is New Trecastle Farm House, which is in the same ownership. The farmhouse is set at a higher level than the barns but faces towards them. It is approximately 14 metres from the Dutch barn, to be used for garaging, 15 metres from the stables and 22 metres from the two storey stone barn. The buildings to be converted are already there so there will be no additional impact on outlook and there will be no direct overlooking. The two properties at Old Trecastle are both at least 100 metres from the site and there are mature trees in-between which will act as a screen. There will be an increase in traffic using the access to Old Trecastle, but the amount of traffic generated by two additional residential properties, after the construction phase is over, is not likely to be so significant as to justify refusal. The proposal accords with the objectives of Policy DES1 and EP1 of the LDP with regards to residential amenity.

5.5 Impact on Historical Features

5.5.1 The Historic Motte and Bailey and Listed Building are approximately 100 metres from the site. The proposal is not involving any new building work on greenfield sites that could affect archaeology and there is no new significant building work that could affect the setting of these structures.

5.6 Ecology

5.6.1 An Ecology Survey by Just Mammals was submitted as part of the application. An Ecological assessment was undertaken in summer 2017, in accordance with the local planning authority guidelines, and national survey standards. Two dusk emergence/activity observations identified the presence of a small number of bats in both buildings. From the barn a single brown long-eared bat and a common pipistrelle bat were seen to fly out at the western end, indicating summer day roosting behaviour. Evidence of lesser horseshoe bat was also found, with fresh bat droppings and insect remains, consistent with night roosting activity. There is also historic data of soprano pipistrelle bat, and Natterer's bat roosting in the barn.

5.6.2 The stables building is also a bat roost location, with a single brown long-eared bat and a common pipistrelle bat seen to exit from the open-fronted wagon bay at the western end of this building too. No other species, and no bat droppings, were found inside the building, suggesting it is an occasional day roost for these two species. No evidence for the presence of a maternity roost was found in either of the buildings, but the farmhouse, a short distance to the east of the outbuildings, is

known to be a maternity roost location for a colony of brown long-eared bats. Historic breeding bird activity was also noted, with old nests of swallows, and other bird species. A live barn owl was seen during the second dusk observation, and a quantity of barn owl pellets were found in the upper level of the barn, indicating a regular perch location for this bird. No evidence of barn owl breeding activity was found. As a result of these findings a scheme of mitigation is proposed on the site which retains bat roost locations in both the barn and stables and also makes use of the Dutch barn which stands between the barn and the stables. A Scheme of Mitigation for bird species is also provided, which includes a barn owl loft in the Dutch barn. NRW have reviewed the report and agree with the findings, they offer no objection to the proposal but do state that a European Protected Species (EPS) licence will be required from Natural Resources Wales (NRW) for both buildings before any work is done which affects roosts and the bat exit entry points.

5.6.3 European Protected Species – Three Tests

5.6.3.1 In consideration of this application, several bat species will be affected by the development and it has been established that a derogation licence from Natural Resources Wales will be required to implement the consent. Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests have been considered in consultation with NRW and the Council's Biodiversity and Ecology Officers as follows: (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. Development Management Comment: This proposal will provide two residential properties. There is a shortage of new residential options within the County and these two relatively small units will go some way to address that shortfall. There is a social and economic benefit from providing two new residential units.

(ii) There is no satisfactory alternative Development Management Comment: This application seeks the conversion of two barns into residential use, as such there is no alternative. New build residential development would not be policy compliant.

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Development Management Comment: Mitigation is being proposed as part of the development to provide specific bat roost opportunities within the existing buildings.

5.6.3.2 In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard to the advice of Natural Resources Wales and the Council's own Biodiversity Officers, it is recommended that planning conditions are used to secure the following: • compliance with the submitted mitigation/method statement

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

5.7.1 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' wellbeing objectives set out in section 8 of the WBFG Act. 6.0

6.0 RECOMMENDATION: APPROVE subject to a 106 Legal Agreement requiring the following:

A financial contribution of £54,321 for affordable housing in the area.

If the S106 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 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: If substantial extensions or alterations were necessary this development would not normally be favourably considered.

4 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area.

5 The development to be carried out in line with Section 10 of the submitted Ecological Report, to ensure the favourable conservation of Bats, a European Protected Species.

REASON: To ensure the favourable conservation of Bats, a European Protected Species.

