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Neuadd y Sir
Y Rhadyr
Brynbuga
NP15 1GA

Dydd Llun, 27 Mai 2016

Hysbysiad o gyfarfod

Pwyllgor Cynllunio

Dydd Mawrth, 7fed Mehefin, 2016 at 2.00 pm
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

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Paul Matthews

Prif Weithredwr

CYNGOR SIR FYNWY

MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:

R. Edwards
P. Clarke
D. Blakebrough
D. Dovey
D. Edwards
D. Evans
R. Harris
B. Hayward
J. Higginson
P. Murphy
M. Powell
B. Strong
P. Watts
A. Webb
A. Wintle

Gwybodaeth Gyhoeddus

Mynediad i gopiau papur o agendâu ac adroddiadau

Gellir darparu copi o'r agenda hwn ac adroddiadau perthnasol i aelodau'r cyhoedd sy'n mynychu cyfarfod drwy ofyn am gopi gan Gwasanaethau Democrataidd ar 01633 644219. Dylid nodi fod yn rhaid i ni dderbyn 24 awr o hysbysiad cyn y cyfarfod er mwyn darparu copi caled o'r agenda hwn i chi.

Edrych ar y cyfarfod ar-lein

Gellir gweld y cyfarfod ar-lein yn fyw neu'n dilyn y cyfarfod drwy fynd i www.monmouthshire.gov.uk neu drwy ymweld â'n tudalen Youtube drwy chwilio am MonmouthshireCC. Drwy fynd i mewn i'r ystafell gyfarfod, fel aelod o'r cyhoedd neu i gymryd rhan yn y cyfarfod, rydych yn caniatáu i gael eich ffilmio ac i ddefnydd posibl y delweddau a'r recordiadau sain hynny gan y Cyngor.

Y Gymraeg

Mae'r Cyngor yn croesawu cyfraniadau gan aelodau'r cyhoedd drwy gyfrwng y Gymraeg neu'r Saesneg. Gofynnwn gyda dyledus barch i chi roi 5 diwrnod o hysbysiad cyn y cyfarfod os dymunwch siarad yn Gymraeg fel y gallwn ddarparu ar gyfer eich anghenion.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

Public Document Pack Agenda Item 5

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd May, 2016 at 2.00 pm**

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

County Councillors: D. Dovey, D. Evans, B. Hayward, J. Higginson,
P. Murphy, M. Powell, B. Strong, P. Watts, A. Wintle, E. Hackett Pain.

County Councillor V. Smith attended the meeting by invitation of the
Chairman.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning
Philip Thomas	Development Services Manager
Paula Clarke	Planning Applications and Enforcement Manager
Robert Tranter	Head of Legal Services & Monitoring Officer
Martin Davies	Planning Policy Manager
Jane Coppock	Planning Policy Manager
Craig O'Connor	Senior Development Management Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

Councillors D. Blakebrough, D. Edwards, R. Harris, F. Taylor and A. Webb

1. Declarations of Interest.

County Councillor P.R. Clarke declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of Planning Application DC/2015/01291, as he is a Board Member of Monmouthshire Housing Association. He left the meeting taking no part in the discussion or voting thereon.

County Councillor D. Evans declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of Planning Application DC/2015/01291, as he is a Board Member and tenant of Monmouthshire Housing Association. He left the meeting taking no part in the discussion or voting thereon.

County Councillor V.E. Smith declared a personal interest pursuant to the Members' Code of Conduct in respect of Planning Application DC/2015/01291, as she is a Board Member and tenant of Monmouthshire Housing Association.

County Councillor A.M. Wintle declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of Planning Application DC/2015/01291, as he is a Board Member of Monmouthshire Housing Association. He left the meeting taking no part in the discussion or voting thereon.

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at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd May, 2016 at 2.00 pm**

2. Confirmation of minutes

The minutes of the Planning Committee held on 12th April 2016 were confirmed and signed by the Chairman.

3. Planning Application DC/2015/01380 - Retention of an access to allow farm vehicles to access property without obstructing the highway and put in a recycled hard core track across the field linking to the farm buildings. Ty Pengam, Llanvair Kilgeddin, Abergavenny

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

Councillor G. Thomas, representing Llanover Community Council, attended the meeting by invitation of the Chairman and outlined the following points:

- Representing a community of more elderly residents.
- Original access to the building was along Tyrpengwm House. This has now been extinguished by the applicant.
- A more commodious access would be onto the R53 which has a lesser direct access onto the B4598 which is a busy road.
- This is creating an additional road hazard on this busy road.
- There is road frontage from other fields onto the R53.
- Llanover Community Council would like the Planning Committee to reconsider the application to see if a more commodious access could be provided on safety grounds.

The applicant was given the opportunity to exercise his right of reply. However, he declined the offer to address the Planning Committee.

Having considered the report of the application and the views expressed Members noted that the improvements that had been made to the application had removed the traffic issues accessing onto the B4598.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R.J. Higginson that application DC/2015/01380 be approved subject to the five conditions, as outlined in the report.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

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The proposition was carried.

We resolved that application DC/2015/01380 be approved subject to the five conditions, as outlined in the report.

4. Planning Application DC/2015/01431 - Demolition of existing industrial sheds and the erection of 60 no. bedroom hotel, 6 no. two bed serviced hotel apartments, 3,700 sq.m destination spa, ancillary mixed use development (up to 3,000 Sq.m), energy centre, landscaping, car parking and other ancillary development; also reserved matters for access approval. Valley Enterprise Park, Hadnock Road, Monmouth, NP25 3NQ

We considered the report of the application which was presented for refusal for the one reason, as outlined in the report. The Head of Planning informed the Committee of the changes to the application, as identified in late and further late correspondence.

The local Member for Wyesham, attending the meeting by invitation of the Chairman, outlined the following points in favour of the application:

- Much consultation has taken place.
- The general consensus is that approval of the application would result in increased employment to the Monmouth town, and would provide much needed accommodation for tourist visiting the town.
- The site would be visually improved if the application was approved.

