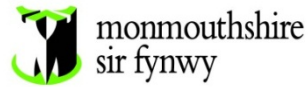


# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 28 January 2019

Notice of meeting:

## Planning Committee

Tuesday, 5th February, 2019 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 - 8
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached).	
4.1.	Application DM/2018/01349 - Construction of one bungalow. Change of use of land. Plot Between 4 And 5 Ebbw Road Caldicot Monmouthshire.	9 - 16
4.2.	Application DM/2018/01470 - Detached house Land Adjacent To The Beeches, Wainfield Lane, Gwehelog.	17 - 24
4.3.	Application DM/2018/01606 - Reserved matters application (pursuant to outline application DC/2016/00883) for the development of 144 dwellings and associated engineering works. Rockfield Farm, The Elms, Undy, NP26 3EL.	25 - 44
4.4.	Application DM/2018/01959 - The proposed works will involve the following: 1- Internal alterations to both floors to accommodate staff relocated from Innovation House. 2- Link access facility from J Block and County Hall. 3 - Inclusion of a lift. 4 - Inclusion of external escape stairs . 5- Thermal upgrade to walls and ceiling void. 6 - Replacement of windows and doors. County Hall, The Rhadyr, Llanbadoc, Usk.	45 - 48
4.5.	Application DM/2018/02001 - Outline Planning for development of 5 new dwellings (2 market, 3 affordable), access from existing residential road. Glanusk Farm, Kemeys Road, Llanfair Kilgeddin, Abergavenny.	49 - 58

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**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](http://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) 10 2018
- 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](mailto: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, 8th  
January, 2019 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, M. Powell  
and A. Webb

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Joanne Chase	Solicitor
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillor P. Murphy

#### **1. Declarations of Interest**

There were no declarations of interest made by Members.

#### **2. Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 4th December 2018 were confirmed and signed by the Chair subject to the following amendment:

Top of page 7, second bullet point, first sentence reads as follows:

‘Other Members considered that the application does not comply with Policy DES1 and that the proposed development is not in keeping with the existing street scene.’

A Member had made reference to Policy DES1 (I), having read out a number of points within Policy DES1 at the meeting. Policy DES1 (I) had not been taken account of and needed to be referred to in the minute.

#### **3. APPLICATION DC/2018/01143 - OUTLINE PERMISSION FOR ONE BUILDING PLOT IN GARDEN OF BROOKSIDE. BROOKSIDE, WELL LANE, LLANVAIR DISCOED**

We considered the report of the application, and late correspondence, which was recommended for approval subject to the six conditions as outlined in the report and subject to a Section 106 legal agreement.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 8th January, 2019 at 2.00 pm**

Consideration of the application had been deferred at the Planning Committee meeting on 4<sup>th</sup> December 2018, to ensure that public speaking at Committee takes place at the January 2019 meeting. The application is re-presented for consideration.

Subject to approval, officers had recommended that a further condition be added that foul drainage is considered at reserved matters stage.

Councillor M. Beattie, representing Caerwent Community Council, attended the meeting by invitation of the Chair and outlined the following points:

- 26 formal objections to the application have been received with zero support for the application from residents.
- The Community Council strongly disagrees with the Highways comment in the report which states that the creation of an additional dwelling off Well Lane would not represent a shortfall in highways standards that would lead to real deterioration in highways security or capacity.
- This is a narrow lane bordered on one side by a three to four foot culvert with a water course running along it and is a major feature of the village. If bridged by a new covered culvert, it would have to be of a substantial width splay in order to avoid vehicles trespassing onto other properties.
- Highways officers had indicated that the department would not agree to such a new access.
- Residents who use the existing shared access have indicated that they would not agree to additional traffic relating to construction or a new dwelling across their shared access. There is a major issue which would need to be addressed at reserved matters stage.
- The Community Council disagrees with the Highways Department and questions the data. It questioned whether a traffic and footfall survey had been undertaken, whether consideration had been taken regarding there being a care home business at the top of the lane which creates daily commercial and visitor traffic.
- A neighbouring property is stated to be 23 metres from the new building and is now nine metres high. The angle of sight from the neighbouring property will be 25 degrees in height which is considered to be overbearing. The Planning officer's summary states there will be no overbearing impact. The Community Council strongly disagrees.
- The Community Council requested that the Planning Committee considers refusing the application based on the information outlined.



## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 8th January, 2019 at 2.00 pm**

Having considered the views expressed, the following points were noted:

- Late correspondence confirmed that the maximum height parameter for the proposed dwelling had been amended from 12 metres to 9 metres.
- The concept of the parameters was explained in that legislation provides maximum and minimum parameters. Therefore, the proposed dwelling could be between 8m x 8m and 14m x 14m. Consideration of the application was for outline permission. Subject to approval, the design of the dwelling would be considered under reserved matters at a future Planning Committee meeting.
- In response to a question raised regarding the Committee's options in respect of the parameters, it was noted that if it was considered that the higher parameter was too large, a condition could be imposed to restrict the maximum parameter.
- The maximum parameter of 14m x 14m was 17% of the area of the plot.
- One additional property would not significantly increase traffic flow in the area.
- Some Members considered that the height parameters were too large. Scale parameters for the height of the building could be reduced to a maximum of 8 metres and a minimum of 7 metres.
- Some Members considered that a highways condition was required for a single access serving the two points. It was noted that the access would be a reserved matter. Therefore, a separate highways condition was not required at this stage.
- In terms of comments raised regarding the character of the area, it was noted that there is a mix of properties varying in size within the area.
- In response to a Member's question requesting a condition for a cesspit, it was noted that a condition was required for the approval of foul and surface water drainage as part of the reserved matters, which would incorporate the issues raised in respect of the cesspit.

It was proposed that application DC/2018/01143 be approved subject to the six conditions as outlined in the report and subject to a Section 106 legal agreement. Two additional conditions to be added, namely:

- To require approval of foul and surface water drainage as part of the reserved matters.
- That scale parameters for the height of the proposed dwelling are a maximum of 8 metres and a minimum 7 metres in height.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 8th January, 2019 at 2.00 pm

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

In favour of the proposal	-	13
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2018/01143 be approved subject to the six conditions as outlined in the report and subject to a Section 106 legal agreement. Two additional conditions to be added, namely:

- To require approval of foul and surface water drainage as part of the reserved matters.
- That scale parameters for the height of the proposed dwelling are a maximum of 8 metres and a minimum 7 metres in height.

#### **4. APPLICATION DM/2018/01801 - ERECTION OF ONE DWELLING. 12 ELM AVENUE, UNDY, NP26 3EX**

We considered the report of the application, and late correspondence, which was recommended for approval subject to the four conditions as outlined in the report and subject to a Section 106 legal agreement.

Mr. J. Neapean, representing objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

- The proposed property will overlook, impose upon and negatively impact on at least eight properties.
- The resident of 11 Elm Avenue considers that the development is disproportionately larger and located too close to her property. At the highest point of Elm Avenue, visual impact will impose on her house and garden removing any privacy that she currently has.
- The residents of 10 Elm Avenue share these views and consider the proposed building will be overbearing and negatively impact upon their garden taking away their privacy and sense of open space. Approval of the application will result in over development of the site.
- The residents of Carreg Goch chose to live in this property due to the property not being overlooked and provided high standards of privacy. They would not have purchased the property if the proposed development had been in place.

## MONMOUTHSHIRE COUNTY COUNCIL

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- The main building will be a distance of approximately 13 metres window to window and will be parallel with the rear south facing of Carreg Goch. It is considered that this will be too close.
- There is doubt regarding how realistic the proposed development's location is. According to the plans there is a hedgerow growing through the north-west corner of the property. The main area of garden used in Carreg Goch is facing west and located directly opposite the proposed development. The proposed dwelling will be at an elevated position to Carreg Goch which is overbearing. The proposed building will remove the view of the landscape and sunlight from the west, casting a shadow over the patio and garden and blocking out daylight through the patio doors.
- Due to the elevated position of the proposed dwelling, all of the upper floor and ground floor windows and front door will face directly over the boundary fence and into the garden and living room of Carreg Goch.
- The two properties approved to be built at the Slades already intrude upon the privacy at Carreg Goch. The proposed development will result in there being no privacy in the garden or living room of Carreg Goch.
- The proposed dwelling does not comply with Policy DES1.
- Objectors consider that the application has not been assessed on its own merits.
- The proposed development will negatively impact on more people than will benefit from the development. Concern was expressed that the proposed development will have a negative impact upon the wellbeing of the residents of Carreg Goch.
- The objectors asked the Planning Committee to consider refusal of the application on the grounds of loss of privacy.

Mr. R. Liddell, applicant's agent, attended the meeting by invitation of the Chair and outlined the following points:

- The position of the proposed dwelling is directly opposite the car parking at the top end of the site.
- The application complies with planning provisions as outlined in planning policy.
- The plot is quite large. The plot that is left with the existing property is also quite large. The proposed dwelling covers 31% of the area of the plot. The proposed dwelling fits naturally within the plot.
- Privacy is achieved by distance, namely: The 12 metre garden boundary to number 11 Elm Avenue, the 15 metres distance to Carreg Goch and the provision of the 1.8 metre fence and hedge. There are no first floor windows on

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 8th January, 2019 at 2.00 pm

that elevation of Carreg Goch which looks over the site. Only one window on the right hand side of the garage can be seen.

- Parking policy allows for three spaces excluding the garage for a new dwelling. Parking provision also has to be provided for the new dwelling. Parking provision will be improved considerably in Elm Avenue.
- The proposed dwelling complies with all planning policies.

The Local Member for the Elms ward, County Councillor L. Dymock, was unable to attend the meeting. However, she did present a statement which was read out to the Committee by County Councillor M. Powell, as follows:

'Whilst I appreciate this is a desirable location and there is a demand for houses. I will have to object to this application on behalf of my constituents because the development will have a negative impact on the amenity of surrounding homes by overlooking, overshadowing, loss of daylight and loss of privacy, which will be incredibly distressing for our existing Undy residents.

The proposed dwelling is not in keeping with the stylistic contexts or scale of the Elms Avenue which Members would have seen on their visit. As raised by other residents, this is at the highest point of Elm Avenue and the semi-detached properties surrounding this application will be overshadowed by this property that will stand at eight metres. Whilst this house is in Elm Avenue, it will also impact residents on Tump Lane, especially Carreg House, greatly. I would welcome a more modest design to ensure that those living in close proximity continue to enjoy their homes and most importantly retain their privacy.

Points that I raised on the portal dated 6<sup>th</sup> January 2019 that I would like to be taken into consideration:

I note that Welsh Water has made compulsory conditions. I also believe the advisory note should be considered as compulsory requirements should permission be granted.

The Committee report dated 8<sup>th</sup> January 2019 stated Magor and Undy's Community Council decision was not received. However, it was uploaded to the portal on 21<sup>st</sup> December 2018. I would like to clarify this misunderstanding which has resulted in the Community Council decision not being taken in consideration by the appointed Planning officer for this application. If so, I ask that the Committee now takes the Community Council's letter into consideration when deliberating this application, as Community Council members are familiar with the location and highly knowledgeable of the impact the proposed dwelling will have on neighbouring houses.

Whilst I appreciate housing is sought after in desirable locations such as this, none the less, if granted, it will be an exceptionally large dwelling on the plot that will incur a negative impact on neighbouring residents due to the scale of the build and the number of new builds and pending applications in the area.'

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 8th January, 2019 at 2.00 pm

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

- Some Members considered that the proposed development would severely impact upon the neighbours and that it was too large for the site. It was considered that the proposed development did not comply with Policy DES1, as it did not fit in with the surrounding area. Policy EP1 might also have a bearing on whether this development was suitable on this plot. The issues regarding residents' privacy were also relevant.
- Some Members considered that the application did comply with planning policies and supported the officer recommendation.
- Other Members considered that the proposed development might be too large for the plot. A way forward might be to consider deferral of the application to allow officers to liaise with the developer to discuss reducing the scale and height of the proposed dwelling.
- The Head of Planning, Housing and Place Shaping informed the Committee that the parking proposals would provide all the off street parking required for the current property plus over and above what the policy requires. In terms of the style of the property and the character of the area, there is a mix of properties with varying plot sizes. There is a minimal overshadowing impact on the neighbours as this is to the north of the properties and the gardens are reasonably sized. The key points for the Committee to consider are issues relating to overbearing and overlooking.
- The principal elevation of Carreg Goch is 13m – 15m from the front elevation of the proposed dwelling.
- Redesign of first floor accommodation could be undertaken to remove any first floor windows from overlooking Carreg Goch.
- The layout of the proposed development has been determined by the constraints of the plot. Due to the proximity to the highway and other dwellings, the proposed dwelling is detrimental to the street scene and the amenity of residents.
- Under Policy DES1, the mass and scale of the proposed development is a concern. The height is also a concern as the property opposite the proposed development is at a lower height which leads to issues of overbearing.

It was proposed by County Councillor M. Feakins and seconded by County Councillor R. Harris that we be minded to defer consideration of application DM/2018/01801 to a future meeting of the Planning Committee to allow officers to liaise with the applicant with a view to reducing the proposed dwelling's scale and height and to address issues of overbearing and overlooking of Carreg Goch and dwellings at numbers 11 and 12 Elm Avenue.

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 8th  
January, 2019 at 2.00 pm**

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

In favour of deferral	-	13
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to defer consideration of application DM/2018/01801 to a future meeting of the Planning Committee to allow officers to liaise with the applicant with a view to reducing the proposed dwelling's scale and height and to address issues of overbearing and overlooking of Carreg Goch and dwellings at numbers 11 and 12 Elm Avenue.

**5. New Appeals - 24th October 2018 to 18th December 2018**

We noted the new appeals received between 24<sup>th</sup> October and 18<sup>th</sup> December 2018.

**The meeting ended at 3.20 pm.**

**Application Number:** DM/2018/01349

**Proposal:** Construction of one bungalow. Change of use of land.

**Address:** Plot Between 4 And 5 Ebbw Road Caldicot Monmouthshire

**Applicant:** Mr Mervyn Webber

**Plans:** Site Plan MH-7048 - Rev D, All Drawings/Plans MH-7049 - Rev D,

## **RECOMMENDATION: Approve**

Case Officer: Mrs Helen Hinton

Date Valid: 01.11.2018

**This application is presented to Planning Committee as it is the subject of a highway and public rights of way objection and is in receipt of 9 letters of public objections.**

### **1.0 APPLICATION DETAILS**

1.0.1 The application seeks full planning permission for the development of a detached, bungalow on land between 4 and 5 Ebbw Road, Caldicot.