Application Number: DM/2018/01122

Proposal: Retrospective application to extend curtilage to side of dwelling. Construction of 2m high brick wall 1.1m from inside of kerb

Address: 46 Treetops, Portskewett, Caldicot, NP26 5RT

Applicant: Mr Tracy Wotherspoon

RECOMMENDATION: Approve

Case Officer: Mrs Alison Pankhurst
Date Valid: 17.07.2018

1.0 APPLICATION DETAILS

1.1 This application relates to a detached dwelling in a quiet cul-de-sac on the edge of Portskewett village. The application is a result of an enforcement case for the retention of an extension to the garden curtilage and the re-building of a boundary brick wall. The brick wall encloses the side of the garden and joins up with the existing boundary wall and returns to the side of the dwelling. The applicant has also extended the curtilage of his garden by approximately 3m to include land which is in their ownership.

1.2 The existing wall which was set well back from the highway measured approximately 2m in height and when the applicant extended the curtilage the wall was demolished and repositioned and set back from the kerb by 1.1m in accordance with Highway requirements. The height of the new wall is 1.9m and constructed in red brick with a stoned margin strip adjoining the highway and some planting.

1.3 The proposed change of use of incidental land into residential curtilage measures approximately 3.5m to 5m from the original wall to the edge of the highway. The applicant has increased the garden curtilage by an additional 2.5m and finished the ground in small stone chippings. The distance from the edge of the highway to the wall is 1.1m in accordance with the Highway requirements. The applicant has replaced the original grassed area in order to extend the original garden curtilage.

1.4 The estate has a variety of walls, fences with shrubs and trees offering privacy and enclosure to dwellings. However the estate has an open plan feel adjacent to the highway and to the front of some of the properties in the street. The application site is a corner plot.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01122	Retrospective application to extend curtilage to side of dwelling. Construction of 2m high brick wall 1.1m from inside of kerb.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Portskewett Community Council recommends approval.

MCC Highways - The application is for the retention of a 2m high brick boundary wall at 46 Treetops Portskewett. The applicant previously consulted the Highway Authority with regards to these proposals and the Highway Authority confirmed there are no grounds to object to the proposal provided that the wall is constructed outside the limits of the publicly maintainable highway, that being 1m from the carriageway kerb.

The wall has been positioned 1.1m behind the carriageway kerb which is outside the extent of the publicly maintainable highway. It is understood concerns have been raised over the obstruction of line of sight when driving along the carriageway. It should be noted a line of sight only exists within the public highway limits; therefore no right of sight exists over third party land. As explained above the wall has been constructed outside the highway boundary and therefore has no impact on the line of sight available within the public highway. Based on this there is no detrimental impact on highway safety.

In light of the above comments there are no highway grounds to sustain an objection to the application.

4.2 Neighbour Notification

Several neighbouring properties were consulted on the application and a site notice was placed on site. During the consultation period 18 letters of objection have been received and 1 letter of support.

The objections to the application are as follows:

The development is totally inconsistent with the character of the estate, which is generally exemplified by open fronted gardens and screening to rear gardens by brick walls set back from the highway behind wide grassed/planted verges. The new wall has been constructed using a brick that does not match the house or the original wall, or indeed any other brick used on Treetops. No attempt has been made to blend the wall sympathetically with the surrounding area, it has been built to a cheap price point, without either the coping detail or the brick pattern of the original wall (and other walls on the estate). It forms a discordant feature which degrades the visual amenity of the area.

Concerned that if a precedent is set by allowing this alteration, many other properties on Treetops will seek to extend their boundary walls thereby increasing the size of their enclosed gardens and the estate will become a brick jungle.

The new wall undermines the integrity of the design of the Treetops and destroys the open landscape concept that is integral to the estate. The new wall is red brick and a completely different colour to the property and indeed those on the development. The applicant advised that the previous, original wall that was demolished was also red brick. This is not the case as

evidenced by photos that have been submitted. This mismatch is detrimental to the overall look of the area and not in keeping with Redrow's design.

It is noted that the deeds of the properties state that "one cannot erect or plant or permit any gates wall or fences or hedgerows whatsoever between any wall of the dwelling on the plot and the road onto which the said dwelling abuts."

In addition, comments have been made regarding the positioning of this wall that removes a valuable visibility splay for traffic in both directions.