Mr. D. Cummings, representing Monmouth Chamber of Commerce, attending the meeting by invitation of the Chairman, outlined the following points in support of the application:

- Many letters of support have been received in favour of the application.
- Approval of the application would provide a financial benefit to Monmouth in the sum of £3.1M per year, every year.
- The proposed development would be more in keeping with the surrounding area adding to the improvements that have already been made over the previous 15 years.
- There will be a minimal effect on the local traffic flows.
- The developers have met the demands of the flooding issues in the area.
- There is ample notice of potential flooding in this area, i.e., a minimum of seven hours notice is received.
- There will be no risk to people or property should the application be approved.

MONMOUTHSHIRE COUNTY COUNCIL

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

- The flooding issues needed to be balanced with the benefits of the scheme.
- The tests set out in TAN 15 include the implications of flooding. There are three tests that the application has to pass and this is achieved in respect of the first two. However, the third test indicates that the consequences of flooding have to be acceptable.
- The amended plans show that the development will be erected above flooding levels which includes car parking.
- There is a need for Natural Resources Wales (NRW) to check with the applicant the modelling that has been provided. Until this is undertaken an objection to the scheme remains via planning officers. If this is the only objection the decision could be delegated to the Delegation Panel for the scheme to be approved subject to the modelling being completed by NRW.
- It was noted that there is no dry escape route which would be dangerous to emergency services.
- The applicants have said that if there were a significant flood their management plan would result in the site being vacated in time.
- If the application were approved, the Minister would have to be notified who might then call in the application.
- In response to a Member's question regarding the visual impact of the proposed scheme, it was noted that this matter would be dealt with at the reserved matters application stage.
- The benefits of having a hotel at this location would be vast.
- There would be ample warning if flooding were to occur at this location allowing guests and staff to vacate the building well in advance.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Hayward that application DC/2015/01431 be deferred to be approved via the Delegation Panel, provided the modelling exercise indicates the proposal would not have increased the risk of flooding elsewhere.

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

In favour of the proposal	-	11
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

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We resolved that application DC/2015/01431 be deferred to be approved via the Delegation Panel, provided the modelling exercise indicates the proposal would not have increased the risk of flooding elsewhere.

5. Planning Application DC/2015/00499 - New horse riding arena and change of use of field to caravan and camping site. Cwmsoar Farm Glascoed Lane Glascoed

We considered the report of the application which was recommended for approval subject to the 13 conditions, as outlined in the report.

The local Member for Glascoed, attended the meeting by invitation of the Chairman, considered that the application did have some issues that required resolving. However, these could be accommodated. Appropriate screening should be considered.

In response to a question raised by a Member it was considered that a condition should be added to ensure the gate is set back into the site to avoid obstructing the lane; details to be submitted and approved by the Local Planning Authority and carried out as approved.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Hayward that application DC/2015/00499 be approved subject to the 13 conditions, as outlined in the report and that a condition should be added to ensure the gate is set back into the site to avoid obstructing the lane; details to be submitted and approved by the Local Planning Authority and carried out as approved.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/00499 be approved subject to the 13 conditions, as outlined in the report and that a condition should be added to ensure the gate is set back into the site to avoid obstructing the lane; details to be submitted and approved by the Local Planning Authority and carried out as approved.

6. Planning Application DC/2015/01291 - Outline planning permission for residential Dwelling on ex-railway line land. Land to rear of 61 Park Crescent, Abergavenny

We considered the report of the application which was recommended for approval subject to the four conditions, as outlined in the report. The Planning Applications and Enforcement Manager outlined the report, as well as the late and further late correspondence to Members.

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Having received the report, it was considered that an additional condition should be added to ensure the visibility is improved at the site access by maintaining the hedge at a height of 1 metre along the western edge of the site, adjoining the pedestrian path.

It was proposed by County Councillor M. Powell and seconded by County Councillor P. Murphy that application DC/2015/01291 be approved subject to the four conditions, as outlined in the report and that an additional condition be added to ensure the visibility is improved at the site access by maintaining the hedge at a height of 1 metre along the western edge of the site, adjoining the pedestrian path.

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

For approval	-	8
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/01291 be approved subject to the four conditions, as outlined in the report and that an additional condition be added to ensure the visibility is improved at the site access by maintaining the hedge at a height of 1 metre along the western edge of the site, adjoining the pedestrian path.

7. Planning Application DC/2015/01322 - Conversion of stone stable / barn to a specialist school (USE CLASS D1) and associated external alterations. Monahawk Barn, Hazeldene, Common Road, Mitchel Troy Common, NP25 4JB

We considered the report of the application which was presented for refusal for the two reasons, as outlined in the report and late correspondence.

The Development Services Manager reminded the Planning Committee that the application had been presented to Committee on 12th April 2016 with a recommendation for approval. However, the Planning Committee had been minded to refuse the application on the following grounds:

- The proposed school would result in a significant and unacceptable amount of additional traffic in the area which cannot be acceptably accommodated on Common Road (which has limited capacity as it is a rural lane) and would cause vehicular conflict and harm to highway safety. The proposed development would have a detrimental impact on highway safety in the area and would be contrary to Policy MV1 of the Monmouthshire Local Development Plan (MLDP)
- The proposed school would have a detrimental impact on the amenity of the area as a result of increased noise and activity with additional traffic movements that would have a harmful impact on the character of this rural area, contrary to Policy EP1 of the Local Development Plan.

It was agreed that the application be re-presented to Planning Committee with appropriate reasons for refusal.

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Having received the report and the late correspondence, it was proposed by County Councillor P.R. Clarke and seconded by County Councillor A.M. Wintle that application DC/2015/01322 be refused for the two reasons, as outlined in the report and late correspondence.

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

For refusal	-	11
Against refusal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/01322 be refused for the two reasons, as outlined in the report and late correspondence.

8. Planning Application DC/2015/01587 - Demolition of existing buildings, and re-development of the site to provide 51 no. residential dwellings, and associated works. Coed Glas, Coed Glas Lane, Abergavenny

We considered the application which was recommended for approval subject to the 17 conditions, as outlined in the report and subject to a Section 106 Agreement, also outlined in the report.