1.0.2 The site is rectangular in shape measuring approximately 8.8m wide and 30m deep. The proposed dwelling would be positioned in the south-eastern part of the site and would measure 7.1m wide, 13m deep with a pitched roof with a maximum height of 4.3m falling to 2.35m at eaves level. 9.5m distance would be maintained between the proposal and 4 Ebbw Road to the north-east and 10.5m to 5 Ebbw Road to the south-west. Internally the accommodation would comprise an entrance hallway; kitchen; utility room; living-dining room; two double bedrooms and a bathroom. The property would benefit from at least two off street parking spaces to the front (south-east) with access gained from Ebbw Road. An enclosed garden would be provided to the rear (north-west) of the property.

1.0.3 The property would be finished externally with brick faced elevations, upvc windows and doors and a concrete tiled roof. The boundaries of the site would be defined by dwarf brick walls and close boarded timber fencing. The proposed site layout plan indicates the maintenance of a pavement along the south-western boundary of the plot in order to maintain the established route of public footpath 354/36.

#### 1.1 Site appraisal

1.1.1 The application site forms an area of land positioned between 4 and 5 Ebbw Road. The area was previously used as a two way highway junction serving the residential properties in Wentwood View to the north-west (rear). Aerial photographs of the area indicate that vehicular access over the land was restricted prior to 2000.

1.1.2 Whilst the land is owned by the applicant, the Highways department have confirmed that the area is maintained at public expense and as a result is surfaced with tarmac with white junction markings provided on the south-eastern edge adjacent to Ebbw Road. Tarmac surface pavements are provided on either side of the site providing access to Wentwood View. Concrete bollards define the north-western edge of the plot. It is evident from various inspection covers and markers that a number of services are located beneath the plot.

1.1.3 The properties to either side of the site are all single storey. However there are two storey dwellings in the immediate vicinity.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01349	Construction of one bungalow. Change of use of land.	Pending Determination	
M12018	Erection Of Detached Dwelling. (Ref: M/10909 Previous Application That Was Refused)		11.01.2007
M10909	Erection Of Detached Dwelling.	Refused	06.04.2005
28539	Erection Of One Dwelling.	Refused	05.02.1988

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
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  
EP1 LDP Amenity and Environmental Protection  
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

**Highways** - The amended plans submitted do not alter the Highway Authority position on this matter, the comments and observations made on the 9th November 2018 stand:

The land in question is publically maintained highway and highway rights exist over the road, the highway authority consider the highway link is necessary and provides an important highway link and would not consider the extinguishment of the highway in any circumstance.



The existing footways have remained unfettered providing pedestrian access since its construction. The road is street lit and the feeder pillar is located within the section of highway/footway in question.

**Public Rights of Way** - Information suggests that the whole of the proposed site including both walkways is adopted Highway. If not, because of its location, appearance and the way it is used there is a strong possibility that the site carries unrecorded public rights. Public Rights of Way therefore objects to the proposal.

**Environmental Health** - Raise no objection. However given the close proximity of the site to neighbouring dwellings a hours of construction condition is recommended.

**Affordable housing** - Policy S4 requires all residential developments (including at the scale of a single dwelling) to 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, a commuted sum of £9,982 is required.

**Wales and West Utilities** - Wales and West utilities has pipes in the area which may be affected and at risk during construction works. Should the planning application be approved, we require the promotor of these works to contact us directly to discuss our requirements in detail before any works commence.

**Dwr Cymru/ Welsh Water** - Dwr Cymru Welsh Water has apparatus in the area which may be affected and at risk during construction works. No development should take place within 3m of the centre line of any apparatus. Should the planning application be approved, we require the promotor of these works to contact us directly to discuss our requirements in detail before any works commence.

**Caldicot Town Council** - Recommend application be approved.

**Ward Member** - No response received to date.

#### 4.2 Neighbour Notification

The application has been the subject of amendment.

The original application has been advertised by direct neighbour notification, the erection of a site notice and publication of a press notice. The amended plans have been advertised by direct notification with those who initially commented on the application.

Cumulatively 12 letters of representation from seven individuals have been received and are summarised as follows:

- The boundary shown in red on the plan for this application is incorrect. The Land Registry Title Plan for this plot shows a straight line continuing down each side of the plot to where it joins Ebbw Road. It does not curve round taking land for Numbers 4 and 5 Ebbw Road. Although these pieces of land are not included on the Title Plans of 4 and 5 either, that does not give this application the right to just take this land.
- A Welsh Water public sewer runs parallel with Ebbw Road through the back gardens of numbers 1, 2, 3, and 4 Ebbw Road, crossing. Welsh Water will not permit a new building within 3m of a public sewer.
- The proposal will affect services that are under the plot making any future maintenance a serious problem.
- Concerns regarding further vehicular access to and from Ebbw Road. This road is very highly addictive (sic) not only with residents of Ebbw Road but also all the substantial side road leading off.
- The development will have an adverse effect on the residential amenity of neighbours as a result of a significant reduction of privacy of neighbouring properties (both on Ebbw road and on Wentwood View).

- The development will have an adverse effect on the character of the neighbourhood and will involve the loss in the open-space of the neighbourhood.
- The loss of existing views of neighbouring properties on Wentwood View would adversely affect the residential amenity of these neighbouring owners.
- The neighbourhood around Ebbw Road and Wentwood View has been established for 40 years based on the current open area of this plot of land. The neighbourhood uses it for access and, crucially, as a feature of open-space and enjoyment. Removing this open plot of land will have a significant visual impact on the neighbourhood and significantly reduce the character of the neighbourhood.
- This has always been a road for at least 40 years and used by residents as parking and access to Wentwood View. It has become a right of way.
- The proposed building would be too close to the boundary fence of No4 for maintenance purposes.
- The land is in private ownership registered with the Land Registry. Bramble clearance works were undertaken on the site in 2018 by the Council without the landowner's permission. The land has been offered for sale to the highway department who declined to purchase the site.
- A right of way is being maintained from both directions to the post box.
- The Planning Department requested that the bungalow be redesigned to make it smaller on the plot. However, it is ironic that number 5 has been granted consent to extend their bungalow.

## **5.0 EVALUATION**

### 5.1 Principle of the proposed development

5.1.1 The application seeks full planning permission for the development of a detached dwelling on a plot of land within an established residential area within the settlement development limits and community of Caldicot. Previous applications for the development of the site were refused for the following reasons:

28539 -

1. The proposal is out of accord with the road layout previously permitted by Monmouthshire County Council under Application No 2929, issued on 15th July 1969 and its approval would prevent the satisfactory overall completion of the development.

2. The Hall Park Estate and Wentwood View estate have been designed with an overall and comprehensive layout and the internal estate road link is an integral part of this layout. The proposed development would prevent the provision of this road link and result in an unsatisfactory form of highway layout.

3. The proposal if allowed would give rise to precedent for further similar proposals involving the incomplete provision of the highway networks leading to a general erosion of the planning of housing estates.

M10909-

1. The proposed development would obstruct public right of way No 36 in the community of Caldicot, to the detriment of the amenity of local residents who widely use the facility;

2. The proposed development would represent an over development of the site, having regard to the relative space around the dwelling compared to the general space standards within this established housing estate, contrary to the provisions of policy D1 and H3 of the Monmouth Borough Local Plan.

3. The existing site plan fails to provide an accurate representation of the site, having omitted verge and fencing on the periphery of the site

5.1.2 Whilst mindful of the above, as a result of its location and position, the principle of developing the site for residential purposes is considered acceptable subject to a number of material considerations. The key considerations with regards to the application have been determined as design; highway safety and rights of way; residential amenity and affordable housing provision.

## 5.2 Design

5.2.1 The application seeks consent to develop a modest two bedroom bungalow on the northern side of Ebbw Road which forms part of an established residential area of Caldicot. Although there are a mix of house types and designs in the vicinity, the properties either side of the site (4 and 5 Ebbw Road), in relation to which the development would be predominantly viewed, are single storey bungalows of a similar design, size and scale to that proposed.

5.2.2 Whilst it is appreciated that the proposal may result in the development of an area that was previously used as a highway junction, which adds to the site's open feel, on balance it is considered that the design, size and scale of the development proposed, in conjunction with the building's siting, that follows the established building line development proposed, would not result in overdevelopment of the plot and as a result would not be so detrimental to the overall character and appearance of the area to warrant refusal of the application on such grounds.

5.2.3 On the basis of the above the application is considered compliant with the requirements of policies S17 and DES1 of the LDP.

## 5.3 Highway Safety and Rights of Way

5.3.1 Following consultation with regards to the initial and re-designed scheme, the Highways Department have raised and maintained an objection to the application and have provided the following response:

"The land in question is publically maintained highway and highway rights exist over the road. The highway authority considers the highway link is necessary and provides an important highway link and would not consider the extinguishment of the highway in any circumstance. Vehicle use has been restricted for a number of years, firstly by the placement of material and more recently by the removal of the material and installation of bollards. The existing footways have remained unfettered providing pedestrian access since its construction. The road is street lit and the feeder pillar is located within the section of highway/footway in question."

5.3.2 The site the subject of the application has been laid out, constructed and used as a vehicular highway/ junction with pavement either side, serving Wentwood View to the north-west of the site. Aerial photographs of the area indicate that vehicular access over the land was restricted prior to 2000 with all vehicular access to Wentwood View now gained via a junction with Church Road to the north-east. However, pedestrian movements have been maintained across this site. Despite this, Land Registry records for the plot indicate that the site is owned by the applicant and as a result it is within his right to submit an application for assessment and consideration.

5.3.3 Whilst it is acknowledged that site forms part of the publically maintained highway over which associated highway rights exist, the granting of planning permission to develop the site would not supersede these rights. Before any works could commence, the applicant would be required to apply to the Authority to extinguish the highway. Such an application could be refused which in turn would sterilise the development. The granting of planning permission on its own is not sufficient justification to extinguish a highway.

5.3.4 With regards to the specific details of the proposal, the plans submitted detail that vehicular access to the site would be gained from Ebbw Road with two parking spaces provided to the front of the property. Whilst an objector have raised concerns with regards to the provision of another point of access onto Ebbw Road and the potential increase in traffic that would be generated, in this instance it is considered that the increased number of vehicle movements generated by the development would not be so detrimental to the highway safety and free flow of traffic within the area to warrant refusal of the application on such grounds.

5.3.5 Due to the site forming part of the public highway it has become an established pathway for residents. The Council's Rights of Way Officer has raised an objection to the initial plans on the grounds that the whole of the proposed site including both walkways is adopted highway and the

proposal would extinguish the pathway. Furthermore there is a strong possibility that the site carries unrecorded public rights of way

5.3.6 In light of the above objection, amended plans have been received which indicate the maintenance of an 2m wide path along the south-western boundary of the site. This would maintain a pedestrian link between Ebbw Road and Wentwood View.

5.3.7 On the basis of the above, in light of the amendments to maintain pedestrian access across the site and the proposed provision associated with the development, it is considered that the proposal would not be detrimental to the highway safety and free flow of the application and is compliant with the requirements of policy S16, MV1 and MV3 of the LDP.

#### 5.4 Residential Amenity

5.4.1 As part of the public consultation response, concerns have been raised that the development would have a detrimental impact on the residential amenity of those living closest to the site.

5.4.2 Based on the orientation of the site, the single storey design of the proposal, and its position within the plot, it is considered that the development would not generate an increased level of overshadowing or loss of light detrimental to those living closest to the site.

5.4.3 The dwelling has been designed to ensure that all habitable room windows overlook the front and rear garden of the proposed site. Although the principal access and bathroom window would be provided in the north-eastern (side) elevation, the impact of these would be screened by an existing fence and large garage along the south-western boundary of number 4 Ebbw Road, which is outside the applicant's ownership or control. Although there are a number of dwellings in Wentwood View to the north-west and north of the site which overlook the site, being mindful of the single storey height of the proposal relative to the two storey dwellings in Wentwood View, and existing and proposed boundary treatments, it is considered that the development would not generate an increased level of overlooking or infringement of privacy significantly detrimental to the amenity of those living closest to the site.

5.4.4 On the basis of the above, the application is considered compliant with the requirements of policies S17 and EP1 of the LDP.

#### 5.5 Affordable housing

5.5.1 Policy S4 of the LDP specifies 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, a financial contribution of £9,982 has been sought. Following consideration the applicant has confirmed that they are willing to enter into a Section 106 agreement to make the contribution. The application is therefore compliant with the requirements of the policy.

#### 5.6 Response to the Representations of Third Parties

5.6.1 As part of the public consultation process, a number of respondents have identified that there are a number of major services beneath the site such as water, sewers, gas, electricity and telecoms. All of these matters have been brought to the attention of the applicant who believes they have altered the size and position of the dwelling to accommodate all the necessary buffers. The provision of services beneath a site does not prevent the granting of planning permission. However, neither does it supersede rights with regards to such the apparatus. Should it become apparent that the site is not capable of being developed in its current form due to the location of apparatus the applicant would either need to pay for a diversion of the service or submit a new application for planning permission or Section 73 amend any approved plans.

5.6.2 Following comments with regards to landownership, the redline boundary of the site has been amended to make the development consistent with the land registry title plan for the site.

5.6.3 Although the development of the site would generate increased number of vehicle movements, it is considered that the increase generated by the development would not be so detrimental to warrant refusal of the application on such grounds.

5.6.4 In relation to design and the loss of the open space, it is considered that the existing arrangement and layout of the site limits its benefit and that the development of the site for a dwelling of the design proposed would not result in overdevelopment of the plot, detrimental to the character and appearance of the area.

5.6.5 Given the position, size, scale and design of the dwelling in conjunction with the orientation of the site, it is considered that the development would not generate any increased level of overshadowing, loss of light, increased overlooking or infringement of privacy.

5.6.7 Concerns with regards to access to maintain an existing fence line is a private matter between the relevant landowners, within which the Council cannot be involved. However the amended site layout plan indicates that a minimum distance of 1m would be maintained between the proposed dwelling and the boundary of 4 Ebbw Road to the north-east

## 5.7 Conclusion

5.7.1 In conclusion, the provision of a new dwelling of the massing and design proposed is considered to be in keeping with the street scene within which it is located and the wider established residential area. It is considered that the position of the dwelling and windows have been carefully located so as not to have a detrimental impact upon the privacy of neighbouring properties, in accordance with LDP Policies DES1 and EP1. Sufficient parking provision has been provided whilst also retaining sufficient amenity space. The proposal is therefore considered acceptable, subject to conditions, and recommended for approval.

5.7.2 Although the site forms part of the public highway and contains a number of services, these matters been brought to the applicant's attention. Prior to the commencement, the developer would be required to apply to the Highway Authority and relevant service provider to extinguish the highway or alter or move the facility if they cannot be accommodated as part of the approval.