Concern regarding the type of bricks used for the development, this demonstrates lack of respect for the design of the estate, the views of the neighbours and the planning application process.

The original site was nicely laid out and I would like to see all original rules enforced.

Another neighbour states that not gaining full planning approval from MCC prior to the wall being constructed makes a mockery of the planning system. Should the occupiers have acted in good faith on the basis of the few local councillors "approval" then they should be compensated by them for removing the wall

Another neighbour states that the applicant advised that the original wall (now demolished) was built of red brick, this is not the case and that the applicant advised that they had consulted with immediate neighbour. I am a close neighbour and was not consulted in any way. Approving this application would have a detrimental effect on Treetops and have the propensity to depreciate the value of other properties in close proximity.

One letter of support was received during the consultation process and they have stated that no action would have been taken to deliberately cause a problem for others when the wall was built so hopefully an amicable solution can be found.

Three general observations have been made during the consultation process stating that they can see advantages to the applicants of having this wall and the extra garden space, but a lack of transparency and consultation invariably causes issues. It is absolutely inescapable that this is the only wall in the whole of Treetops estate where the bricks in the wall and the house are a different colour, together with a lack of softening features in the wall itself which makes it a bit of an unwelcome focal point.

Another general observation made states one cannot criticise our neighbour's desire to extend their rear and side garden by repositioning the wall to take in some additional land that was previously unused. Having recently extended our house and found it impossible to find matching bricks one has to compromise and adopt a best fit approach. The harsh wall colour effect experienced by other neighbours can be softened by the introduction of small trees and shrubs. This would be similar to other wall and boundaries constructed on Treetops.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The application is for a change of use of private land in the applicant's ownership to enable them to increase the garden curtilage and the erection of a 1.9m high brick boundary wall. The site is located on a relatively large housing estate on the edge of Portskewett. The location of the detached dwelling is situated on an end plot on one of the branches of the estate which is in a cul-de-sac. The works to the site have already been carried out by extending the existing garden curtilage and the erection of the brick wall which is the same height and depth as the previous wall located to the side of the property. The applicants sought advice from MCC's Highways and

Planning Sections prior to works starting on the site. To achieve the necessary highway service strip the means of enclosure needs to be set back at least 1m from the kerbed edge, a requirement the constructed wall meets.

5.1.2 The original planning application for the estate imposed certain conditions and removed permitted development rights to erect means of enclosure on the estate, although this related to removal of right to erect enclosures to the front of the dwelling houses in order to retain an open plan estate.

5.1.3 Many objections have been received in relation to the type of brick material used to rebuild the wall as the colour does not match the existing dwelling and is considered therefore not to be in keeping with the estate in general. In response to the objections, the estate has a variety of brick colours used for different parts of the estate, and it is understood that the applicant did try and source the appropriate brick but unfortunately was unable to match the original colour. As with all brickwork it will weather in time and the impact of the brick wall will become less conspicuous. On balance, the wall as built is considered to be acceptable.

5.1.4 It is considered that the development is acceptable and complies with Policy DES1 and EP1 of the Monmouthshire Development Plan, subject to the mitigation suggested.

5.2 Highway Safety

5.2.1 In response to the Highways comments and objections to the development the applicants were advised prior to works commencing on site that the wall had to be set back at least 1m from the edge of the highway in order to meet the Highway requirements. The applicant subsequently erected the wall 1.1m away from the edge of the highway. In responding to the objectors' comments Highways have confirmed that vehicular visibility splays are acceptable and in accordance with Highway requirements and that no person has a right of sight over third party land.

5.2.3 It is considered that the development complies with Policy MV1 of the Monmouthshire Local Development Plan.

5.3 Residential Amenity

5.3.1 The objections to the application also state that the development will detract from the open character of the street scene and visual amenity of the residential area.

5.3.2 In response to this there was a condition on the original application to remove permitted development rights for enclosures to the front of residential dwellings. In this case, to the front of this dwelling there is still an open plan appearance and there are no enclosures to the front of the property. In addition there was no condition for the now enclosed land to remain as open space.

5.3.3 The retention of these works would have a minimal impact on the street scene due to the wide variety of side enclosures around this housing estate.

5.3.4 Restrictions within the deeds of the properties on this estate are a separate civil legal matter and not within the scope of the planning authority to consider.