The local Member for Castle Ward, also a Planning Committee Member, indicated that some of the trees by Holywell close looked to be dying off and it was hoped that some of the better trees might be retained.

Having received the report and the views expressed, it was proposed by County Councillor M. Powell and seconded by County Councillor D. Evans that application DC/2015/01587 be approved subject to the 17 conditions, as outlined in the report and subject to a Section 106 Agreement, also outlined in the report.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/01587 be approved subject to the 17 conditions, as outlined in the report and subject to a Section 106 Agreement, also outlined in the report.

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9. Planning Application DC/2016/00219 - Change of use from D2 to D1 (Children's Nursery). Unit 1, Castle Meadows Park, Abergavenny

We considered the application which was recommended for approval subject to the four conditions, as outlined in the report and subject to the issues raised in late correspondence.

The local Member for Castle Ward, also a Planning Committee Member expressed her support for the application.

Having received the report and the views expressed, it was proposed by County Councillor M. Powell and seconded by County Councillor R.J. Higginson that application DC/2016/00219 should be approved subject to the issues outlined in late correspondence, namely:

- Condition 2 relating to controlling hours of opening of the proposed nursery be should be omitted.
- That the word 'day' should be omitted from condition 3 to avoid confusion, as the premises could be open beyond the hours of daylight.
- That a condition be added to ensure details of the proposed outdoor play facility, including its surfacing and means of enclosure, be approved by the Local Planning Authority before the use of the unit and outdoor play area commences.
- That a car park management plan should be implemented.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2016/00219 be approved subject to the issues outlined in late correspondence, namely:

- Condition 2 relating to controlling hours of opening of the proposed nursery to be omitted.
- That the word 'day' to be omitted from condition 3 to avoid confusion, as the premises could be open beyond the hours of daylight.
- That a condition be added to ensure details of the proposed outdoor play facility, including its surfacing and means of enclosure, to be approved by the Local Planning Authority before the use of the unit and outdoor play area commences.
- That a car park management plan would be implemented.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
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10. Supplementary Planning Guidance Draft Programme

We received the Monmouthshire Local Development Plan Supplementary Planning Guidance Draft Programme.

We resolved to endorse the draft programme for the preparation of supplementary planning guidance and to recommend to the Cabinet Member with responsibility for planning matters, accordingly.

11. Revision of Planning Scheme of Delegation and Code of Practice

We received a report regarding the revised Planning Scheme of Delegation to reflect changes to legislation and change to job titles and improve clarity.

We resolved:

- (i) to endorse the revised Planning Scheme of Delegation for adoption by Full Council;
- (ii) that the Head of Planning be authorised to update the revised Planning Scheme of Delegation in the future in relation to factual corrections to the job titles.

12. Review of the Council's pre-application planning advice service including the proposal to increase the charges for this service

We received a review of the current formal Planning Pre-Application Advice Service and details of the proposal to increase the fees that the Council charges customers.

We resolved to note the review of the Planning Pre-Application Advice Service and endorse the proposed increase in charges for this service, for the Cabinet Member to adopt.

13. 10 Abergavenny Road, Usk, Monmouthshire, NP15 1SB - Appeal Decision

Planning Inspectorate Appeal Decision for 10 Abergavenny Road, Usk, Monmouthshire. NP15 1SB

Decision: The appeal was dismissed.

14. Update by the Head of Planning

The Head of Planning provided the Planning Committee with an update in respect of the following:

- The draft Planning Committee Protocol will shortly be distributed to Members of the Planning Committee for comment, with a view to comments being forwarded to the Welsh Government by 25th May 2016.

The meeting ended at 4.20 pm

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd May, 2016 at 2.00 pm**

DC/2015/00133

FOUR NEW RETIREMENT BUNGALOWS

LAND TO REAR OF KYALAMI, MERTHYR ROAD, LLANFOIST

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham

Date Registered: 09/03/2015

1.0 APPLICATION DETAILS

- 1.1 This is a full application for four detached bungalows for occupation by persons over 50 years of age. Each bungalow will have three bedrooms and a floor area of approximately 98m².
- 1.2 The site will be accessed off Merthyr Road between two existing dwellings, Kyalami and The Laurels. Two car private car parking spaces are proposed for each bungalow with further on-street parking available within the proposed cul-de-sac layout.
- 1.3 The site is within the development boundary of Llanfoist which is designated as a rural secondary settlement in the Local Development Plan and is not constrained by any ecological or heritage designations.
- 1.4 This application follows a previous refusal on the site for 6 no. two-storey dwellings (see 2.0 below). At the time of the previous application, there were concerns about the impact of the proposals on neighbouring properties, the access arrangements, surface and foul water drainage arrangements, and biodiversity concerns. The agents for the applicants went some way to addressing these concerns but none was resolved, despite repeated requests for the necessary information to be submitted or for the application to be withdrawn. The application was therefore refused on the basis that the proposals could have unacceptable impacts on residential, highway, drainage and ecological interests and that the applicants had not demonstrated that the application proposals would or could comply with the requirements of Development Plan Policies.

2.0 RELEVANT PLANNING HISTORY

DC/2008/00651 – Construction of 6 dwellings together with associated roadworks and services. Refused February 2012.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 – Spatial Distribution of New Housing Provision
- S4 – Affordable Housing
- S12 – Efficient resource Use and Flood Risk
- S13 – Landscape, Green Infrastructure and the Natural Environment
- S16 – Transport
- S17 – Place Making and Design

Development Management Policies

- H1 – Residential Development within Rural Secondary Settlements

DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
NE1 – Nature Conservation and Development
GI1 – Green Infrastructure Provision
MV1 – Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

4.1.1 Llanfoist Community Council – no comments received to date.

4.1.2 MCC Highways – this submission does not address the highways concerns expressed under the previous application 2008/00651.

The parking shown does not comply with the current SPG where for a three bedroomed house three parking spaces are required.