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

5.8.1 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. To provide a financial contribution of £9,982 toward the provision of affordable housing in the locality.

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 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

4 Notwithstanding the details of the approved plans, prior to the commencement of development, details, design and the proposed materials of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the area, in accordance with the requirements of the policy DES1 of the Monmouthshire County Council Local Development Plan.

5 No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

REASON: To ensure no surface water drains onto the highway and to ensure compliance with LDP Policy MV1.

6 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(s) is/are first occupied.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy EP5.

7 Before the approved development is first occupied the parking spaces shall be constructed in accordance with the approved plan.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

**Application Number:** DM/2018/01470

**Proposal:** Detached house

**Address:** Land Adjacent To The Beeches, Wainfield Lane, Gwehelog

**Applicant:** Ms T Branfield

**Plans:** Location Plan - , Site Sections SS.01 - A, Elevations - Proposed 02 - A, Topographical Survey 2115/001 A - , Site Plan Revised Site Plan SL.01 - C, Drainage Drainfield Soakaway Calculations - DWP Property Services dated 31.10.2018 - ,

## **RECOMMENDATION: Approved Subject To S106**

Case Officer: Mrs Jo White  
Date Valid: 13.09.2018

**This application is being presented to Planning Committee due to a call-in by Cllr Val Smith and receipt of five objections.**

### **1.0 APPLICATION DETAILS**

1.1 This application relates to garden land belonging to The Beeches, Wainfield Lane, Gwehelog. The site is a large plot which currently houses a bungalow (with permission for a first floor extension to create a dormer bungalow, ref: DC/2017/01108) and a large detached double garage/store. A substantial, detached two-storey dwelling is located to the north, whilst a detached dormer bungalow is located to the south. The topography is such that properties along the eastern side of Wainfield Lane are at a higher level than those to the west. The site itself is partially screened from Wainfield Lane by high hedges.

1.2 Planning permission is sought to demolish the existing detached garage/store and existing single storey extension belonging to The Beeches to facilitate a new plot and construction of a 2-storey detached dwelling. The two separate planning units would be accessed off the existing entrance at Wainfield Lane.

1.3 The new plot would measure approximately 13m wide x 35m long. The proposed dwelling will be 9.4m long x 8.2m wide with a height of 7.3m to apex and will be set back from the existing dwelling and the adjacent property, Springfield. The proposed dwelling will provide a modest 3-bed property with parking for a minimum of 3 cars. The property will be approximately 3m from the existing dwelling and to the north and approximately 9.4m from the pine end of Springfield to the south.

1.4 A modern design is proposed with materials comprising of Redland 'Richmond' slate roof in grey, white uPVC windows, sandstone colour cills and ivory render with a brickwork plinth. Boundary treatments include a new hedgerow to the east (fronting the highway) with a 900mm high post and rail fence to the north (forward of the proposed dwelling) with a 2m high close-boarded timber fence to the rear (northern) boundary.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01917	Detached garage and retention of new drainage septic tank (The Beeches)	Approved	16.01.2019
DC/2017/01108	First floor extension above existing bungalow (The Beeches)	Approved	01.08.2018

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design  
S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
S16 LDP Transport

### Development Management Policies

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
H3 LDP Residential Development in Minor Villages  
MV1 LDP Proposed Developments and Highway Considerations

## 4.0 REPRESENTATIONS

### 4.1 Consultation Replies

**Gwehelog Community Council:** There was a general consensus that the foul drainage and rainwater run off was not specified and there was no detail or information supplied. The Beeches is not a new build. It is a small plot with a large house planned. It is difficult to make comment without all the drainage and plot detail but no Council member was in favour of the proposal.

**MCC Highways:** The existing vehicular access to/from the public highway "Wainfield Lane" into The Beeches property will be widened to facilitate a shared vehicular access with the new dwelling. The site layout drawing No. SL.01, submitted with the Application shows that a gravel parking area for 3 vehicles is to be provided and that the proposed driveway and vehicle hardstanding is to be constructed from permeable tarmac. The layout provided is sufficient to allow vehicles to turn within the property and exit onto the public highway in a forward gear. In light of the aforementioned there are no highway grounds to sustain an objection to the application.

**MCC Building Control:** Satisfied that drainage details submitted and percolation tests are adequate.

**MCC Senior Housing Strategy and 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. The calculation of the financial contribution that will be required is £29,204.

### **MCC Ecology:**

The application for the proposal is supported by an ecological assessment:



The report is informed by a preliminary roost assessment and three activity surveys. The surveys were undertaken by a suitably qualified ecologist in accordance with good practice guidelines, and is of an appropriate age with surveys undertaken this year. No desk study has been carried out but that is acceptable considering the scale of the site. The report is of sufficient standard to inform the scheme.

The garage is described as having low to negligible potential to support bats. Under good practice guidelines buildings a proportionate survey effort for low potential buildings is one activity survey; the garage was observed during the three activity surveys undertaken of the adjacent house and no evidence of roosting bats was observed.

Due to the way bats use buildings, and the presence of a known roost in the adjacent house, the precautionary method statement for demolition of the garage provided in Section 8 of the report should be followed.

I am satisfied that if the report recommendations are followed there should be no negative impacts on biodiversity as a result of the proposed development. If you are minded to grant planning permission for this development then suitable planning conditions and information notes are advised.

**Local Member Cllr Val Smith:** Does not support the proposal.

#### 4.2 Neighbour Notification

Five letters of objection have been received, outlining the following concerns:

- The plot is far too small to comply with the requirements to avoid "cramming" and a "high level of privacy and spaciousness."
- My property is adjacent to The Beeches. The size and proximity of the new build, which is on the site of the existing garage, will have an overbearing and detrimental effect on my privacy and neighbours opposite.
- There is insufficient land (non-absorbent clay base) to ensure safe disposal of surface water, additional foul waste and grey water which may therefore flow illegally onto land owned by adjacent residents.
- The application fails to define how foul sewerage is to be disposed of other than that "every effort will be made to connect to the existing drainage system". The current septic tank on the property is in poor condition and designed for a single residence (The Beeches). It is unacceptable because it is most unlikely to accommodate the foul sewerage and grey water from an additional property together with that from the extended "The Beeches".
- A new, updated tank should be installed as part of the development in the same way as the applicant is proposing for The Beeches and as has been done for several other new developments in the lane.
- We are concerned with the management of surface water from the new development. The submitted plans expect surface water to be dispersed by soaking into "permeable tarmac" on the drive. We feel this will be inadequate to guard against flow of water downhill from the drive and property into the lane and properties opposite. Adequate underground drainage on the drive and its entrance, with a channel off to the (new) septic tank or another soak away needs to be installed. There are drainage problems in the lane due to the underlying red clay in the area and even water soaking through "permeable" tarmac will not drain into the clay.
- Due to the nature of the heavy clay soil, gardens can often become water-logged during very wet weather and the addition of another property will aggravate this problem.
- I have experienced leakage onto my property from the existing cesspit located in the front garden of The Beeches. Does this comply with environmental regulations considering all new infill properties recently built in Wainfield Lane have had to comply with these regulations?

## 5.0 EVALUATION

### 5.1 Principle of the proposed development

5.1.1 The site lies within the minor village settlement of Gwehelog as defined by Policy S1 of the Local Development Plan (LDP). As defined by Policy H3, the principle of development within minor villages is acceptable subject to material considerations. The principle of an additional dwelling on the site is therefore considered acceptable.

### 5.2 Visual Impact and Design

5.2.1 The proposed dwelling will be set back from the road sitting between the existing properties of The Beeches and Springfield the north and south of the site. Wainfield Lane has no dominant urban form, architectural style or characteristics, other than the properties are set back within the plots. Many plots along the street already benefit from infill development and as such there is a variation of plot sizes. Thus, the proposed dwelling will not have an adverse impact upon the existing urban form. The proposed ridge height follows the topography of the lane and as such will be lower than the existing dwelling to the north (as approved) but higher than Springfield to the south. Whilst the scale, form and design of the proposed dwelling is smaller than the adjacent dwellings, it is not considered to be unacceptable within the street scene, in accordance with LDP Policies DES1 and EP1.

5.2.2 A modern design is proposed for the dwelling, featuring half dormers (within the eaves line). Materials include Redland 'Richmond' slate roof in grey, white uPVC windows, sandstone colour cills, ivory render with a brickwork plinth. The design is considered to complement the adjacent property to the north (The Beeches) which features dormers and a front gable. However, a condition may be imposed requiring samples of proposed materials to be agreed to ensure they are respectful to the surrounding area.

### 5.3 Residential Amenity

5.3.1 Part of the footprint of the proposed dwelling will sit on the footprint of the existing garage/store with the proposed dwelling being 2.2m wider, 0.15m longer and 2.4m higher than the garage/store. However, the proposed footprint will be moved approximately 2.1m to the north, away from the boundary with Springfield.

5.3.2 It is acknowledged that the proposed dwelling is approximately 2.4m higher than the existing garage. However when considering any overbearing impact upon the neighbouring property to the south (Springfield), the increase in height is considered to be largely offset by the increased distance from the boundary. Having regard to the separation distance between the two properties the increase in mass is not considered to have an unacceptable adverse impact upon the neighbouring property. Furthermore, only a ground floor window and door are proposed in the side south elevation which serve a WC and utility room which would be largely screened by the existing boundary hedgerow. As such, there are no concerns regarding overlooking to Springfield. Should any first floor windows be proposed in the side elevation in the future, these would require planning permission under the current General Permitted Development Order (Amendment) 2013 and thus it is not considered necessary to impose such a condition.

5.3.3 Due to the positioning of the dwelling, height of boundary treatments and the design and positioning of windows, there is no concern of any unacceptable overlooking between the proposed dwelling and The Beeches (to the north) despite there only being 3m between the two plots. The boundary treatment between the two plots will be a 2m high close boarded timber fence to the rear gardens to maintain privacy with a 900mm post and rail fence between the front gardens. Given the scale and position of the proposed dwelling there are no concerns of overbearing or unacceptable overshadowing on The Beeches, in line with LDP Policy EP1.

5.3.4 With regards to the impact upon the property to the west (Swn Y Coed) the proposed dwelling will be located in excess of 30m away. In addition to the separation distance, the topography is such that Swn Y Coed is at a much lower level than the proposed dwelling and is separated by the lane

and high boundary treatments. Thus, there are no concerns that the proposed development will have a detrimental impact upon the privacy of this property, in accordance with LDP Policy EP1.

5.3.5 Despite the variance in plot sizes between the proposed plot and existing neighbouring plots, there is sufficient amenity space to avoid overdevelopment and the parking areas will provide sufficient parking in order in order to comply with LDP Policies MV1 and EP1.

#### 5.4 Drainage

5.4.1 An existing cesspit is located to the south-west of the plot. However, this is no longer intended to be used in connection with the proposed dwelling (nor the existing dwelling). Instead, details have been provided for a proposed private treatment plant and a 'drainfield' to the rear of the proposed dwelling. Additional drainage measures include the provision of permeable tarmac to the front driveway. Building Control have been consulted on the application and are satisfied that the details submitted, including percolation tests, are adequate for the development. On this basis, it is considered that adequate drainage is proposed for the development and conforms to the Welsh Government Circular 008/2018 (July 2018). A condition will, however, be imposed requiring the drainage to be implemented in accordance with the details prior to the occupation of the proposed dwelling. Furthermore, a condition will be imposed requiring a permeable surface to be laid to the front driveway/parking area and will prevent surface water run-off onto the lane. This would be secured by a planning condition to ensure surface water run-off is appropriately controlled.

#### 5.5 Affordable Housing

5.5.1 Developments considered under LDP Policy H3 are also subject to affordable housing contributions under Policy S4. Following receipt of a viability assessment, submitted by the applicant, it was agreed that the full contribution of £29,204 would not be viable. However, a financial contribution of £6,000 was negotiated with the applicant towards affordable housing.

#### 5.6 Response to Third Party Representations

5.6.1 As discussed under Paragraphs 5.3.1 - 5.3.4 above, it is not considered that the proposed dwelling will have an unacceptable overbearing impact upon the adjacent property (Springfield) and nor the property opposite (Swn Y Coed) to warrant refusal. The dwelling will be located at sufficient distance so as to avoid any unacceptable overlooking and no side windows are proposed in the gable facing Springfield. Any windows proposed in that gable end in the future will require planning consent. The dwelling is set back from the front building line of Springfield and set further away from side boundary than the existing large double garage/store in order to minimise the impact upon Springfield in respect of overbearing impact, overlooking or overshadowing.

5.6.2 The majority of the concerns raised relate to drainage issues. The plans originally submitted intended to use the existing cesspit that serves the existing dwelling. However, during the application process, and following comments raised by local residents, revised details were submitted proposing new drainage for the proposed dwelling. This comprises a package treatment plant (Kingspan 'Klargester Biodisc') in the rear garden, a 'drainfield' and permeable tarmac to the front driveway. Percolations tests were also submitted, carried out by GWP Property Services, which include the manufacturers specification details of the treatment plant. The Building Control officer is familiar with the site and has confirmed he is satisfied with the details submitted. Furthermore, a package treatment plant features as the second preferred option of private sewerage in the sequential approach outlined by Welsh Government Planning Circular 008/2018 (paragraphs 2.3-2.5, page 5, July 2018) after connection to a public sewer. The regulation of this falls under the remit of Building Regulations and where necessary, Natural Resources Wales. The Building Control Officer has confirmed he is satisfied with the information provided and on this basis, there is no reason to refuse planning permission.

#### 5.7 Conclusion

5.7.1 In conclusion, the provision of a new dwelling is not considered to be harmful to the character and appearance of the area. The position of the dwelling and windows have been carefully located so as not to have a detrimental impact upon the privacy of neighbouring properties, in accordance with LDP Policies DES1 and EP1. Sufficient parking provision has been provided whilst also retaining sufficient amenity space. New drainage to serve the dwelling is proposed which will be regulated under Building Regulations. The proposal is therefore considered acceptable, subject to conditions, and recommended for approval.

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

5.8.1 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:

Financial contribution of £6,000 towards affordable housing.

### S106 Heads of Terms

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. Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

4. Prior to occupation of the dwelling hereby approved, the works for disposal of foul and surface water drainage shall be provided in accordance with the approved plans.

REASON: The foul sewer system is considered to have inadequate capacity to accommodate the surface water run-off anticipated from the development.

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-

enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly authorised by this permission) shall be erected or constructed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1.

6. Before the dwelling hereby approved is first occupied provision shall be made within the site for the parking or garaging of a minimum of three cars. A minimum of three car parking or garage spaces shall be retained thereafter.

REASON: To ensure provision is made for the parking of vehicles in accordance with LDP Policy MV1.