5.3.5 In terms of the colour of the brickwork, whilst the applicants stated they tried to match the existing bricks they used an alternative to erect the enclosure to the rear garden. The colour does not match the existing dwelling or the original wall, although there is a mix of brickwork throughout the estate. While a different colour, the bricks will weather and mellow over time and it is not considered that the wall is so incongruous that it would warrant planning permission being refused.

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

5.3.4.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of

the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.0 RECOMMENDATION: APPROVE

Conditions:

1 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.

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Application Number: DM/2018/01292

Proposal: Installation of a portrait bench and figures adjacent to old Cattle Market site and Monnow Bridge.

Address: Land Adjacent Monnow Bridge, Monnow Street, Monmouth

Applicant: Mr Roger Hoggins

Plans: Other Example Statue Installation Spec - , Location Plan Location Plan - , Block Plan Proposed Block Plan - , Other Photos of Proposed Artwork - , Other Supporting Statement - ,

RECOMMENDATION: APPROVE

Case Officer: Mrs Jo White
Date Valid: 17.08.2018

1.0 APPLICATION DETAILS

1.1 This application relates to a public open space adjacent to the eastern end of Monnow Bridge, Monmouth. The site is adjacent to what was once the cattle market site.

1.2 The site fronts the public conveniences (to the north-east) whilst a parapet stone wall, serving Monnow Bridge downstream, is located to the south-west boundary of the site.

1.3 Permission is sought for the erection of three sculpture figures consisting of a sheep with lamb, a cow and an auctioneer together with a freestanding bench. The sculptures will vary in height and width between 0.8m - 1.6m, will be constructed of steel and installed on a slab. The proposed bench will be constructed using recycled railway sleepers and will be located centrally to the front of sculptures measuring 0.7m in height and 2m long.

1.4 The artwork is part of the 'Art of the National Cycle Network' initiative and is intended to celebrate the livestock market that was once on the site.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01292	Installation of a portrait bench and figures adjacent to old Cattle Market site and Monnow Bridge.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S17 LDP Place Making and Design
S13 LDP Landscape, Green Infrastructure and the Natural Environment

Development Management Policies

DES1 LDP General Design Considerations
HE1 LDP Development in Conservation Areas
EP1 LDP Amenity and Environmental Protection

4.0 REPRESENTATIONS

4.1 Consultation Replies

4.1.1 **Monmouth Town Council**: Approve.

4.1.2 **Glamorgan Gwent Archaeological Trust (GGAT)**: The proposal has an archaeological restraint. Whilst the scale of the works appear limited in scale, we note that the proposed development will include groundworks. Consequently, given the location of the application there is high potential in encountering archaeological remains during the groundworks associated with the development and archaeological mitigation will be required. It is recommended that a condition be imposed requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological to protect the archaeological resource. The programme of work would take the form of an archaeological watching brief during all associated groundworks with the development with detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

4.1.3 **Cadw**: No objection.

4.2 Neighbour Notification

None received.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site is located within Monmouth Town and within the Conservation Area as designated by the Local Development Plan (LDP). The principle of development is therefore acceptable subject to its visual impact and impact upon the character of the Conservation Area.

5.2 Visual Impact and Impact on Conservation Area

5.2.1 Whilst the sculptures will be prominent in their position and street scene, they are of a high quality design, distinctive and add interest to the locality by capturing the history of the old cattle market. The bench will be discreet and informal in its use of recycled railway sleepers and the sculptures will be constructed of steel. As such, the materials are considered to be sympathetic to the surrounding stonework and the overall character and appearance of the Conservation Area. It is therefore considered that the proposed development accords with LDP Policies DES1, DES2, and HE1.

5.2.2 Furthermore, Cadw has confirmed that the proposal will not have a detrimental impact upon the setting of the nearby Scheduled Ancient Monuments (SAMs) or historic park and garden due to intervening buildings. It is acknowledged that the sculptures will be visible above the parapet wall of Monnow Bridge. However, given their scale and design it is not considered that they will cause a detrimental impact to the aesthetics of the bridge, the character or appearance of the Conservation Area, or the SAMs in accordance with LDP Policy HE1.

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

5.3.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable

development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.0 RECOMMENDATION: APPROVE

Conditions:

1. This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3. No development shall take place until the applicant or his agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

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Application Number: DM/2018/01351

Proposal: Agricultural building for storage of straw and woodchip animal bedding.