The access must be a vehicular cross over and not a junction. This design would provide the pedestrians with the right of passage and the crossing of vehicles onto a private access will be aware of that progress. The access does not offer a standard required visibility splay. The vehicle crossover will also control the water on the highway from ingressing onto a very steep site. The steep site and lack of visibility will negate the site from being acceptable as an adoptable route.

Should you be minded to approve the proposal, there must be signage at the entrance to indicate that the site highway is private and not a public highway. It will remain private in perpetuity.

4.1.3 MCC Biodiversity Officer – no objection subject to suitably worded conditions in relation to the retention of ponds created for use by Great Crested Newts.

4.1.4 Natural Resources Wales (NRW) – no objections subject to adherence to the Method Statement for Great Crested Newts dated 7 June 2015.

Comments:

Risk to Groundwater

We have reviewed the further information which has been submitted in respect of the proposed methods of surface drainage:

- Drainage Statement by Infrastructure Design Ltd dated 6 January 2016
- Private Drainage Layout, ref 730-07-01-Rev1, dated December 2014
- Private Drainage Details, ref 730-7-2 Rev2, dated December 2014.

We note that deep borehole soakaways are no longer the proposed method of surface water drainage. Therefore, we no longer object to the application providing a condition is attached to any planning permission granted to ensure implementation of the surface water drainage system as described within the above Drainage Statement and plans. This is in order to prevent pollution of the water environment.

We note that four boreholes have been installed, three of which struck groundwater at around 3 metres below ground level which quickly rose. This suggests that groundwater is confined beneath this site. Further testing and assessment suggest that deep borehole soakaways are not required as originally planned and a more conventional soakaway will suffice. The proposal is to utilise storage crates which will

infiltrate at a maximum depth of 1.5 metres below ground level into the unsaturated zone in the made ground beneath the site.

Flood Risk

The application sites lies almost entirely within Zone B, as defined by the Development Advice Map (DAM) referred to in Technical Advice note 15: Development and Flood Risk. We do not hold relevant fluvial flood risk information for this application site. However, as the Lead Local Flood Authority we advise that you consult your Council's Drainage Department for advice on any surface and groundwater flooding issues.

European Protected Species Great Crested Newts

We have reviewed the revised Method Statement, dated 7 June 2015. The amendments made are in line with our previous advice. Therefore, provided that a condition is included on any planning permission granted to ensure adherence to the Method Statement dated 7 June 2015, we consider that the development is unlikely to cause detriment to the maintenance of favourable conservation status of great crested newts.

Dwr Cymru- Welsh Water – no objections subject to conditions ensuring no surface water will connect to public sewerage system.

Glamorgan Gwent Archaeological Trust - no objections.

The proposed development is located in the Blaenavon Registered Historic Landscape as defined within the *Register of Historic Landscapes of Outstanding Interest in Wales*. We have therefore considered the impact of the propose work on the historic landscape and have concluded that this will not be a factor in the determination of this application. There is unlikely to be an archaeological restraint to this proposed development.

SEWBREC Search Results – Great Crested Newts recorded within 140m of the site. Various species of bat recorded foraging/commuting within the vicinity of the site.

4.2 Neighbour Notification

Five representations received (four offered no objection in principle to the development of the site for bungalows). The following concerns/objections were raised:

- Insufficient detail for the application to be properly considered.
- Too close to neighbouring properties (Llanfoist Cottage).
- Development could increase risk of flooding on adjoining properties as the water has been displaced from the site.
- Habitat is of ecological importance.
- Site levels have been artificially raised.
- No evidence that proposed landscaping will successfully grow on the site due to ground water saturation levels.
- Absence of sections and levels fails to address the previous reasons for refusal.
- Must ensure that drainage of both surface water and sewage are adequate to cope with historic flooding problems associated with the site.
- Upper windows on new properties should have frosted glass.
- Question who would be responsible for ponds that are to be created as part of the development? (*These would be the responsibility of the individual property owners and their maintenance could be ensured by the imposition of a planning condition should consent to granted*).

5.0 EVALUATION

5.1 Principle of Development

5.1.1 The site is within the built up area of Llanfoist which is designated as a 'Rural Secondary Settlement' in the adopted Local Development Plan (LPD). As such, the principle of new housing is acceptable subject to detailed planning considerations.

5.1.2 Policy S4 of the LDP requires provision to be made for affordable housing. The Policy requires that sites within Rural Secondary Settlements with a capacity for 5 or more dwellings make a provision for 35% of the total number of dwellings to be affordable. The capacity of a site is based on an assumed achievable density of 30 dwellings. This site proposal is for four dwellings which means that in theory, the site should have capacity for 8 dwellings. This site requires the provision of an access road with turning head which significantly reduces the developable area of the land and therefore it would be unreasonable to apply the assumed density of the development in this case. Furthermore, the land is surrounded on all sides by existing dwellings meaning that any residential accommodation at first floor level and above would cause unacceptable overlooking to existing residents that further limits the amount of residential units that the site can accommodate. As such, four bungalows is considered to be the capacity of this site.

5.1.3 In accordance with Policy S4, development sites with a capacity below the threshold of five dwellings should make a financial contribution towards the provision of affordable housing in the local area. However, applications registered before April 2016, are not being subject to a financial contribution as the SPG was not adopted until April 2016, and this was agreed by Members under the recent adoption process.

5.2. Access, Parking and Traffic

5.2.1 A new access road is proposed from Merthyr Road to the south to the proposed new dwellings. Each dwelling will have provision for two private car parking spaces. The bungalows are shown as having three bedrooms and therefore would normally expect to be served by three parking spaces each. However, the dwellings are to be marketed for the over 50's only and therefore it is unlikely that families with more than two cars will be living in the properties and therefore in this case it is considered that it is acceptable to reduce the parking requirement to reflect the characteristics of the residents the development is aimed at. There will be space on the proposed new cul-de-sac serving the development for visitor parking.