7. Works shall be carried out in accordance with the mitigation described in Section 8 Recommendations of the submitted report The Beeches, Wainfield Lane. Bat Survey Issue 1, Version A. Produced by BE Ecological Ltd., dated June 2018.

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and in accordance with LDP Policy NE1.

8. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) additional lighting on the any elevation of the building or within the building curtilage shall be low level (<2.4m) PIR lighting only which does not illuminate roost features and allows dark corridors for bats.

REASON: To safeguard roosts, foraging and commuting routes in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2017 and in accordance with LDP Policy NE1.

9. The proposed driveway and parking areas shall be constructed using permeable materials. No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

REASON: To ensure no surface water drains onto the highway and to ensure compliance with LDP Policy MV1.

### Informatives

1. It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.
2. The developer is advised to contact Natural Resources Wales (NRW) regarding the regulation of the package treatment plant method of drainage disposal.

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# Agenda Item 4c

**Application Number:** DM/2018/01606

**Proposal:** Reserved matters application (pursuant to outline application DC/2016/00883) for the development of 144 dwellings and associated engineering works.

**Address:** Rockfield Farm, The Elms, Undy, NP26 3EL

**Applicant:** Mrs Rhian Powell

**Plans:** All Proposed Plans SAND-GW-01 - REV A, Site Plan SLP-01 - , Site Layout TP-01 - REV D, Street Scene SS-01 - REV A, Site Layout AFH-01 - REV B, Site Layout AMP-01 - REV B, Site Layout HF-01 - REV E, Site Layout HYP-01 - REV B, Site Layout PP-01 - , Site Layout PS-01 - REV B, Site Layout RSP-01 - REV B, Site Layout SHP-01 - REV B, Site Layout ELSP-01 - REV B, Site Layout EF1-01 - REV C, Site Layout EF2-01 - REV C, All Proposed Plans 211-GE-01 - , All Proposed Plans 211-ST-01 - REV A, All Proposed Plans 421-GW-01 - , All Proposed Plans 421-ST-01 - , All Proposed Plans 531-GEG-01 - , All Proposed Plans 531-ST-01 - REV A, All Proposed Plans 641-ST-01 - , All Proposed Plans CAST-ST-01 - , All Proposed Plans SHAL-ST-01 - , All Proposed Plans SHER-GW-01 - , All Proposed Plans SHER-ST-01 - REV A, All Proposed Plans SHER-ST-02 - , All Proposed Plans SHIP-GEG-01 - , All Proposed Plans SHIP-GW-02 - , All Proposed Plans SHIP-GW-03 - REV A, All Proposed Plans SHIP-GWG-01 - , All Proposed Plans SHIP-STG-01 - , All Proposed Plans SHIP-ST-01 - , All Proposed Plans SWAN-GE-02 - , All Proposed Plans SWAN-GW-02 - REV A, All Proposed Plans SWAN-ST-02 - , All Proposed Plans WEN-GE-01 - , All Proposed Plans WEN-GE-02 - REV A, All Proposed Plans WEN-GW-01 - , All Proposed Plans WEN-GW-03 - REV A, All Proposed Plans WEN-ST-01 - , All Proposed Plans WEST-GE-01 - , All Proposed Plans WEST-GE-02 - , All Proposed Plans WEST-ST-01 - , All Proposed Plans WICK-GE-01 - REV A, All Proposed Plans WICK-GE-02 - REV A, All Proposed Plans WILB-GW-01 - , All Proposed Plans WILB-GW-03 - , All Proposed Plans WILB-ST-01 - , All Proposed Plans WYCL-GE-01 - , All Proposed Plans WYCL-ST-01 - , All Proposed Plans WYCL-ST-02 - , All Proposed Plans WYE-GE-01 - REV A, All Proposed Plans WYE-GW-01 - , All Proposed Plans WYE-GW-03 - REV A, All Proposed Plans WYE-ST-01 - REV A, All Proposed Plans WYE-ST-02 - REV A, Fencing Plan ED-01 - , Fencing Plan ED-02 - , Fencing Plan ED-03 - , Fencing Plan ED-04 - , Fencing Plan ED-05 - , Fencing Plan ED-06 - , Garage Plans GAR01 - , Garage Plans GAR02 - , Garage Plans GAR04 - , Garage Plans SA01 - , Technical Details 10216-100-01 - REV J, Technical Details 10216-100-02 - REV J, Technical Details 10216-100-03 - REV J, Technical Details 10216-201-01 - REV A, Technical Details 10216-201-02 - REV A, Technical Details 10216-202 - , Technical Details 10216-203 - REV A, Technical Details 10216-204 - REV A, Technical Details 10216-204-02 - REV B, Technical Details 10216-205 - REV A, Technical Details 10216-S278-01 - , Technical Details 10216-S278-02 - REV A, Site Layout 10216-108 - REV B, Site Layout 10216-109-01 - REV B, Other GIMHP - , Other DESIGN COMPLIANCE - , Tree Protection Plan ARBORICULTURAL METHOD STATEMENT - , Other NOISE ASSESSMENT - , Technical Details GC3103-CAP-79-XX-DR-E-1301 - REV P01, Technical Details GC3103-CAP-79-XX-DR-E-1303 - REV P01, Other CEMP - , Other HYDRAULIC MODELLING ASSESSMENT - , Site Layout 18119.201 - REV G, All Proposed Plans SAND-G2-01 - REV A, All Proposed Plans SAND-GEG-02 - REV A, Technical Details GC103-CAP-79-DRE-1302 - REV PO3, Site Layout BBL-01 - , Landscaping Plan 18119.111 - REV E, Landscaping Plan 18119.101 - REV I, Landscaping Plan 18119.102 - REV I, Other GILMMP - V3,

**RECOMMENDATION: APPROVE**

**This application is presented to Planning Committee as it constitutes major development and is the subject of 19 letters of objection**

**1.0 APPLICATION DETAILS**

1.0.1 The application seeks reserved matters consent for the development of 144 dwellings on land forming part of the former Rockfield Farm, Undy. The site forms part of a strategic mixed use development site referred to under Policy S3, the table accompanying Policy S2 and strategic allocation Policy SA5 of the Monmouthshire County Council Local Development Plan (LDP). The current proposal constitutes the first phase of a development that was granted outline consent on 20th March 2018 for the development of up to 266 houses and approximately 5575 square metres of employment land (use class B1), over an area of 13.8 hectares (application DC/2016/00883 refers).

1.0.2 Application DC/2016/00883 was approved following the completion of a Section 106 legal agreement requiring the developer to provide a number of contributions for the whole of the site. The site the subject of the current application constitutes areas A and D of the Development Framework referred to as part of outline application and is specifically required, as part of the Section 106, to provide the following:

1. 25% affordable housing;
2. The provision of a Local Area of Play and a sum of £75,000 for its on-going maintenance;
3. The provision of a sum of £100,000.00 to improve Rockfield View play area and on-going costs prior to the occupation of the 100th dwelling;
4. To fully implement the Open Space Works prior to 90% of the site being occupied;
5. To establish a management company to own and maintain the Open Space Land or the transfer of the Open Space Land in conjunction with a commuted sum (to be negotiated) to the Council;
6. To enter into a 278 agreement for works on the Elms Road prior to commencement of the development;
7. To construct the estate road to serve phases A to D from the B4245 to adjoin Elms Road prior to occupation of any dwellings;
8. To provide a sum of £800,000 towards the provision of adult recreation/ community facilities at the Three Fields site in Magor with Undy;
9. To provide a sum of £87,500 towards public transport to develop the existing bus service, payable prior to the occupation of the 100th dwelling;
10. Provision of drainage details for the Surface Water Attenuation Area prior to the commencement of development;
11. Not to occupy or allow occupation of any of the dwellings until notification has been provided that the Surface Water Attenuation Area has been provided in accordance with the agreed specifications.

A copy of the completed Section 106 agreement and the full contributions required to be provided is available on the Council's website.

1.0.3 As indicated above, the application proposes the development of 144 dwellings comprising a mix of 1 bedroom flats up to 4 bedroom dwellings. The buildings would be two storey in form, finished externally with a mix of render, brick and reconstituted stone and concrete roof tiles.

1.0.4 Thirty-six of the dwellings proposed (25%) are allocated as affordable homes and comprise 12 one-bedroom 'walk up' flats, 16 two-bedroom houses, 7 three-bedroom houses and 1 four-bedroom house, spread out across the site. The private houses consist of 6 two-bedroom houses, 43 three-bedroom houses and 59 four-bedroom houses.

1.0.5 The development would be solely accessed from a new junction with the B4245 in the southern eastern corner of the site which is currently being considered as part of a Section 278,



Highways Act 1980 Agreement. The primary road would cross the site in a north-westerly direction and adjoin with The Elms to the west. This highway would also serve later developments to the west. Secondary and shared access highways would lead from the primary road in a northern and southern direction to serve the dwellings. As part of the Section 278 agreement the southern part of The Elms would be closed to vehicles and converted to a shared pedestrian/ cycle way leading into the Rockfield Grove estate. Pedestrian link pathways to The Elms, the B4245 and land to east would be provided throughout the site. A swale, the diverted route of the public footpath and landscaped buffer would be provided to the north of the primary road through the site.

1.0.6 The proposed layout plans also indicate the provision of a local area of play (LAP) in the southern part of the site and two landscaped attenuation ponds either side of the principal vehicular access.

### 1.1 Site Appraisal

1.1.0 The application site comprises two irregularly shaped fields with an area of approximately 5.4 hectares, located on the northern-eastern side of Undy. The site is located to the north of Rockfield Grove housing estate, 140m to the south of the M4 motorway and has a road frontage with the B4245 to the south-east. The land is gently undulating in profile with nature, with maintained hedgerows around the periphery and crossing the site from north-west to south-east. A parcel of allotment gardens is located to the south-east. An adopted class three highway, known as The Elms, which currently runs northward from Rockfield Grove and from which access is currently gained, abuts the western boundary of the site. Public Right of Way footpath 372/24 crosses the site from the western boundary to the south-eastern corner. The northern extent of the site is limited by a safeguarding area for the proposed M4 Relief Road.

1.1.1 The proposals map of the LDP identifies that the site is located within the settlement development boundary of Magor with Undy and forms part of a larger allocated, strategic mixed use site (SAH5). The southern part of the site, adjacent to Rockfield Grove is allocated as an area of amenity importance and also forms part of the preferred route of the Magor Undy bypass. The northern boundary abuts with the M4 safeguarding zone, whilst the land to the east, which falls within the Rogiet ward, forms part of the limestone safeguarding area and the Undy, Llanfihangel Rogiet and Rogiet green wedge.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/01606	Reserved matters application (pursuant to outline application DC/2016/00883) for the development of 144 dwellings and associated engineering works.	Pending Determination	
DM/2018/01706	Demolition of the farmhouse and outbuilding is required to prepare the site for the next development stage.	Approved	15.11.2018
DC/2016/00883	Master planned development of 13.8 hectares of land for residential use and employment use; up to 266 Proposed residential units and approximately 5575 square meters of B1 floor space.	Approved	20.03.2018

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

## **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S2 LDP Housing Provision  
S3 LDP Strategic Housing Sites  
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  
SAH5 LDP Rockfield Farm, Undy

## **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  
SD2 LDP Sustainable Construction and Energy Efficiency  
SD4 LDP Sustainable Drainage  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
GI1 LDP Green Infrastructure  
EP3 LDP Lighting  
EP5 LDP Foul Sewage Disposal  
MV1 LDP Proposed Developments and Highway Considerations  
MV2 LDP Sustainable Transport Access  
MV3 LDP Public Rights of Way

## **4.0 REPRESENTATIONS**

### 4.1 Consultation Replies

**Magor and Undy Community Council**- It is requested that consideration be given to a roundabout at the entrance of the site to slow down the traffic entering Undy.

**Rogiet Community Council** - Recommend that the application be refused on the grounds of overdevelopment of the whole area including lack of infrastructure and amenities.

**MCC Planning Policy**- The site forms part of an allocated site in Policy SAH5 of the Local Development Plan for a cumulative provision of around 270 dwellings and 2 hectares of serviced land for industrial and business development. Strategic 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 site to be affordable. It is noted the Reserved Matters application relates to 144 dwellings, including 36 affordable units (25%) on phases 1, 2 and 3.

As noted in the comments on the outline application the, part of the site is designated in DES2 as an Area of Amenity Importance, the DES2 land on this part of the site is private farmland with no public access and no logical boundary. The land does not fulfil an amenity role, it was previously included as a buffer between the edge of the settlement and the indicative Magor/ Undy by-pass link. There is no justification for this buffer to continue to be designated as an Area of Amenity Importance. It is considered, therefore that there is no conflict with Policy DES2.

Strategic Policy S13 relation to Landscape, Green Infrastructure and the Natural Environment is of importance. Policy LC5 relation to the protection and enhancement of landscape character must also be considered. Additionally Policy GI1 should be referred to in relation to Green Infrastructure. Policy NE1 relating to Nature Conservation and Development must also be considered.

Strategic Policy S17 relation to Place Making and Design should also be considered along with Policy DES1 with regard to General Design. Criterion i) of DES1 requires a minimum density of 30 dwellings per hectare in order to ensure the most efficient use of land. The density of the site is not known; details of the density would be useful.

Policy CRF2 relating to outdoor recreation/ public open space/ allotment standards and provision is also of relevance.

Policy EP1 relating to Amenity and Environmental Protection should also be considered most notably in relation to noise and impact on neighbouring dwellings.

Policy MV1 should be referred to with regard to access and car parking. Policy MV2 relation to highway considerations and sustainable transport access is also of relevance. The financial contributions associated with the Section 106 completed as part of the outline application seek to make improvements to transport infrastructure, services and improvements to the highway network.

Matters relating to impact on the B4245 / East Facing Steelworks Road Slips (roundabout) junction and the safeguarding of the Magor/ Undy by-pass have been assessed and considered as part of the outline application and found to be acceptable.

Policies SD2 and SD4 relating to sustainable construction and energy efficiency and sustainable drainage respectively must also be considered.

**Welsh Government Transport** - Welsh Government as highway authority for the M4 does not issue a direction in respect of this application. Previous notes in our letter for the outline application of August 2016, remain applicable.

**South East Wales Trunk Roads Agency**- No response received to date

**MCC Highways** - Raise no objection. The means of access to the B4245 is considered acceptable and is the subject of a Section 278 Agreement, Highways Act 1980. The layout is deemed acceptable for adoption and the highway authority would actively encourage the developer to offer the estate roads for adoption pursuant to Section 38 of the Highways Act 1980.