Address: Pear Tree Cottage, Danygraig Road, Cross Ash, Nr. Abergavenny, NP7 8NU.

Applicant: Mr Adrian Cobourn

Plans: Design and Access Statement - , Tree and Hedge Statement - , All Proposed Plans 081804 - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Elizabeth Bennett
Date Valid: 16.08.2018

1.0 APPLICATION DETAILS

1.1 This is an application for a new agricultural building for straw and woodchip animal bedding at Pear Tree Cottage, Cross Ash. The applicant has some 8 hectares of pasture land attached to Pear Tree Cottage with an additional 41 hectares of rented pasture and fodder growing farm land in the immediate vicinity, which supports the applicants 70 head of beef cattle.

1.2 The application is presented to Planning Committee because the applicant's agent is related to a member of the Development Management Team.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2015/00147	Agricultural building housing farm animals or animal fodder.	Approved	30.03.2015
DC/2007/00837	Two storey extension	Approved	08.02.2008
DC/2011/01055	Mono pitched lean-to extension to existing agricultural building.	Approved	04.01.2012
DC/2008/01264	Agricultural building	Approved	02.02.2009

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations

4.0 CONSULTATIONS

4.1 Consultation Replies

Llantilio Crossenny Community Council - No comments received to date.

4.2 Neighbour Notification

No comments received to date.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 Policy S10 of the Local Development Plan supports the rural economy and the principle of a new building within and adjoining the main farm yard is acceptable.

5.2 Design

5.2.1 The building will adjoin the existing cattle housing and will be a pitched roofed, steel framed building with a floor area of 130m². It will be steel framed with pre-cast concrete panels and box profile steel cladding above. The roof will be box profile steel sheeting in leaf green with roof lights inserted. It is considered that the building will be in keeping with those adjacent to it and the rest of the buildings on the farm and has been sited so as to minimise its impact on the wider landscape. The development therefore complies with policies RE4 and DES1 of the Local Development Plan.

5.3 Residential Amenity

5.3.1 The building will be located on an established beef cattle farm and would have little impact on residential amenity in the locality. The building will be over 100m away from the nearest neighbouring property and on this basis it is considered that it has been sited so as not to cause unacceptable nuisance to these properties which complies with Policy RE4 of the LDP.

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

5.4.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.0 RECOMMENDATION: APPROVE

Conditions:

1. This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 25/09/18

gan Alwyn B Nixon BSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11.10.2018

Appeal Decision

Site visit made on 25/09/18

by Alwyn B Nixon BSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11.10.2018

Appeal Ref: APP/E6840/C/18/3200088

Site address: Land at The Glebe, Newport Road, Magor, Monmouthshire NP26 3BZ

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr John Flynn against an enforcement notice issued by Monmouthshire County Council.
- The enforcement notice was issued on 8 March 2018.
- The breach of planning control as alleged in the notice is unauthorised erection of closed boarded fence to front gardens over 1m adjacent to highway.
- The requirements of the notice are: Either: 1. Remove the fence fronting the highway
Or
2. Reduce the height of the fence fronting the highway to 1m.
- The period for compliance with the requirements is 1 month.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.

Appeal Ref: APP/E6840/C/18/3200092

Site address: Land at Silverdale, Newport Road, Magor, Monmouthshire NP26 3BZ

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr M Denmark against an enforcement notice issued by Monmouthshire County Council.
- The enforcement notice was issued on 20 March 2018.
- The breach of planning control as alleged in the notice is unauthorised erection of closed boarded fence to front gardens over 1m adjacent to highway.
- The requirements of the notice are: Either: 1. Remove the fence fronting the highway
Or
2. Reduce the height of the fence fronting the highway to 1m.
- The period for compliance with the requirements is 1 month.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.

Appeal Ref: APP/E6840/A/18/3200781

Site address: Land at Silverdale and The Glebe, Newport Road, Magor, Monmouthshire NP26 3BZ

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Michael Denmark against the decision of Monmouthshire County Council.
- The application Ref DC/2017/01188, dated 14 November 2017, was refused by notice dated 14 February 2018.
- The development proposed is described in the application as "to retain fence to front of Silverdale and The Glebe as built".