5.2.2 Manual for Streets suggests visibility splays of 40 metres in both directions within a 30mph speed limit area. As this is an established built up area, the applicant does not have control over sufficient land in either direction to be able to achieve this. However, it should be noted that as existing, there are no physical barriers within the theoretical splays that prevent clear vision for this distance in both directions for vehicles merging from the new access onto Merthyr Road. It should also be noted that there are existing traffic calming measures in place along this part of Merthyr Road to keep speeds down.

5.2.3 Due to the gradient of the site, the new access road would not meet adoptable standards. As such, the applicant has not asked for the road to be adopted. Given the low number of dwellings that the road will serve, this arrangement is considered to be acceptable in this case. The access will be a vehicular cross over rather than a junction with pedestrians continuing to have the right of passage along the pavement on

Merthyr Road. Vehicles using the new access road will be aware of this and it can also be a condition of any consent granted that this is also clearly signposted.

5.2.4 Should the developer wish to take advantage of the kerbside collection of refuse offered by MCC within the site then they will have to enter into an agreement with the council accepting that any damage to the private road is their own liability.

5.2.5 The access road is not up to adoptable standards due to the gradient of the site and visibility and parking is not up to the normal standard for new development. However, given the tenure of the proposed housing, the small scale of development and the existing traffic calming measures on Merthyr Road, it is not considered that the non-compliance with normal standards would harm highway safety at this location.

5.3 Biodiversity Considerations

5.3.1 There is a known population of Great Crested Newts which are a European Protected Species in a pond within 100m of the site. Great Crested Newts require both aquatic and terrestrial habitat to complete their life cycle and the ecological survey submitted with the application identified suitable terrestrial habitat within the application site. As such a Method Statement detailing proposals to mitigate the impact of the development on Great Crested Newts has also been produced to support the application. Provided that a condition is included on any consent ensuring that the Method Statement is adhered to, then it is considered that the development is unlikely to cause detriment to the maintenance of favourable conservation status to the newts.

5.4 Flooding and Drainage

5.4.1 The site lies within Zone B as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk floodplain which does not prevent the site be developed for residential use in principle.

5.4.2 In terms of drainage, it is proposed to utilise storage crates which will infiltrate at a maximum depth of 1.5 metres below ground level into the unsaturated zone in the made ground beneath the site. The applicant installed four boreholes, three of which struck groundwater at around 3 metres below ground level which quickly rose. This suggests that groundwater is confined beneath this site. Further testing and assessment suggested that deep borehole soakaways are not required as originally planned and a more conventional soakaway will suffice. NRW do not object to this drainage solution and therefore it is considered that the issue of surface water drainage has been satisfactorily addressed.

5.5 Visual Impact

5.5.1 All of the proposed development will be single storey and the site is not prominent and on the whole will be hidden from wider views by the existing surrounding housing. The application proposed four identical detached bungalows finished with modern materials including facing brickwork, uPVC windows and slate or tiled pitched roofs. The bungalows have been designed with two roofs of differing heights to add interest, a feature main bay window and header and cill details. There are a variety of different types of housing within the vicinity of the site and it is considered that the bungalows proposed will not be out of keeping with the local area.

5.6 Residential Amenity

5.6.1 By virtue of the fact that the proposed dwellings are bungalows, much of the potential overlooking between the proposed new dwellings and the existing neighbouring residential properties has been removed as there will be 2m fencing between any ground floor windows and the gardens of neighbouring dwellings. New tree planting is proposed around the northern and western boundaries of the site that will further screen the proposed new properties themselves from overlooking by the existing properties to the north on Briadene as well as assisting in drainage and providing a habitat for wildlife. The proposed bungalows will have a maximum roof height of 5.2 metres which is unlikely to result in the buildings having an overbearing impact on any neighbouring occupiers.

5.7 Other Issues Raised

5.7.1 Site levels have previously been artificially raised by imported topsoil. This is to be removed as part of the development together with fly-tipped material and rock piles on site. The ground level will therefore be reinstated to its original natural level.

5.7.2 With regards to the likelihood of the proposed landscaping successfully growing on the site due to ground water saturation levels, the standard landscaping implementation condition requires the replacement of any planting that dies within five years. This can be added to any consent that the Council are minded to approve. Details of the species of the planting proposed can also be obtained via this condition.

6.0 **RECOMMENDATION: APPROVE**

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	The dwellings hereby approved shall be occupied by persons aged 50 and over only.
4	The development hereby approved shall be undertaken strictly in accordance with the Method Statement for Great Crested Newts dated 7 June 2015.
5	All of the ponds shown on the drawings hereby approved, shall be retained in perpetuity.
6	Landscape implementation in accordance with drawing no. 005 revision E. Any landscaping that dies within 5 years to be replaced.

Informative:

Prior to the occupation of the dwellings hereby approved, signage shall be provided at the entrance to the site stating that the road is private. This signage shall be retained for as long as the road remains unadopted.

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. 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.

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DC/2015/01112

CHANGE OF USE OF EXISTING PUBLIC HOUSE TO TWO RESIDENTIAL DWELLINGS INCLUDING AN EXTENSION

MOON AND SIXPENCE, MAIN ROAD TINTERN

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 03/02/2016

1.0 APPLICATION DETAILS

1.1 This historic stone building has been run as a public house intermittently until 2015. It has over the years had some rather unsympathetic extensions to the front and side. Now the current owners seek to convert the building, which is within the Tintern Conservation Area, into two residential properties. The proposal involves a small first floor extension. The external appearance of the building would remain largely unchanged. There is dedicated off-street parking provision for approximately eight cars on the opposite side of the road. The Moon and Sixpence is located within a flood zone and within the Wye Valley Area of Outstanding Natural Beauty (AONB). A Flood Consequences Assessment, Design and Access Statement and a Marketing Strategy have been submitted as part of the application.