The layout also addresses the requirement to re-engineer and change the use of the publically maintained highway known as The Elms, the details submitted are acceptable in principle. The re-engineering works and change of use will be subject to the applicant entering into a section 278 agreement with the highway authority prior to commencement of the development.

**MCC Rights of Way** - Raise no objection to the layout of the paths detailed on the layout drawings.

**Ramblers Association** - No response received to date

**Affordable Housing**- The mix of affordable dwellings proposed is compliant with the need for the area and the provision requested. Following consideration, a Registered Social Landlord has confirmed that the properties are DQR compliant.

**Specialist Environmental Health Officer**- subject to the proposed mitigation measures provided in the Environmental Noise Assessment REF: 4833/EBF1\_REV2 6 the September 2018 I have no objection to this development but with regard to the findings of the aforementioned report and its summary / conclusions it is recommended that any grant of planning permission be subject to the following:

No Construction Management Plan has been submitted to satisfy Condition 8 of Outline Planning Permission DC/2016/00883. The requirement to submit such details will need to be reconditioned as part of any grant of consent.

**Natural Resources Wales** - We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, Natural Resources Wales and Planning Consultations (March 2015). We therefore do not have any comment to make on the proposed development.

**MCC Green Infrastructure (GI)** -We have reviewed the amendments for the Green Infrastructure Plan and 5 Year Green Infrastructure Landscape Management & Maintenance plan submitted with the application and the details submitted and are generally happy with the details that have been provided. Concerns regarding SuDS drainage, design of the attenuation ponds and soft and hard landscaping within and around the periphery of the site have been resolved. The areas indicated as a Local Area of Play and Areas of Open space are compliant with requirements and appropriately positioned and designed.

**Biodiversity and Ecology** - The application for the proposal is informed by an updated ecological assessment included in the Construction Environmental Management Plan. We are satisfied that based on the implementation of this and the detailed landscape designs, there will be limited detrimental impact on ecological interests and new benefits shall be realised through the creation of wider landscape buffers and a permanent pond in the SuDS.

The CEMP refers to the use of amphibian kerbs which is supported by the ecology team; however, the locations of these will need to be made available. We would welcome the inclusion of these subject to the approval of Highways.

The use of permeable boundary features is welcomed but these should only be positioned in locations away from the main road to prevent hedgehog access where mortality risks are higher. I do not believe we have a plan illustrating the positions of these.

**Dwr Cymru/ Welsh Water** - We recommended a condition relating to potable water supply which was placed on consent ref DC/2016/00883 under condition no. 15, the applicant progressed with the hydraulic modelling assessment and we released the findings of the assessment to the applicant in September 2015.

The assessment identified four connection points and a network reinforcement scheme to allow the proposed development site to connect to the water mains network, without causing detriment to the service provided to our existing customers. During the completion of the water hydraulic modelling assessment, the proposal of connecting up to 144 dwellings was not considered, however we acknowledge that the report did state that the existing water main network could provide an adequate water supply for up to 200 dwellings from Connection point 1.

However, as the modelling assessment was completed three years ago, there would be a requirement to update the assessment to account for any changes in the water network. We can then confirm if we can accommodate 144 properties. If so this would avoid the requirement for any water network reinforcement works to be implemented prior to connecting to surrounding water mains for up to 144 dwellings.

We note a copy of the previously completed hydraulic modelling assessment from September 2015 has been provided as part of this reserved matters application. However, this does not satisfy the requirements of condition 15 in providing a potable water scheme to allow for an adequate water supply for 144 dwellings. We therefore request that condition no.15 attached to consent DC/2016/00883 is not discharged as part of this reserved matters application, and is transferred to the reserved matters consent.

**Wales and West Utilities** - According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However, gas pipes owned by other GT's and also privately owned may be present in this area.

**Cadw** - We have no objections to the impact of the proposed development on the scheduled monuments.

In response to the outline application it was noted that the application site is located some 15m north of the scheduled monument Medieval Moated Site 400m north of Undy Church (MM198) and the proposed development would have a very slight adverse impact on the setting of the monument. It was also noted that the application is located some 535m to the west of Standing Stone 252m south of Bencroft Lane (MM068) and it was concluded that the proposed development would also have a very slight adverse impact on the setting of this monument.

The current application includes details of the layout of the development and the style of the building. In the vicinity of scheduled monument MM198 the houses will be set back from the modern B4245 by a pond and the view of the proposed houses will be screened by a hedge and trees. Views from scheduled monument MM068 will remain similar to those proposed when the outline planning application was determined.

In our opinion, the provision of the pond and hedge in the views from scheduled monument MM198 are welcomed but do not significantly alter the impact of the proposed development on the setting of the scheduled monument. Consequently it remains our opinion that the proposed development will have a very slight, but not significant adverse impact on the settings of scheduled monuments MM068 and MM198.

**Glamorgan Gwent Archaeological Trust** - We note the previous submission with application 2016/00883, of a Written Scheme of Investigation for Archaeological Works (WSI) (Report no FS16-096, dated April 2017), compiled by Dyfed Archaeological Trust. The WSI details the requisite archaeological work for the entirety of the development site, including the area of the current application. The archaeological work consists of the excavation of Field 5 and a watching brief in a 30m wide buffer zone around Field 5, extending into the southern section of Field 1 and the western extent of Field 4. The work in Field 5 has already taken place and is also outside the current application area. However, the current application area encompasses Field 4 and so is subject to the archaeological watching brief.

Assuming that the requisite watching brief is fully implemented and the results suitably reported on, we have no further comment to make at this time.

**Ward Member** - no response received to date.

#### 4.2 Neighbour Notification

The application has been advertised by direct neighbour notification, the erection of site notices and publication of a press notice. Twenty letters of representation have been received and are summarised as follows:

#### **Highways, Access and Circulation**

- Inadequate access
- Inadequate parking provision
- Increase in traffic especially along the busy B4245
- Insufficient public transport in the area. All new houses will need cars in order to get anywhere.
- Current roads cannot cope with the increase in traffic
- Poor access onto main road, a mini roundabout would at least have the benefit of slowing down traffic entering the village, and ease access from the development.
- Development will generate increased traffic flow onto Vinegar Hill which is a very tight lane used by pedestrians and children.
- The road is often at a crawl now if the M48 closes.
- This is an opportunity for the Council to acquire the contributions necessary to improve and increase the local facilities mentioned in so many objections, and the dangerous road conditions pervasive throughout the vicinity, if there are to be commuted sums and/or a s106/CIL, these should be used to improve the local area and ensure the safety of the local inhabitants.
- Consideration needs to be given to providing a footway/cycleway link between Rogiet and Magor.

#### **Design and Amenity**

- General dislike of proposal

- Increase in pollution
- Increased Noise nuisance
- Proposed properties will generate increased overshadowing and loss of light to existing dwellings.
- This development should not go ahead until the M4 relief is built along with a new junction on the M4 at Undy.
- This development will mean the loss of green fields which can never be regained.
- Creative figures regarding affordable housing: Whilst 12x1 bed flats, 7x3 bed and 1x4 bed makes 20/144 properties, this is offset by the low proportional population, against 43x3 bed, 59x4bed and 2x6 bed properties across the site. It is notional provision that will not provide affordable housing for local people, as the vast majority of the residents will clearly be from elsewhere in the private sector.
- The proposed location is effectively green belt land. The fields were farmed until very recently. There are plenty of brownfield sites in the county.
- The land represents what little green belt there is left between Undy and the motorway and green recreational space is in scarce supply in Undy.
- Loss of animal habitats
- There are far too many houses for such a small area. If this has to go ahead, provide qualitative space as with 1930s houses. Large gardens both front and rear and sufficient off street parking so that roads are not permanently clogged with parked cars.

### **Infrastructure**

- Significant detrimental impact on the existing stretched infrastructure - highways; doctors; dental surgeries; schools.
- The local primary schools are at capacity.
- Undy has no shops, residents will have to drive.
- The infrastructure of the area has not increased proportionately with the increased number of dwellings built in the area.
- There are not enough district nurses and carers in the area now. Who will care for people at home?
- Services at Chepstow Hospital are being cut back and the Gwent is at capacity; where will people access hospital treatment.
- The villages of Undy and Magor do not have the infrastructure to support this size of development. The public hourly bus service, lack of rail access with no footpath to Rogiet and a road from Caldicot to Magor that cannot cope with the existing HGV traffic 24/7 and speeding vehicles make it unsafe. The extra traffic from the site will add to the existing problems.
- What will happen to the overloaded sewerage systems when it is raining heavily?

### **Policy**

- This is another example of neighbouring County Councils lack of consultation on developments when a mere 3 miles from this location, thousands of dwellings are already being constructed on brownfield sites (Llanwern Steelworks). Monmouth Council, Newport City and Welsh Government need to work closer to come up with sensible plans for housing.
- Housing numbers for Undy & Magor represent 10% of Monmouthshire Council's housing plans in the LDP. That is more new houses than each large town in Monmouthshire!

### **Support**

The proposal would provide affordable housing to Magor which is desperately needed.

## **5.0 EVALUATION**

### 5.1 Principle of the proposed development

5.1.1 Policy S1 of the LDP refers to the spatial distribution of new housing provision within the county and states that the main focus for new housing development will be within or adjoining main towns. Outside of this, Policy S1 sets out that a smaller amount of new housing development should be provided in the Severnside sub-region, particularly at Magor/ Undy, Caldicot/ Portskewett and Sudbrook.

5.1.2 Policy S3 of the LDP identifies seven strategic housing sites with Policy SAH5 specifically relating to the development of the Rockfield Farm site, within the boundaries of which this application is located.

5.1.3 Being mindful of its location within the settlement development limits of Magor with Undy and its existing allocation, the principle of developing this part of the site for residential use is acceptable and has been positively established by the granting of outline application DC/2016/00083 on the 20th March 2018. The key considerations with regards to the proposal have been determined as the design of the development; economic development implications; highway safety; residential amenity; education; ecology and biodiversity; archaeology; noise and drainage and water supply.

## 5.2 Design

5.2.1 Criteria i) of Policy DES1 of the LDP specifies that in order to make the most efficient use of land, developments should seek to provide a minimum net density of 30 dwellings per hectare unless it can be demonstrated that a reduction in density can be justified. The application submitted details the development of 144 residential properties over approximately 5.4 hectares. This equates to a density of approximately 26.6 dwellings per ha. Whilst it is acknowledged that the level of provision is below that sought, in this instance it is considered that the developable area is in reality smaller due to the constraints on the site, namely those relating to drainage, access, existing safeguarding areas, and the need to provide appropriate sustainable surface water disposal, green infrastructure, open space and play facilities. Being mindful of the position of the development on the eastern edge of the existing settlement, it is considered appropriate to provide a looser form of development that would benefit from enhanced area of open space and green infrastructure. As a result it is considered that the shortfall in provision is not so significant to warrant refusal of the application on such grounds.

5.2.2 Following negotiations the layout and design of the proposal is considered acceptable. The development as a whole has been split into three character areas: the gateway zone to the south-east; the street zone to the north and a green edge zone predominantly along the western boundary and the southern edge of the principal highway. Whilst property types will remain consistent across the development there will be suitable differences in external materials and architectural styling to provide character to each area. It is felt that such details will help to provide distinctive elements that will assist in the legibility and orientation within the site.

5.2.3 The main finish will be facing brickwork with elements of render incorporated throughout. The local vernacular consists mainly of brick dwellings with some rendered detailing. The materials proposed are considered in keeping and help create reference key markers and landmark plots, again to enhance legibility and orientation. Care has been taken to ensure that buildings on corners or in prominent or highly visible locations have features such windows or openings in gable features to help provide a sense of natural surveillance over surrounding streets. In some cases, houses types have been changed in order to ensure that long vistas are defined and enclosed in an appropriate manner.

5.2.4 The layout and arrangement of the Local Area of Play and open space have been amended to create a larger but more informal and natural play area, with the surrounding dwellings orientated to face onto the open space, increasing natural surveillance and creating a stronger urban form that helps the open space to be more of a focal point within the development.

5.2.5 To maintain good legibility within the site, appropriate to the scale of the proposed development, a simple street hierarchy is used. The primary road will feed both secondary and shared access roads within the development. These will create loops that link back to the primary road improving legibility, pedestrian accessibility and natural surveillance of the public realm. In addition footpath routes, of an appropriate width and boundary treatment, are proposed through the development providing further connectivity to areas outside the site boundary.

5.2.6 Parking will be provided by a combination of garages, parking spaces and driveways. Hard and soft landscaping will define other public and private areas with landscape and street planting also used to assist in the definition of such spaces and to soften the visual impact of the proposal.

5.2.7 Whilst the change from agricultural fields to urban development will have a substantial effect on the landscape character, with its edge of settlement location making it all the more sensitive to change, it is considered that the overall design of the development proposed is compliant with the requirements of policies S13, S17 and DES1 of the LDP.

### 5.3 Economic Development Implications

5.3.1 Although this application seeks reserved matters consent purely for residential development, the works could be considered enabling development, facilitating the development of a 2 hectare area of land to the north-west to provide 5575m<sup>2</sup> of B1(b) Research and Development uses as approved as part of the outline application. The provision of such a use is compliant with the requirements of Policy SAH5 of the LDP and would bring positive economic development for the area.

### 5.4 Highway Safety

5.4.1 During the public consultation process, numerous concerns have been raised with regards to existing level of use and capacity of the B4245 to accommodate the increased traffic generated by this and other developments in the locality. As part of the outline application, a Transport Assessment was submitted that considered the impact of the development of the whole strategic site on the on the local network (B4245 and local junctions) on the basis of with or without the M4 Corridor around Newport, the historically protected Undy / Magor By-Pass (Policy MV10) and the requirement to provide an east-west link to the adjacent Vinegar Hill Site (Policy SAH6). The transport assessment specifically modelled and tested a number of development scenarios with the results indicating that whichever scenario was taken forward, the impact on the local highway network (B4245) and key junctions would be minimal and that it would be possible to access the development with a T junction on the B4245.

5.4.2 As specified above a simple street hierarchy is used within the development with the primary/ road crossing the site from the B4245 to The Elms, with secondary and shared access roads to the north-east and south-west linking back to the primary road. The internal layout including provision for turning and parking is considered acceptable. The plans also detail that The Elms would be the subject of a traffic order to extinguish the vehicular access and it would be re-engineered to create a safe and manageable link for pedestrians and cyclists between the proposed development and the existing Rockfield Grove estate.

5.4.3 As part of the current proposal the applicant has indicated the provision of a T shaped junction with the B4245 to serve the development. The junction meets highway requirements with regards to dimensions and visibility. The junction, highway provision and alterations to The Elms is the subject of a Section 278 Agreement under the Highways Act 1980 with the Council as Highway Authority which is currently being considered.