Decisions

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a closed boarded fence to front garden on land at The Glebe, Newport Road, Magor, Monmouthshire NP26 3BZ referred to in the notice, subject to the following condition: Within 1 month of the date of this decision the fence shall be treated with a brown stain finish.
2. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a closed boarded fence to front garden on land at Silverdale, Newport Road, Magor, Monmouthshire NP26 3BZ referred to in the notice, subject to the following condition: Within 1 month of the date of this decision the fence shall be treated with a brown stain finish.
3. The appeal is allowed and planning permission is granted for the erection of closed boarded fencing to front gardens at Silverdale and The Glebe, Newport Road, Magor, Monmouthshire NP26 3BZ, in accordance with the terms of the application, Ref DC/2017/01188, dated 14 November 2017, and the plans submitted with it, subject to the following condition: Within 1 month of the date of this decision the fencing shall be treated with a brown stain finish.

Procedural Matters

4. The three appeals concern timber closed-boarded fencing that has been erected along the respective front boundaries of two dwellings recently constructed on adjacent plots separated by a shared central vehicular access from Newport Road. Since the main thrust of the Section 174 and Section 78 appeals is that permission should be granted for the fences and the arguments concerning the merits of the development are the same I deal with the ground (a) appeals and the appeal against the refusal of planning permission together.
5. The development is described in the application for planning permission as the retention of the fence. However, the act of development for which permission is retrospectively sought is correctly described as the erection of a closed boarded fence, as described in the enforcement notices. I have determined the appeals on this basis.

The ground (a) appeals and the applications for planning permission

6. The basis of an appeal on ground (a) against an enforcement notice is that planning permission should be granted for the development at which the notice is directed. Appeal APP/E6840/C/18/3200088 therefore seeks a grant of planning permission for the fence fronting The Glebe, whilst APP/E6840/C/18/3200092 seeks a grant of planning permission for the fence fronting Silverdale. Appeal APP/E6840/C/18/3200781 seeks permission for both fences, as sought by the planning application submitted in November 2017.
7. The Council's reasons for issuing the enforcement notices are the same as its reasons for refusing planning permission, namely that the fences are unacceptable in visual terms and that they obstruct visibility for vehicle users and pedestrians. I consider that the main issues in the case of all three appeals are the development's effect on the character and appearance of its surroundings and the development's implications for highway safety.

Effect on character and appearance

8. The two properties lie within the built-up area of Magor and stand on the south side of the main road through the settlement. They are new detached two storey dwellings built either side of a shared access which also provides access to Glen View, an older dwelling set behind The Glebe and Silverdale. The appearance of the surrounding residential area is mixed, with no particular obvious or distinctive defining characteristics. Although the frontages of some properties in the vicinity are marked by hedgerows a variety of other front boundary treatments are also present along Newport Road, including vertical closed-board fencing of similar height to that erected at The Glebe and Silverdale. Such fencing includes that along the frontage of Sierra House, immediately east of the appeal sites, and Llanberis and Belvedere a short way to the west.
9. The fencing is presently a noticeable feature in the street scene due to the timber's new and un-weathered appearance. However, I consider that this can easily be remedied by the simple application of a brown stain finish, as with the fencing at Sierra House. In the longer term natural weathering processes will occur, lessening the fencing's visual impact in the street scene. Subject to such treatment, which can be required by a planning condition, I conclude that the development which is the subject of the appeals would not harm the character or appearance of the locality. On this basis I conclude that the fencing erected at Silverdale and The Glebe satisfies the requirements of policy DES1 *General Design Considerations* of the adopted Monmouthshire Local Development Plan (LDP) in respect of its design, appearance and effect on its setting. Although the Council also cites LDP policy EP1 *Amenity and Environmental Protection* in support of its stance on this issue, I find no conflict in terms of any of the matters identified in that policy, including local amenity.

Highway safety

10. The appeal sites are accessed from the B4245 within a 30mph speed limit. Based on Manual for Streets (MfS) guidance and the stopping sight distance (SSD) applicable to a 30mph speed limit situation, the Council considered that access visibility of 2.4m x 40m in both directions was satisfactory in respect of the application (DC/2014/01452) for the erection of two dwellings in this location.
11. The access in this instance is a private shared driveway serving 3 dwellings. It has a splayed entrance. The B4245 carriageway is bounded by a kerbed footway at this point and the fences bounding The Glebe and Silverdale are set back still further,

being separated from the back of the footway by a modest verge area. In front of The Glebe the fence is set back in excess of 2.4m throughout. The fence fronting Silverdale encroaches very marginally within 2.4m of the carriageway edge for a small part of its length closest to the access, but exceeds 2.4m throughout the remainder of its length.