2.0 RELEVANT PLANNING HISTORY

None found

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 Community and Recreational Facilities
S4 Affordable Housing Provision
S1 Spatial Distribution of New Housing Provision
S12 Efficient Resource Use and Flood Risk
S13 Landscape Green Infrastructure and Natural Environment
S16 Transport
S17 Place Making and Design

Development Management Policies

H3 Residential Development in Minor villages
CRF1 Retention of Existing Community Facilities
SD3 Flood Risk
LC4 Wye Valley Area of Outstanding Natural Beauty
NE1 Nature Conservation and Development
EP1 Amenity and Environmental Protection
MV1 Proposed Development and Highway Considerations
DES1 General Design Considerations
HE1 Development in Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultations Replies

Tintern Community Council – subdivision of the garden needs clarification;
A spring comes through the back wall that used to fill an internal pond.
No strong commercial reason to close the pub, the village has already lost two licenced premises recently.
Lack of privacy as people have to pass in front of the first property to gain access to the second.
Have the formal channels for change been fulfilled?
Needs a rear access.
Building Control need to check the position of the spring.
Would like this application to be presented to Planning Committee.

Natural Resources Wales - we have reviewed the submitted FCA and remove our objection to the proposed development. The FCA has stated that the current finished floor level within the building is 11.8 metres Above Ordnance Datum (AOD). The FCA has used the extreme event sea level figures within the Severn Estuary to demonstrate that the proposal is likely to remain flood free in the predicted 0.5% and 0.1% (plus climate change) annual probability flood event. This is a precautionary approach. Therefore we advise that the proposal is in line with TAN15 guidance. We note that the proposal includes private parking for the dwellings on the existing public house car park. This area is at risk of flooding. The FCA has not assessed the risk to the car park and therefore we cannot advise you on the consequences of flooding to this element of the proposal.

MCC Planning Policy - The Moon and Sixpence is located in Tintern, identified as a Minor Village in Policy S1 where small scale residential development will be allowed in the circumstances set out in Policy H3. Policy H3 relates to planning permission being granted for minor infill of a small gap between existing dwellings, residential redevelopment, conversion to residential or sub-division of large dwellings subject to detailed planning considerations; including policies that seek to protect existing retail, employment and community uses.

Strategic Policy S4 relates to affordable housing provision. It would have to be considered whether the conversion to two dwellings equates to the full potential of residential redevelopment in this location. If this is determined to be the case, the sixth bullet point of S4 relating to financial contributions for the provision of affordable housing in the local planning authority for proposals below the thresholds set out in S4 would be applicable. Such contributions will be requested if the application is approved and determined once there is relevant adopted SPG in place.

Strategic Policy S5 relates to community and recreation facilities noting development proposals that result in the unjustified loss of community and recreation facilities will not be permitted. Policy CRF1 specifically relates to the retention of existing community facilities. It would have to be considered whether the proposal satisfies the criteria listed, particularly criteria (b) and (c). While it is noted that the facility has been vacant for some time and has been marketed and auctioned, the details of the marketing exercise/timescales are not known. It would be helpful if evidence was provided to demonstrate why the business use was not previously viable and/or why it could not become viable in the future.

Just over half of the Moon and Sixpence and associated car parking area is located within Zone C2 floodplain, Strategic Policy S12 and supporting development management Policy SD3 relating to Flood Risk therefore apply. Whilst it is recognised that the property was once a single residential unit and contains an element of living

accommodation on the first floor at present, the ground floor area is not currently considered as a form of highly vulnerable development whereas a full residential use would be. It is noted a Flood Consequences Assessment has been submitted. Nevertheless, it is considered that as the proposed development in its totality relates to a form of 'highly vulnerable development' it would appear to be contrary to Policy SD3 and Welsh Government Guidance set out in TAN 15.

The application is located in both the Wye Valley Area of Outstanding Natural Beauty and the Tintern Conservation Area, policies LC4 and HE1 respectively apply.

Finally, policies DES1 and EP1 should be considered relating to general development considerations.

MCC Heritage - thank you for forwarding the revised elevations for the elevations at the Moon and Sixpence. In principle I am now happy with the design of the proposed new elevation for two 'three-over-six' sash windows, these should be in timber traditional sash windows and the roof should be of natural slate to improve on the current visual contribution of the Moon and Sixpence to the Tintern Conservation Area. There may be archaeological issues relating to the reduction in floor levels internally. Welsh Water - outlines conditions relating to surface water.

There are not problems envisaged with waste water treatment works or water supply.

MCC Highways - historically the site has served as a public house which has an existing car park on the opposite side of the A466. The car park itself is not ideal as it typically involves vehicles manoeuvring in and out of the car park directly onto the adjacent A466. However, it is accepted that this type of arrangement is historical and unique to Tintern as there are numerous car parking areas of this type on both sides of the A466.

It is proposed to utilise the existing car park to provide four car parking spaces for each dwelling. The Monmouthshire Car Parking Standards 2012 specifies one car parking space to be provided per bedroom per dwelling with a maximum of three car parking spaces per dwelling. The proposed car parking provision exceeds this requirement and therefore is acceptable. As part of the proposal the car park will be improved to create a single point of access onto the A466 by creating a dwarf boundary wall. This will therefore reduce the number of conflict points along that section of the A466 which will improve the existing situation.

In light of the aforementioned comments there are no highway grounds to sustain an objection to the application subject to conditions being applied.

MCC Biodiversity -

Protected Species: A bat survey has been undertaken at the property above and is of a high standard and is sufficient to inform the scheme. This has been undertaken by a suitably qualified ecologist, and is of an appropriate age with surveys undertaken within the past year. The Moon and Sixpence, Main Road, Tintern – Bat Roost Inspection (Visual) and Activity Survey. Avalon Ecology, September 2012, ref AE160.1 A scoping survey, two dusk surveys, and one dawn survey were undertaken between July and August 2015. No evidence of bat roosts were found, although the building was considered to have a high potential to support bats. Precautionary measures have been suggested in the report and condition recommended. Multiple light-shy species were observed flying along the woodland interface to the rear (north) of the property, and the development must therefore maintain dark corridors as suggest in the report. A condition is recommended.

Protected Sites: The development is immediately adjacent to the River Wye SAC. Therefore, the LPA has undertaken a Habitats Regulations Assessment (Test of Likely Significant Effect). This assessment is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, in accordance with the EC Habitats Directive (Council Directive 92/43/EDC) before the Council as the 'Competent

Authority' under the Regulations can grant permission for the project. It was concluded that due to the scale and type of project, there will not be a 'Significant Effect' on any of the Interest Features of the River Wye SAC, provided that no additional external lighting is installed.