5.4.4 No traffic calming along the B4245 or the development of a roundabout at the point of access is proposed. Whilst it is appreciated that such provision could help reduce vehicular speed, it could in turn inhibit the free flow of traffic and has the potential to increase congestion and waiting times in the wider highway network.

5.4.5 Following consultation the Highways Department has provided the following response:

"The highway authority offers no objections to the proposed residential layout as detailed. The means of access has already been considered as acceptable and is the subject of a Section 278 Agreement, Highways Act 1980. The layout is deemed acceptable for adoption and the highway authority would actively encourage the developer to offer the estate roads for adoption pursuant to Section 38 of the Highways Act 1980.



The layout submitted also addresses the requirement to re-engineer and change the use of the publically maintained highway known as The Elms, the details submitted are acceptable in principal. The re-engineering works and change of use are also the to a section 278 agreement with the highway authority prior to commencement of the development."

5.4.6 During the consultation process for the outline application, the Council's Transport Planning and Policy Officer identified that the site is not well served by public transport, with no rail service within walking distance and a poor cycle route connection to the nearest station. The lack of public transport and connectivity has been echoed by many of the public respondents. As part of the completed section 106 agreement, this specific phase of development is required to provide a sum of £87,500 toward public transport to develop the existing bus service, with the sum payable prior to occupation of the 100th dwelling. Future developments of the site will also be required to provide £200,000.00 toward the Magor Rail Service project; a further contribution of £87,500 towards public transport and £70,000 towards the Magor/Undy to Rogiet footpath.

5.4.7 Whilst the wider area is currently lacking in terms of public transport and connectivity, it is considered that the phased contributions referred to above would help increase public and sustainable transport options.

5.4.8 Although the development would generate increased traffic movements, in conjunction with the above contributions, it is considered that the proposal would not significantly increase levels of pollution.

5.4.9 On the basis of the above and in light of the consultation response received from the Highways Department and being mindful of the secured Section 106 contributions that will be generated by the proposal, it is considered that the proposal would not be significantly detrimental to the highway safety and free flow of traffic and is compliant with the requirements of policies S16, MV1 and MV3 of the LDP.

## 5.5 Residential Amenity

5.5.1 The development of the site for residential purposes in comparison to the existing use and arrangement will inevitably have an impact on the residential amenity of those living closest to the site. However, based on the layout and hard and soft landscaping plans submitted, in association with the orientation of the site relative to Rockfield Grove, the development is considered acceptable in terms of its impact on existing neighbours, with distances between the rear of existing and proposed houses being sufficient so as not to unacceptably impact on privacy, light nor be significantly overbearing.

5.5.2 With regards to the amenity of proposed residents the plans detail that each dwelling would benefit from an area of private enclosed amenity space with a local area of play and areas of open space to be provided as part of the works.

5.5.3 As part of the outline application the MCC Recreation Team identified that there is a large shortfall of off-site recreation provision and a shortage of play provision in Magor and Undy. As a result the following provisions have been secured via the Section 106 agreement:

- £100,000 off site contribution to improve and maintained existing play facilities at Rockfield View; and
- the provision of £800,000 prior to the commencement of development towards the provision of adult recreation/ community facilities at the Three Fields site in Magor with Undy.

5.5.4 Being mindful of the layout, existing and proposed and facilities to be provided on and off site, the application is considered compliant with the requirements of policies S13, S17, EP1 and DES1 of the LDP.

## 5.6 Education

5.6.1 During the public consultation process concerns have been raised that existing schools within the area are already operating at capacity.

5.6.2 As part of their consultation response for the outline application, the Education Department identified that Undy Primary was working on a capacity of 359 pupils with 278 children on roll. This capacity was calculated on the basis of the 12 classroom/ teaching spaces currently being used by the school.

5.6.3 However, Undy does have a potential capacity for 420 pupils through an additional two demountable buildings that are on site. However the suitability for these to be reinstated as classrooms would need to be assessed. With the Rockfield Farm and Vinegar Hill developments, it is anticipated that the School could reach 414 on roll by 2021 so the two demountables would need to be brought back into use as classrooms.

5.6.4 During 2026 Magor Primary School had capacity to accommodate additional children - they had approximately 295 pupils on roll and a capacity of 388 pupils. The development is within a reasonable distance of Magor School. However, we would need to respect that it is a Church of Wales School and not all parents would wish to their children to be educated through this means. Magor would however be able to accommodate some of the additional children from the development if needed.

5.6.5 No contributions to education were sought as part of the outline application section 106 because the establishments had sufficient capacity to accommodate the children generated by this and the Vinegar Hill proposal. In that the current application is for reserved matters, no additional contributions can now be sought or secured.

## 5.7 Ecology, Biodiversity and Green Infrastructure

5.7.1 Given the former agricultural use of the area, the site is largely defined and intersected by mature but maintained hedgerows. These are a distinctive element of the site and play an important role in the wider landscape. Although the hedgerows are not subject of any Tree Preservation Orders (TPOs), they are considered to be ecologically important and form important landscape features. Their protection, where practically possible, and enhancement has been a key element to the design and layout of the proposal.

5.7.2 Strategic planting of trees, shrubs and hedges will play an important role in visually softening the new development. Hedges have been used to define boundaries and soften streetscapes in conjunction with tree planting. Ornamental shrub planting has been incorporated where appropriate in response to the layout, but should remain subservient to the green infrastructure and strategic streetscape planting of trees and hedges.

5.7.3 Extensive buffer planting has been included between the development and Rockfield Farm to maintain a robust separation. Similarly, a strengthening and broadening of the existing hedge which forms the eastern boundary to the site has been proposed both as part of the GI strategy and to reduce potential visual impacts of new development on the countryside to the east. Along the southern and south western margins of the development the proposals merge with the existing settlement area where existing vegetation is retained and bolstered to conserve visual amenity and the residential amenity of existing residents.

5.7.4 The applicant's consultants have undertaken a BS5837 compliant tree survey of all trees within and adjacent to the site that may be affected by the proposals. The findings of this are set out in the Arboricultural Method Statement, which supports the application.

5.7.5 The survey process recorded a total of 11 individual trees, 7 groups of trees and 10 hedgerows, totalling 28 items. Of these 28 items, 7 have been categorised as B and are of moderate quality and value; and 18 have been categorised as C and are of low quality and value. In addition, 3 items have been categorised as U and should be considered for removal irrespective of this planning proposal.

5.7.6 All category B trees have been prioritised for retention where practicable due to their condition, age and retention span. Nine category C trees, deemed to be of low quality and value, will be lost as part of the development. In addition, 5 category B and 2 category C items will be affected by the development proposals.

5.7.7 Following consultation, the Council's Green Infrastructure Manager has advised that the Green Infrastructure Plan and Five Year Green Infrastructure Landscape Management & Maintenance plan submitted with the application are generally acceptable and sufficient. Although specific matters with regard to the provision of interpretation panels around the attenuation pond and planting along the eastern boundary have yet to be resolved, this matter is ongoing and Officers are satisfied that these matter can be resolved prior to the determination of the application.

5.7.8 With specific regard to Biodiversity, the Council's Biodiversity and Ecology Officer has provided the following response:

"The application for the proposal is informed by an updated ecological assessment included in the Construction Environmental Management Plan. We are satisfied that based on the implementation of this and the detailed landscape designs, there will be limited detrimental impact on ecological interests and new benefits shall be realised through the creation of wider landscape buffers and a permanent pond in the SuDS.

The CEMP refers to the use of amphibian kerbs which is supported by the ecology team however, the locations of these will need to be made available. We would welcome the inclusion of these subject to the approval of Highways.

The use of permeable boundary features is welcomed but these should only be positioned in locations away from the main road to prevent hedgehog access where mortality risks are higher. I don't believe we have a plan illustrating the positions of these.

Ecological enhancements including opportunities for nesting birds and bats based on priority species identified during the outline application surveys and data search, to be included in the scheme have been requested previously however, these are missing from the application enhancements.

A lighting plan has been submitted demonstrating that many of the luminaires (12-18) include rear baffles which will reduce the negative impact of lighting along the retained hedgerow. It is requested that Luminaires 22, 26 & 31 be changed to lower bollard type lighting to provide lighting for access but reduced spillage or the addition of rear baffles could be used."

5.7.9 The information requested by the Biodiversity and Ecology Officer has been submitted for consideration and any update will be provided to members as late representation. Subject to the additional details submitted being acceptable, the application is considered compliant with the requirements of policies S13, NE1 and EP1 of the LDP.

## 5.8 Archaeology

5.8.1 As part of the 2016 outline application, Glamorgan Gwent Archaeological Trust (GGAT) identified an archaeological constraint on the site. An archaeological field evaluation conducted in January 2017 revealed pre-historic material in one of the fields. Whilst GGAT noted that the findings may not be of national importance they were of the view that they held regional significance and would be impacted by the proposed development. As a result a Written Scheme of Investigation for Archaeological Works (WSI) (Report no FS16-096, dated April 2017), compiled by Dyfed Archaeological Trust has been submitted as part of the application.

5.8.2 Following consultation with regards to the current application, GGAT have identified that the WSI details the requisite archaeological work for the entirety of the development site, including the area of the current application. The archaeological work consists of the excavation of Field 5 and a watching brief in a 30m wide buffer zone around Field 5, extending into the southern section of

Field 1 and the western extent of Field 4. The work in Field 5 has already taken place and is also outside the current application area. However, the current application area encompasses Field 4 and so is subject to the archaeological watching brief. Providing the requisite watching brief is fully implemented and the results suitably reported on, GGAT have raised no objection to the positive determination of the application. A condition requiring all works to take place in accordance with the WSI could be imposed as part of any grant of consent.

5.8.3 Following consultation, the full details of which are provided above, Cadw have outlined that the development will have a very slight adverse but not significant impact on the settings of scheduled monuments - medieval moated site 400m north of Undy Church (MM198) and the Standing Stone 25m south of Bencroft Lane and as a result have raised no objection to the application.

5.8.4 On the basis of the consultation responses received and subject to compliance with submitted documentation, the application is considered compliant with the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017).

## 5.9 Noise

5.9.1 Technical Advice Note (TAN) 11: Noise (1997) sets out the Welsh Government's guidance on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development. The TAN sets out four noise exposure categories (NECs) that sites may fall in, taking account of both day and night time noise levels. For the purposes of clarity the NECs in TAN11 are set out below:

NEC A - Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as desirable.

NEC B - Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.

NEC C - Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

NEC D - Planning permission should normally be refused.

5.9.2 A noise survey was carried out at the outline planning stage, WSP/Parsons Brinkerhoff report 70018501-001 dated July 2016 with an addendum dated January 2017. Noise survey results as part of these previous reports have been used as a basis for predicting noise levels at the proposed dwellings and assessing noise mitigation requirements. A Noise Assessment (dated 6th September 2018) has been submitted as part of the current application. The report takes into consideration potential increases in road traffic following the abolition of the Tolls (December 2018), and of the proposed future M4 relief road scheme. As part of the 2016 application the Council's Environmental Health Officer indicated that the positioning of residential areas in NEC C would be acceptable in principle, provided appropriate façade noise mitigation is devised at design stage to ensure internal noise levels comply with recommendations in BS 8233:2014 (35dB LAeq internal daytime and 30dB LAeq internal at night).

5.9.3 The noise assessment report submitted concludes:

"Based on outline planning noise survey (WSP/Parsons Brinkerhoff) - confirming road traffic noise levels across the site - road traffic noise levels have been modelled across the proposed development site for daytime and night-time periods. Predicted noise levels have been assessed against daytime and night-time noise criteria quoted in current planning guidance.

Road traffic noise levels are indicated to fall under NEC B across the majority of the site. Standard thermal double glazing and trickle ventilation is indicated sufficient to control road traffic noise intrusion for NEC B.

First floor façades for plots closest to the M4 are indicated to fall under NEC C and therefore require uprated acoustic glazing and mechanical ventilation. Sound reduction performance specifications have been included in this report.

Noise maps daytime noise levels in the majority of gardens are indicated below 55dB LAeq,16hr, however plots on the northern boundaries are indicated to exceed 55dB LAeq,16hr. Reference has therefore been made to BS 8233:2014 guidance.

As this site is included in the LDP and adjacent to the M4 (strategic transport network), garden noise levels have been designed to achieve the lowest practicable noise levels. By including a close-boarded timber fence to critical northern plots to maximum permitted height (to be agreed with the planning authority) garden noise levels up to 60dBLAeq,16hr represent the lowest practicable noise levels in these locations.

An additional assessment of the noise impact from potential increases in road traffic following the abolition of the Tolls (December 2018), and of the proposed future M4 relief road scheme has also been carried out. Referring to noise data and predictions in the Welsh Government Environmental Statements a negligible impact is indicated."

5.9.4 The site layout plans submitted indicate the provision of a 2m high acoustic fence along the northern and the north-western boundaries of the site. This fence would define the rear gardens of the properties and would be screened by the provision of a 5m thick landscape hedge and buffer along the northern boundary with further landscaping adjacent to the north-western boundary.

5.9.5 Following consultation the Council's Environmental Health Officer has advised, subject to the proposed mitigation measures provided in the Environmental Noise Assessment REF: 4833/EBF1\_REV2 6 the September 2018, no objection is raised to the development but with regard to the findings of the aforementioned report and its summary / conclusions that recommend that any grant of planning permission is subject to the following condition:

Noise mitigation measures in the form of building façade constructions and ventilation provisions to the habitable rooms of the scheme are to meet the requirements provided in Environmental Noise Assessment REF: 4833/EBF1\_REV2 6 the September 2018 or otherwise alternative mitigation measures submitted and approved as satisfactory by the Planning Authority. Compliance to be certified in writing to the Planning Authority by an appropriately qualified acoustic consultant before the residential use of the unit commences.

5.9.6 The above condition is considered necessary in the interests of protecting the amenity of future occupants of the development. In accordance with the consultation response received and subject to the imposition of the condition referred to above, the application is considered compliant with the relevant requirements of Policy EP1 of the LDP.

## 5.10 Drainage and Water Supply

5.10.1 The drainage strategy provided proposes a number of sustainable drainage options forming part of the development. These include attenuation ponds, swales and permeable surfaces leading to an interlinked drainage system that will drain the net increase of surface water run-off from the development. It is proposed that foul flows from the proposal would be discharged into existing public sewers. A hydraulic modelling assessment of the site has been undertaken by the developers to assess the ability of the existing sewers to accommodate the proposed development. No objections have been raised by Welsh Water. However, they have requested that conditions relating to portable water, imposed as part of the outline application be reapplied as sufficient details have yet to be submitted to satisfy the requirement of this condition.

5.10.2 Subject to the condition being re-imposed the application is considered compliant with the requirements of Policy SD4 of the LDP.