12. The X distance of 2.4m given in MfS2 *Wider Application of the Principles* is cited in relation to the distance back along the minor arm of priority junctions. In this case the access point is a shared driveway, where vehicle speed and frequency of use will be low. MfS2 notes that a minimum X distance of 2m may be considered in some slow-speed situations when flows on the minor arm are low, but that using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm.
13. The access is located on the inside of a bend, which limits visibility in both directions. However, with the fencing in its current form visibility in excess of the 40m SSD exists in an easterly direction. Whilst visibility to the west from the access point is currently slightly less than 40m as measured to the nearside carriageway edge, the restriction in this direction is caused by the hedgerow fronting Lapins rather than the fence fronting The Glebe. Moreover, vehicles approaching from this direction will typically be travelling in the far lane of the highway, providing inter-visibility in excess of the 40m SSD. In any event, removing the fences or reducing their height to 1m as required by the enforcement notices would not materially increase visibility for drivers emerging from the access or forward visibility for drivers travelling along the B4245. The splays at the mouth of the access and the verges between the fences and back of footway give adequate visibility in relation to pedestrian users.
14. Having considered all relevant factors, I consider that the level of visibility obtainable with the fences in their present form is adequate and that the development as carried out does not prejudice highway safety for drivers or pedestrians. As such, I conclude that the development accords with policies MV1, DES1 (a) and EP1 of the LDP.

Other Matters and Overall Conclusions

15. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that my decision is in accordance with the Act's sustainable development principle through its consistency with objectives concerning the promotion of environmental and cultural well-being and supporting attractive and cohesive communities.
16. I have considered whether any conditions are needed as a result of my decision to allow the appeals and grant planning permission. I shall impose a condition requiring that the fences be treated with a brown coloured finish, along the lines suggested by the Council and by the Appellants in their ground (f) arguments. I do not consider any other conditions necessary.
17. For the reasons given above the Section 174 appeals on ground (a) and the Section 78 appeal against the refusal of planning permission all succeed. Since I am allowing the Section 174 appeals on ground (a) there is no need for me to consider the ground (f) arguments.
18. Having taken account of all matters raised, I allow the appeals, quash the enforcement notices and grant planning permissions for the development concerned, as set out in the formal Decisions above.

Alwyn B Nixon **Inspector**

New appeals 24.05.2018 to 23.10.2018

Local Ref	Appeal Site Address	Reason for Appeal	Appeal Type	Date Lodged
DC/2018/00091	Beaulieu Barn, 25, The Kymin	Appeal Against Refusal	Written Representations	01.06.2018
E18/044	Quarry Cottage, Quarry Road Llanishen	Appeal against Enforcement Notice	Written Representations	18.06.2018
DC/2018/00086	The Old School House, Chapel Terrace, Magor	Appeal Against Refusal	Written Representations	20.06.2018
DC/2017/01261	Stockton Barn, Lloysea Farm Monmouth Rd, Trellech	Appeal Against Refusal	Written Representations	17.07.2018
DC/2017/01275	Stockton Barn, Lloysea Farm Monmouth Rd, Trellech	Appeal Against Refusal	Written Representations	17.07.2018
DC/2017/01380	10 - 14 St Mary's Street, Monmouth,	Appeal Against Refusal	Written Representations	13.08.2018
E16/214	20 Waterside, Abergavenny	Appeal against Enforcement Notice	Written Representations	13.08.2018
DM/2018/00326	1 Ramp Cottage, The Causeway, Undy	Appeal Against Refusal	Written Representations	28.08.2018
DC/2008/00723	Troy House Monmouth Road Mitchel Troy Monmouth Monmouthshire NP25 4HX	Referred to Welsh Ministers	Hearing	28.09.2018
DM/2018/00707	Residential Quarters Redchillies Thai And Indian Restaurant Five Lanes North Fives Lanes Caerwent Caldicot Monmouthshire NP26 5PE	Appeal Against Refusal	Written Representations	11.10.2018
E18/085	Residential Quarters Redchillies Thai And Indian Restaurant Five Lanes North Fives Lanes Caerwent Caldicot Monmouthshire NP26 5PE	Appeal against Enforcement Notice	Written Representations	11.10.2018

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