Wye Valley AONB Officer: Thanks for the opportunity to comment on this report. I do not believe the proposed application will have any significant detrimental impacts on the AONB. I note the report states that "The extension now represents a visual improvement to the appearance of the building and enhances the appearance of the Conservation Area. The Council's Heritage Officer is now satisfied with the design of the proposal." These are the important considerations that will help conserve and enhance the AONB. Therefore I have no further comments.

4.2 Neighbour Notification

Letters of objection received from three addresses:

Commercial properties are far too rare along Main Road
Local people and tourists need businesses, shops, hostelrys and employment
Do not want to lose this community asset
The building is superbly situated to be a village shop, tea room or restaurant.
Inappropriate use of the site
Dangerous parking
Owners have removed the water feature of the spring coming through the back wall
Closure of the pub is a severe loss to the village
Works have already started
No gardens and no privacy.
It has been a pub for a very long time
Over ambitious parking
Dangerous parking
Loss of a tourist facility

Letters of support received from 22 addresses:

Fabulous to see someone taking care of the building
Building is falling into decay and disrepair.
Currently an eyesore for the village
Over the past five years four businesses have started up and failed on the site
Tintern does not need five public houses/ inns.
The building was offered to the village as a community pub but the village was not prepared to take it on as they did not think it was a viable concern
The derelict building attracts rats that affect the neighbouring buildings
It has not been run as a successful business since the 1970's
The building needs to be repaired and updated
Better for the image of Tintern to have a cared for building than a derelict one

A petition with 73 signatures was received supporting the application.

4.3 Local Member Representations

Requests that this application is considered at Committee

5.0 **EVALUATION**

5.1 Principle of Residential Development

5.1.1 Tintern has been identified as a Minor Village in the LDP where small scale residential development will be allowed in the circumstances set out in Policy H3. Policy H3 says that planning permission will be granted for conversion to residential use subject to detailed planning considerations including the impact on the village form and character and the impact on the surrounding landscape and other policies of the LDP that seek to protect existing retail, employment and community uses. The proposed external physical alterations are relatively small and actually improve the visual appearance of the building, and therefore the change of use has no impact on the village form and character. Similarly the alterations do not impact on the wider landscape which is within the Wye Valley AONB and the Tintern Conservation Area. The change to residential use complies with the initial objectives of Policy H3 but the impact on employment and loss of a community facility are considered in detail below.

5.2 Loss of a Community Facility

5.2.1 Policies H3, S5 and CRF1 of the LDP all relate to the unjustified loss of community facilities. Policy CRF1 states that the change of use or conversion to other uses of, inter alia, public houses will only be permitted where:

- a) **the local community would continue to be adequately served by facilities to which there is easy and convenient access by means other than the private car,**
- b) **or in respect of commercially-operated facilities,**
- b) **there is evidence that the facility is not, and could not reasonably be expected to become, financially viable or the facility, if non-operational, has been vacant for a substantial period of time, and**
- c) **genuine attempts at marketing the facility, whether in use or vacant, have been unsuccessful.**

Within Tintern there are ample community facilities including several pubs, cafes, tourist shops, hotels and a doctor's surgery. The community of Tintern would therefore continue to be adequately served by similar facilities. As criterion a) of Policy CRF1 is complied with, there is no need to then have regard to criteria b) and c), the terms of the policy having been met by the proposal. In this case, the applicants have provided some supporting information as background relating to the recent businesses run from the premises and the marketing of the property. It appears that Mr and Mrs Booth brought the property in the early 1990's and leased the building to a successive number of traders who ran it as a public house. It was also on the market for sale or rent with an asking price of £360,000. In 2013 Mr Booth came out of retirement to run the pub with the idea of selling it as a going concern; at that time the asking price had fallen to £269,950. The property was marketed by Sidney Phillips, Daltons, Rightmove, Novaloca, Moon and Co. and others. After several months of running at a loss the business closed down. The property was then put up for auction with Cotton Auctioneers in summer 2015 with a guide price of £200,000 and was sold for £180,000. The history of the building and the long term marketing at a realistic price would indicate that the facility could not reasonably become financially viable especially given the high level of competition offering similar facilities elsewhere in the village. Over the last 20 years this property has spent a considerable amount of time vacant. There have been genuine attempts to market the property and at a realistic price and with a variety of estate agents. The proposed change of use to residential does comply with the objectives of Policy CRF1 by meeting criterion a), and in addition, the background information is useful in understanding that the public house has become unviable in economic terms. There are other facilities within the village which provide a variety of food and drink facilities and it has been demonstrated that the Moon and Sixpence

cannot become financially viable. Local residents have said that the Moon and Sixpence was offered to the local community to operate as a public house but that the community declined to take up the offer.

5.3 Visual impact on the Conservation Area and AONB

5.3.1 It is thought that parts of the property date back to the 13th Century. The building, which fronts onto the river has many period features but has had some rather unsympathetic extensions over the years including a lean-to at the side with a shallow roof pitch. The proposal involves replacing this lean-to with a more conventional roof, set at a slightly lower level to give a subservient appearance. During the course of the application amendments have been made to this extension and it is now of an acceptable design. The extension now represents a visual improvement to the appearance of the building and enhances the appearance of the Conservation Area. The Council's Heritage Officer is now satisfied with the design of the proposal and the application complies with the objectives of Policy HE1 of the LDP which seeks to preserve or enhance the character and appearance of Conservation Areas. The finishing materials of the extension will match those of the existing building and there is proposed to be a planning condition applied to ensure that the new windows are of timber and the new roof of natural slate.