## 5.11 Affordable Housing

5.11.1 Policy S4 of the LDP and the completed section 106 for the site requires the provision of at least 25% affordable housing dwellings on site. The plans submitted detail the provision of 36 such properties comprising a mix of 12 one-bedroom walk up flats, 16 two-bedroom houses, 7 three-bedroom houses and 1 four-bedroom house, distributed across the site. The mix proposed is compliant with the need of the area and the provision requested. Following consideration of the plans by a Registered Social Landlord, it has been confirmed that the properties are DQR compliant and they are willing to accept transfer of the properties. The application is therefore considered compliant with the requirements of Policy S4 of the LDP.

## 5.12 Response to the Representations of Third Parties and the Community Council

5.12.1 As part of their consultation response Magor with Undy Community Council have requested that consideration be given to a roundabout at the entrance of the site to slow down the traffic entering Undy. AS outlined in the highways consideration section of this report whilst such provision would slow traffic down it may also lead to increased congestion to the detriment of the free flow of traffic along the wider highway network and may also generate increased local level pollution from stationary, slowing and accelerating vehicles. The modelling and test scenarios considered as part of the Transport Statement have evidenced that the impact of the development on the local highway network (B4245) and key junctions would be minimal and that it would be possible and sufficient to access the development with a T junction on the B4245. This issue was resolved at the outline stage in that the means of access was not reserved.

5.12.2 Whilst issues raised by the objectors have been addressed in the content of the above report the following summary is provided:

### 5.12.3 Highway safety

A transport statement submitted as part of the outline application for the entire strategic site determined that there is capacity within the B4245 to accommodate traffic generated by this proposal and that the site could be acceptably accessed by the development of a T-shaped junction. All of the dwellings proposed would benefit from the appropriate number of parking spaces, compliant with the requirements of the Monmouthshire Parking Standards document. Whilst the area lacks public transport facilities, the development would provide a financial contribution to increase such provision.

### 5.12.4 Design and Impact

The development will change the outlook for existing residents, but it is considered that the orientation and layout proposed would maintain sufficient separation distances and not generate an unacceptable level of overlooking, increased overshadowing or overbearing impact. Although the development would result in the loss of agricultural land on the edge of the settlement, the site is a strategic development site as part of the LDP and benefits from outline planning permission.

The density of development is below that expressed as part of the policy DES1. However, it is considered that the development makes the most efficient use of the land whilst providing sufficient area of play and open space. The number affordable houses proposed is policy compliant and satisfies the mix requested relative to the demand in the area.

### 5.12.5 Infrastructure

The Council's Education Department have confirmed that there is capacity in the area to accommodate children generated by the development. Whilst concerns with regard to medical care provision are acknowledged such issues are experienced nationally and are not specific to this area, with health care provision being responsive to demand rather than reactive to potential population increase. This is a reserved matters application and s106 contributions towards local health provision cannot now be sought (the appropriate stage for a planning obligation to secure suitable financial contributions is at outline stage).

## 5.13 Conclusion

5.13.1 The application proposes the development of the site to provide 144 dwellings. The site forms part of a wider strategic development site as part of the LDP and benefits from outline consent for such a development. It is considered that the development has been designed to make efficient use of the land whilst providing appropriate play and open space areas, and the design, layout and finish of the site as a whole would be in keeping with the locality. It is considered that the layout and design indicated would not have a detrimental impact on the residential amenity of those living closest to the site or the highway safety and free flow of traffic in the area. It is considered that sufficient and appropriate consideration and provision has been given with regards to green infrastructure, biodiversity and ecology, noise implications, sustainable drainage and affordable housing.

5.13.2 On the basis of the above report and being mindful of the existing contributions secured by the Section 106 at the outline application stage, the application is considered compliant with the relevant policies of the Monmouthshire County Council Local Development Plan and is recommended for approval subject to conditions.

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

5.8.1 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.

2 Notwithstanding the details of the approved plans, prior to any works taking place above slab level of each dwelling unit, samples of the proposed external finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those agreed finishes which shall remain as such thereafter unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: In the interests of the visual amenity of the application site and wider area, in accordance with policy DES1 of the LDP.

3 Prior to the commencement of development a potable water scheme to satisfactorily accommodate the water usage from the site shall be submitted to and approved in writing by the local planning authority. Thereafter, no development shall be brought into use and no dwelling shall be occupied until the agreed foul drainage system has been constructed, completed in accordance with the approved scheme.

REASON: To ensure each property can be served with an adequate water supply in accordance with requirements of policy S12 of the Monmouthshire County Council Local Development Plan.

4 Prior to the completion of the first sale of plot 8, the garage shall be converted from a sales suite/ office to garage for purpose ancillary to the dwelling. The building shall not be used as an area of habitable accommodation.

REASON: To ensure sufficient off street parking provision is provided and retained in the interest of high safety and free flow of traffic in accordance with policies DES1 and MV1 of the LDP.

5 The development shall be carried out in strict accordance with the submitted Construction Environmental Management Plan (CEMP) Land at Rockfield Farm, Undy dated September 2018 prepared by Ethos Environmental Planning.

REASON: To protect the biodiversity and ecological value of the site in accordance with policies S13, NE1 AND EP1 of the LDP

6 Noise mitigation measures in the form of building façade constructions and ventilation provisions to the habitable rooms of the scheme shall meet the requirements provided in Environmental Noise Assessment REF: 4833/EBF1\_REV2 6 the September 2018 and shall be retained as such in perpetuity. Compliance of such works shall be certified in writing to the Planning Authority by an appropriately qualified acoustic consultant before the first beneficial use of any dwelling commences.

REASON: In the interests of the residential amenity of future occupants of the site, in accordance with the requirements of policy EP1 of the LDP.

7 Prior to any works commencing on the areas the subject of this application, a Construction Management Plan (CMP) in each reserved matters area shall be submitted to and approved in writing by the Local Planning Authority, which shall include traffic management measures, hours of working, measure 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 CMP.

Reason: To ensure the development is carried out in a safe and considerable manner in accordance with the requirements of policy EP1, and DES1 of the LDP.

8 The development shall only proceed in accordance with the details of the Written Scheme of Investigation for Archaeological Works (Report no FS16-096, dated April 2017), compiled by Dyfed Archaeological Trust, submitted and approved as part of application DC/2016/00883. The watching brief shall be fully implemented and the results reported on within 6 months of the completion of ground works on the site.

REASON: In the interests of recording any archaeological features or material uncovered during the course of development in accordance with the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017).

9 Prior to commencement of development, a "lighting design strategy for biodiversity" to be submitted 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 policies S13, NE1 and EP3 of the LDP.

10 The garages hereby approved shall be retained solely for the parking of private motor vehicles and for no other purpose including any other purpose ancillary to the enjoyment of the dwelling house.

REASON: The garages form part of the parking provision and their loss for this purpose may lead to parking problems and to ensure compliance with policy MV1 of the LDP.

## INFORMATIVES

1 Bats - Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) 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 (0300 065 3000).

2 Nesting birds - Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

3 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.

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

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**Application Number:** DM/2018/01959

**Proposal:** The proposed works will involve the following:

- 1 - Internal alterations to both floors to accommodate staff relocated from Innovation House.
- 2 - Link access facility from J Block and County Hall
- 3 - Inclusion of a lift
- 4 - Inclusion of external escape stairs
- 5 - Thermal upgrade to walls and ceiling void
- 6 - Replacement of windows and doors

**Address:** County Hall, The Rhadyr, Llanbadoc, Usk

**Applicant:** Monmouthshire County Council

**Plans:** Location Plan - , Block Plan - , Floor Plans - Existing T04 - , Floor Plans - Existing T05 - , Elevations - Existing T07 - , Floor Plans - Proposed T13 - , Floor Plans - Proposed T19 - , Elevations - Proposed T24 - , Other T40 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham  
Date Valid: 04.01.2019

**This application is presented to Planning Committee as Monmouthshire County Council is the applicant.**

### **1.0 APPLICATION DETAILS**

**1.1** Monmouthshire County Council is due to move staff into the former Coleg Gwent J Block which is adjacent to County Hall in Usk. To enable ease of movement between the two buildings it is proposed to form a covered link between the south-west elevation of County Hall and the north-eastern elevation of J Block. The distance between the two buildings is approximately 5 metres. There is also a change in floor level between the two buildings with County Hall being higher.

**1.2** It is proposed to link the two building via a footbridge at first floor level. This will exit County Hall just below the roof which is flat but due to the difference in floor levels between the two buildings, will connect into a small part of the hipped roof of J block.

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

DM/2018/02040	Demolition of M block, green building and selected tree removal, to accommodate extension of existing car park, to provide additional parking spaces of 178. NB row 168-178 formed within existing parking spaces allocation.	Pending Consideration
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### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S8 LDP Enterprise and Economy  
S13 LDP Landscape, Green Infrastructure and the Natural Environment S17 LDP  
Place Making and Design  
S16 LDP Transport

#### Development Management Policies

DES1 LDP General Design Considerations  
NE1 LDP Nature Conservation and Development EP1 LDP  
Amenity and Environmental Protection

### 4.0 REPRESENTATIONS

#### 4.1 Consultation Replies

**Llanbadoc Community Council** - No comments received to date.

**MCC Biodiversity** - More information in relation to bats requested.

#### 4.2 Neighbour Notification

No comments received to date.

### 5.0 EVALUATION

#### 5.1 Principle of the proposed development

5.1.1 The principle of the change of use of J block to Local Government offices is established through the original consent for the new County Hall (application no. DC/2010/00489 refers).

#### 5.2 Design

5.2.1 The link at first floor level would be between two existing windows with the difference in floor levels being accommodated within J Block. The link will be lightweight in construction utilising a composite wall panel system that will match the powder-coated aluminum of County Hall and the new windows proposed in J block as part of the conversion. It is considered that a modern link more akin to County Hall is a better design solution than attempting to replicate features of the older J Block and the proposed link is therefore considered to be acceptable under Policy DES1 (general design considerations) of the Local Development Plan.

#### 5.3 Highway Safety

5.3.1 There will be no changes to access or parking as a result of the link. However, it is worth noting that there is a concurrent application for an extension to the existing car park to accommodate the increase in staff numbers.

#### 5.4 Residential Amenity

5.4.1 There are no neighbouring residential properties within view of the application site that could be affected by the development.

#### 5.5 Ecology

5.5.1 Bats are known to use the buildings, trees and the river corridor around the Coleg Gwent site. Therefore, any works to the roof would require the input of an ecologist who could advise on the best form of mitigation and timing for the proposed works. More information in relation to bats has been requested at the time of writing this report and will be reported as late correspondence.

## 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' well-being objectives set out in section 8 of the WBFG Act.

### **6.1 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.

#### Informatives:

May be included, depending on the comments of the Council's Ecologist.

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 2017 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).

**Application Number:** DM/2018/02001

**Proposal:** Outline Planning for development of 5 new dwellings (2 market, 3 affordable), access from existing residential road.

**Address:** Glanus Farm, Kemeys Road, Llanfair Kilgeddin, Abergavenny

**Applicant:** Mr Roger Govier

**Plans:** Site Plan - , Block Plan RG17-02 -

**RECOMMENDATION: APPROVED subject to S106 agreement**

Case Officer: Ms Kate Bingham

Date Valid: 05.12.2018

**This application is presented to Planning Committee due to the proposal being a Departure from the Local Development Plan.**

## 1.0 APPLICATION DETAILS

1.0 This application is for the construction of 5 dwellings on land at Glanus Farm, Llanfair Kilgeddin. The site is allocated for up to 5 dwellings in Policy SAH11 of the LDP, the specific site reference is SAH11(x). Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. The proposal relates to 3 affordable dwellings and 2 market dwellings and therefore complies in principle with both S4 and SAH11.

1.1 The application follows a recent outline draft approval (pending the completion of a Section 106 legal agreement) for 5 dwellings (3 affordable and 2 market) – application no. DC/2018/00001 refers. This latest application proposes to increase the size of the site beyond the allocation in the Local Development Plan (LDP) to accommodate a drainage ditch that is proposed on the southern edge of the site and also improve the site layout. As the site proposed is now larger than the allocation in the Development Plan, the application has been advertised as a departure to the LDP.

1.2 The application is made in outline only with all matters reserved.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00540	Check planning permission is valid and work carried out (to date). (Certificate of Lawfulness for an existing use or development)	Approved	15.05.2018
DC/2018/00001	Erection of five new dwellings and associated curtilages and parking and new access.	Pending Determination – approved by Committee subject to s106 agreement	

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design  
S12 LDP Efficient Resource Use and Flood Risk  
S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
SAH11 LDP Main Villages

#### Development Management Policies

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
SD3 LDP Flood Risk

### 4.0 REPRESENTATIONS

#### 4.1 Consultation Replies

**Llanover Community Council** - We object because insufficient information is given about how surface water will be intercepted on the field boundary of the site to enable it to join the proposed drainage ditch. Also no details are given of the proposed reduced parking provision for properties no. 13,14 and 15, nor of the proposed access requirement to the site. We are concerned that previous objections raised in connection with the previous application for the same site (DM/2018/0001) have not been answered satisfactorily. Also, the Planning Committee Report of 1 May 2011, which accepted the inclusion of the site in the current LDP contained 4 conditions which have still not been satisfied. Further, this application relies on a 3rd Party providing a satisfactory Flood Alleviation Scheme before it can proceed. Finally, this Council supports other statutory bodies which have expressed concerns

**Dwr Cymru-Welsh Water** - No objection subject to drainage scheme to be approved prior to commencement of development to include assessment of the potential to dispose surface and land water by sustainable means. Note that the development site was allocated in the Local Development Plan and we raised no concerns.

**MCC Planning Policy** - No objections:

The site is allocated for around 5 dwellings in Policy SAH11, the specific site reference of which is SAH11(x). Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. The proposal relates to 3 affordable dwellings and 2 market dwellings and therefore complies with both S4 and SAH11 in principle.

Part of the site encroaches beyond the site boundary and village development boundary, however, the developable area has only very marginally increased from 0.17ha to 0.19ha. As discussed in meetings previously, the amended site boundary is necessary to allow for the drainage ditch and buffer to the south of the site which will not only support the site but the village as a whole, by providing a solution to existing surface water flooding in the locality. The advertisement of this site as a departure is therefore appropriate; however, there are no planning policy concerns in this respect. Policy SD4 relating to Sustainable Urban Drainage Systems is consequently of relevance.

General policies DES1 and EP1 relating to General Design Considerations and Amenity and Environmental Protection respectively must be taken into consideration. Policy G11 relating to Green Infrastructure and Policy NE1 relating to Nature Conservation and Development should also



be referred to along with Policy LC5 relating to the Protection and Enhancement of Landscape Character, particularly as the site has no defensible boundary at present and is part of a larger field.

**MCC Flooding and Drainage** - No objections:

1. We welcome the allocation of a 10 metre wide strip of land for the purposes of a flood alleviation ditch (part of a proposed flood alleviation scheme for Llanfair Kilgeddin).
2. We understand that the applicant will look to discharge water into the proposed flood alleviation ditch. We should make it clear that the proposed flood alleviation scheme is at detailed design stage. Funding for the construction phase is subject to a Welsh Government Grant Scheme and is therefore not guaranteed. In addition, the scheme will be reliant on successful negotiations with several landowners, and on the capacity of MCC's flood management team. Should the construction of the flood alleviation scheme not go ahead as hoped, it would be necessary for the applicant to find a different means of discharging surface water.
3. In accordance with MCC Planning Policy SD3, a future application for full planning permission should include details of how the proposed development will be protected from surface water flows from the field to the north.
4. In accordance with MCC Planning Policy SD4, a future application for full planning permission would be expected to incorporate Sustainable Drainage Solutions (SuDS). Should an application for approval of reserved matters not be made prior to 7th January 2020, the development would also require approval by MCC's SuDS Approval Body (SAB). In this case, the proposed drainage system would need to comply with Welsh Government's Statutory Standards for Sustainable Drainage Systems.

**MCC Highways** - No objection in principle.

Access is via Gethin Place. This is a narrow estate road without footways on either side, designed and built when car ownership levels were considerably less than they are today and as a result on street parking is experienced. 13 – 15 Gethin Place are served off the end of Gethin Place via a private drive and do not have the benefit of any off street parking provision, which further adds to the parking stress experienced.

However, the development of an additional 5 properties with associated vehicular access and servicing requirements could be accommodated and would not be detrimental or lead to a deterioration in highway safety or capacity on Gethin Place and the adjacent highway network.

The impact of the proposal on the immediate highway network is further influenced by the reduction in traffic movements following the closure of the local Primary School. The Proposed Site Plan, Drawing No. RG17-02 submitted in support of the application although not dimensioned indicates the following;

- Gethin Place will be extended by approximately 40 metres in a northerly direction terminating in a turning area, providing direct access to 3 properties, the remaining 2 properties via a shared (private) drive and the adjacent field via a field gate. The extended highway will also incorporate a 1 metre verge directly abutting the affordable housing, no footway verge or marginal strip is indicated on the opposite side of the road. The extension will replicate Gethin Place and will effectively act as a shared space which is acceptable means of access for the size and scale of development proposed.
- The existing turning area on Gethin Place is proposed to be “dedicated car spaces” This provision cannot be secured or guaranteed, the turning area is publically maintainable highway and it cannot be allocated to individual premises or persons to park cars etc. However, in the event that Gethin Place is extended and as indicated a new turning area provided then the use of this area could be used by the public at large if no obstruction or danger to other users is created. The creation of specific off-site parking provision for 13 – 15 Gethin Place should be considered.
- The proposed development is segregated from Gethin Place by the introduction of a significant land drainage ditch, the introduction of the ditch will therefore require the ditch to be culverted beneath the new road, the applicant should be mindful of this requirement and

the need to construct the ditch at a suitable depth to provide a suitable sized culvert and cover above.

- The surface water management and drainage of the site appears to be solely reliant on the implementation of a far wider flood alleviation scheme, the highway authority have concerns that as detailed the development of the site will be reliant on this scheme and as such its delivery cannot be guaranteed.

The highway authority have concerns regarding a number of the aforementioned issues and the lack of detail submitted in support of the application but acknowledge that the site is allocated in the LDP and the application is an outline application with all matters reserved. Therefore, the highway authority offer no objection in principle to the extension of Gethin Place to accommodate the development of five additional dwellings and the Council actively encourage the adoption of residential estate roads and would encourage the applicant to design and construct the road to the appropriate standards. The highway authority request that conditions be attached to any planning approval (see end of report).

#### 4.2 Neighbour Notification

Two comments received. Object on the following grounds:

Until Monmouthshire Council, MCC Planning Department, Welsh Water, the applicant, the Developer, Welsh Government and other bodies involved in the decision process for this development, can assure the existing residents of Llanvair Kilgeddin that there will be no increased risk of flooding to their properties as a result of this planning application, we still remain opposed. We would like to have the assurance in writing before we are able to reconsider our views on this planning application.

The proposed ditch will not itself resolve the issues of surface water flooding for the following reasons:

The replacement of the field with houses and roads will only increase the amount of water to be dispersed as the water that currently soaks into the field looks for an outlet.

Open ditches are only effective if well maintained. Part of the flooding problems elsewhere in the village result from inadequate maintenance of ditches. There is no mention in the application as to who will own the 10m strip of land set aside for a ditch and what action is proposed to ensure satisfactory maintenance of the ditch.

The proposed ditch only takes surface water from the land owned by the applicant onto the adjacent field west of Gethin Place, thus increasing the flood risk to the six properties on that side. The only other escape route for the water from the adjacent field is onto the R53 where it would join flows down St Mary's Hill into the village.

At its narrowest point, access to the development is only 3m wide (between the former school and St Mary's Yard) and there is no pavement. The approval of the previous application was subject to a condition requiring a Construction Transport Management Plan and a similar condition should apply to this application.

The previous application limited the loss of the agricultural land to the area allocated in the LDP. This application proposes to almost double that area. It is illogical to continue to expand the village boundary at all when the primary motivation for the extension of the village was to support the local school which has since closed.

The drawing suggests that the expansion of the site is to accommodate drainage works but the additional area appears to be unnecessarily excessive for this purpose. Underground pipework would take less land and avoid maintenance problems associated with an open ditch.

The land currently forms part of a long standing market garden and farm shop enterprise which is one of only a very few commercial enterprises in the village and clearly any loss of good land will be detrimental to that business.

## 5.0 EVALUATION

### 5.1 Principle of the proposed development

5.1.1 The site is allocated for around 5 dwellings in Policy SAH11 of the LDP. Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. The proposal relates to 3 affordable dwellings and 2 market dwellings and therefore complies in principle with both policies S4 and SAH11. The allocation remains in place despite the closure of the Church in Wales primary school in the village. Part of the site encroaches beyond the site boundary and village development boundary, however, the developable area has only very marginally increased from 0.17ha to 0.19ha. As mentioned previously in this report, the amended site boundary is necessary to allow for the drainage ditch and buffer to the south of the site which will not only support the site but the village as a whole, by providing a solution to existing surface water flooding in the locality. The advertisement of this site as a departure is therefore appropriate. There are, however, no planning policy concerns in this respect. The proposed expansion of the site is considered to be justified in this instance as the drainage works, which are part of a larger scheme to alleviate flooding within the village, will be of wider benefit to the whole community.

5.1.2 The provision of the affordable housing should be ensured through a Section 106 agreement that the market housing is not constructed without the required provision of affordable housing.

### 5.2 Visual Impact

5.2.1 At the time of the site's allocation it was recognised that the site as drawn has no defensible boundary as it is part of a larger field. The development would need to be suitably landscaped providing adequate screening where appropriate. Policy LC5 refers to the Protection and Enhancement of Landscape Character. At the detailed stage the development would have to take into consideration the aims of this policy along with Policy NE1 in relation to Nature Conservation and Development and Policy GI1 relating to Green Infrastructure (GI). This development is not considered, however, to be one to which the detailed requirements of the GI Supplementary Planning Guidance apply (such as the provision of a GI Opportunities Plan, for instance), given the small-scale character of the development and the need to give priority to the provision of affordable housing.

5.2.2 The layout proposed in this outline application shows two large open market dwellings to the west of the site and a terrace of three affordable dwellings to the east with an access road between the two sides. This arrangement is considered to be acceptable in the context of the pattern of development in the surrounding village, which is a mix of traditional detached dwellings as well as post-war ex-Local Authority semi-detached houses and a terrace of bungalows.

5.2.3 The site is proposed to be bounded by a new hedgerow, as currently the site is an open field with no boundary at all. The existing field hedge to the south will also be retained.

### 5.3 Drainage and Flooding

5.3.1 It was also noted at the time of the allocation of the site that part of the eastern area of the site had been identified as being affected by surface water flooding but at the 'less susceptible' level according to the mapping layers produced by the Environment Agency (now encompassed within Natural Resources Wales). However, since that time the Council has been working on a flood alleviation study in Llanfair Kilgeddin, which has assessed the flooding mechanisms and flood risk within the village. The study has identified that surface water flood-risk affecting Gethin Place is actually greater than that shown on Natural Resource Wales' flood maps.

5.3.2 A Project Appraisal Report has been submitted and approved by Welsh Government and MCC has just been awarded grant funding to progress the detailed design of the preferred option this financial year. This preferred option was discussed with the landowner of the field to the north of Gethin Place and his representatives. The preferred option at this location consists of a cut off ditch to the north and western boundary of Gethin Place. This ditch would intercept overland flows and then convey them southwards beneath the lane at the bottom of St Mary's Hill to the unnamed watercourse further to the south. Funding for the construction phase is subject to a Welsh Government Grant Scheme and is therefore not guaranteed. In addition, the scheme will be reliant on successful negotiations with several landowners, and on the capacity of MCC's flood management team. Should the construction of the flood alleviation scheme not go ahead as hoped, it would be necessary for the applicant to find a different means of discharging surface water.

5.3.3 The proposed housing development is reliant on the flood alleviation scheme going ahead (as was the case with the previous approval). As such, a Grampian condition (i.e. a planning condition that prevents the start of a development until off-site works have been completed on land not controlled by the applicants) should be imposed on the outline consent. This condition would prevent any development prior to an agreed drainage scheme being implemented. The drainage scheme would need to demonstrate the proposed development will not be at risk from overland surface water flows from adjacent land and that the site will be sustainably drained in accordance with the following:

- MCC's existing policies (LDP Policy SD3 - Flood Risk and SD4 - Sustainable Drainage)
- Welsh Government's 'Recommended non-statutory standards for sustainable drainage (SuDS) in Wales'
- TAN 15: Development and Flood Risk.

#### 5.4 Highway Safety

5.4.1 Access is proposed via Gethin Place that is an existing narrow estate road without a footway on either side, designed and built when car ownership levels were considerably lower than they are today. As a result, on street parking is experienced.

5.4.2 The existing turning area on Gethin Place is proposed to be "dedicated car spaces" This provision cannot be secured or guaranteed, the turning area is publically maintainable highway and it cannot be allocated to individual premises or persons to park cars etc. However, in the event that Gethin Place is extended and as indicated a new turning area provided then the use of this area could be used by the public at large if no obstruction or danger to other users is created. The creation of specific off-site parking provision for 13 – 15 Gethin Place could be considered at Reserved Matters stage.

5.4.3. Gethin Place will be extended by approximately 40 metres in a northerly direction terminating in a turning area, providing direct access to 3 properties, the remaining 2 properties via a shared (private) drive and the adjacent field via a field gate. The extended highway will also incorporate a 1 metre verge directly abutting the affordable housing, no footway verge or marginal strip is indicated on the opposite side of the road. The extension will replicate Gethin Place and will effectively act as a shared space which the council's Highway Engineer has indicated is acceptable means of access for the size and scale of development proposed.

5.4.4 Off-road parking to meet Monmouthshire Parking Guidelines standard should be included in any Reserved Matters application.

#### 5.5 Residential Amenity

5.5.1 Although the application is an outline one, the proposal demonstrates that the new dwellings have been laid out to avoid direct overlooking between them and the existing bungalows at nos. 13-15 Gethin Place. Furthermore, there are distances of at least 21m between elevations in all cases. The increase in site area has taken the proposed dwellings further to the north of the

existing properties on Gethin Place with window-to-window distances of approximately 31m and 32.5m now achievable.

5.5.2 The detailed fenestration and internal layouts will be considered at Reserved Matters stage.

## 5.6 Response to the Representations of the Community and Neighbours

5.6.1 The proposed ditch has been designed to resolve the issues of surface water flooding. Surface water currently drains down the slope of the field onto Gethin Place and although the amount of hard surfacing will increase as a result of the development, the surface water would be managed and fed into the drainage ditch. The ditch will be connected to the wider flood alleviation drainage scheme, eventually discharging the flows into the brook on the other side of the B4598. The ditches will be maintained by Monmouthshire County Council who are the responsible body for drainage and now also the Sustainable Drainage Systems (SuDS) Approving Body. The 10m strip on either side of the ditch will be also be maintained by the Council.

5.6.2 The conditions attached to the previous draft approval will also be applied to this consent should Members be minded to approve the application.

5.6.3 The increase in the site area is to both compensate for the loss of land to the drainage ditch and maintenance strip but also provide more space for market houses that will subsidise the proposed affordable dwellings on the site. By extending the site to the east, the two market dwellings can be increased in size to provide 5 bedrooms and a detached double garage which will significantly increase their value. The increase is to the area of the site only and there will be no increase in the number of dwellings proposed. There will therefore be no expansion of the village in terms of housing numbers beyond what has already been allocated and approved. An open ditch rather than underground pipework for the drainage works was preferred because a ditch would be easier to maintain.

5.6.4 The increase in site area into the farmland is not considered to be significant enough in terms of area to directly affect the viability of the market garden enterprise referred to by a neighbour.

## 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' 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

The market housing shall not be constructed without the required provision of affordable housing.

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 access, 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 three years from the date of this permission.
- b) The development hereby approved must be begun either before the expiration of five 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.

- 3 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.

- 4 No development shall commence until a flood alleviation scheme for surface water run-off has been implemented in accordance with details that have been approved by the Local Planning Authority prior to those works being carried out.

REASON: To prevent surface water flooding in accordance with Local Development Plan Policy SD3.

- 5 No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority. The CTMP shall take into account the specific environmental and physical constraints of Gethin Place and the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site and the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety in accordance with Local Development Policy MV1.

- 6 Prior to any building construction works including groundworks and site clearance, the means of access shall be constructed in accordance with the approved plans and turning provision shall be provided to enable all delivery, construction and contractors vehicles to turn within the curtilage of the site as well as providing for suitable levels of on-site parking.

REASON: In the interests of highway safety in accordance with Local Development Policy MV1.

## **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 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

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

4 Please note that this consent is subject to a Section 106 legal agreement.

5 Parking provisions in accordance with supplementary planning guidance, Monmouthshire Parking Standards 2012, shall be provided within the site and retained thereafter.

6 As part of any Reserved Matters application, details of the access and layout must include the detailed design, safety and technical audits for the proposed means of access, as well as details of how the required off street parking provision for 13-15 Gethin Place will be provided and kept available for the use of those properties.

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

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