5.4 Flooding

5.4.1 The application site lies partially within a C2 Flood Area. The application was submitted with an FCA and NRW initially objected to the proposal as it resulted in vulnerable development within a C2 Flood Zone. However a second, more comprehensive FCA was then submitted which identified that the current finished floor levels of the building are 11.8 metres above Ordnance Datum. The FCA has used the extreme event sea level figures within the Severn Estuary to demonstrate that the proposal is likely to remain flood free in the predicted 0.5% and 0.1% (plus climate change) annual probability flood event. On receipt of this, NRW withdrew their objection to the application. They do however point out that although the property is well above the flood level, the car park is still liable to flooding.

5.5 Residential Amenity

5.5.1 There are residential properties on either side of the Moon and Sixpence. Homeleigh to the north-east would be able to see the proposed extension but would not be adversely affected by it. There would be no windows on the side elevation facing towards Homeleigh. In addition there is a parking area separating the two dwellings. To the south-west of the Moon and Sixpence is a property known as Prospect Cottage, and between the two properties is a covered access way. The ground floor accommodation of the Moon and Sixpence extends to the rear of Prospect Cottage. The internal accommodation will remain the same but the existing plastic flat roof over the access will be removed. This will not affect the adjoining property. No residential properties will be adversely affected by the proposed alterations and so that the objectives of Policy DES1 are met.

5.6 Highway Safety

5.6.1 On the opposite side of the road, adjacent to the river is a large area of hardstanding that was used as a carpark and beer garden for users of the public house. The car park itself is not ideal as it typically involves vehicles manoeuvring in and out of the car park directly onto the adjacent A466. However, it is accepted that this type of arrangement is historical and unique to Tintern and there are numerous car parking

areas of this type on both sides of the A466. It is proposed to utilise the existing car park to provide four car parking spaces for each dwelling. The Monmouthshire Car Parking Standards 2012 specifies one car parking space to be provided per bedroom per dwelling with a maximum of three car parking spaces per dwelling. The proposed car parking provision exceeds this standard and therefore is acceptable. As part of the proposal the car park will be improved to create a single point of access onto the A466 by creating a dwarf boundary wall. This will therefore reduce the number of points of conflict along that section of the A466 which will improve the existing situation. MCC Highway Engineers have no objection to the proposed car parking arrangements.

5.6.2 The car parking area is in a C2 Zone liable to flooding, but this is not reason to substantiate an objection. However, the applicants should be made aware of the situation so that cars could be moved if flood warnings are given.

5.7 Affordable Housing Contribution

Policy S4 of the LDP refers to Affordable Housing Provision. It states that development sites with a capacity below the stated thresholds (in this case less than 3 units) will be required to make a financial contribution towards the provision of affordable housing in the county. The supplementary planning guidance (SPG) giving details of this has now been adopted (April 2016) but any applications registered before it came in to effect (such as this application) would not be required to make a financial contribution.

5.8 Biodiversity

A bat survey has been undertaken, which found that there was no evidence of bat roosts, although the building was considered to have a high potential to support bats. Precautionary measures have been suggested and can be implemented by condition. Multiple light-shy species were observed flying along the woodland interface to the rear (north) of the property, and the development must therefore maintain dark corridors as suggested in the report. The applicant has confirmed that there is no intention to install additional external lighting and this can be controlled by condition. The Council's Biodiversity Officer is satisfied with this approach and has completed a Habitats Regulations Assessment for the proposal.

5.9 Response to Community Council Representations

Tintern Community Council suggests that the rear gardens of the property should be subdivided. To the rear of the property is a steep cliff with no proposed access. The land in the applicant's ownership but marked blue on the site plan does include approximately half an acre of woodland. If subsequent owners wanted to use this as residential curtilage it would need to be the subject of a separate planning application for a change of use. The Moon & Sixpence is not a listed building and therefore changes to the internal features including the loss of the water feature are not material planning considerations. The fact that the access for the second dwelling passes the front of the first dwelling is a matter for the occupiers of those dwellings, but it is not thought that this would be unacceptable on amenity grounds and potential purchasers would be aware of the arrangement. There is no formal requirement for a rear access. A separate application will need to be submitted to address the Building Regulations and this is usually made after planning permission has been granted.

6.0 RECOMMENDATION: APPROVE

Conditions

1. 5 Years in which to commence development.

2. Compliance with listed approved plans
3. Samples of finishing materials to be submitted and agreed.
4. The dwarf boundary wall shall not exceed 1m in height so as to not obstruct visibility from the car parking area.
5. The car parking area shall be retained for the use of car parking for the individual dwellings in perpetuity.
6. Bat mitigation: the works shall take place in accordance with the recommendations in sections 6.1 and 6.2 of the document "The Moon and Sixpence – Bat Roost Inspection (Visual) and Activity Survey", by Avalon Ecology, dated September 2012, reference AE160.1
7. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the west, north, or east elevations of the properties.

Informative

1. Make applicant aware that the car parking area is liable to flooding.
2. 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.
3. 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 the retained ecologist or Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).
4. 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.
5. 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. 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.

DC/2015/01184

RESIDENTIAL DEVELOPMENT TO PROVIDE 212 DWELLINGS INCLUDING 20 AFFORDABLE HOUSING UNITS, RECONFIGURED ACCESS, A NEW EMERGENCY ROUTE, NEW INTERNAL ROADS, FOOTPATHS/CYCLE WAYS, CAR PARKING AND HIGHWAY IMPROVEMENTS, A NETWORK OF PUBLIC OPEN SPACE INCLUDING LANDSCAPE AND RECREATIONAL SPACE, PUBLIC REALM AND BIODIVERSITY ENHANCEMENTS, OTHER ANCILLARY WORKS, RE-PROFILING OF THE LAND AND THE INSTALLATION OF NEW SERVICES AND INFRASTRUCTURE

SUDBROOK PAPERMILL SUDBROOK

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 30/09/15

1.0 APPLICATION DETAILS

- 1.1 This full application, seeks the erection of 192 market houses (10 two-bed houses, 105 three-bed houses and 77 four-bed houses). The houses would be a mix of detached, semi-detached and terraced properties. There would also be 20 affordable units (9.4%) comprising 8 two-person walk up flats, 10 two-bed houses and 2 three-bed houses. All of the affordable housing complies with DQR standards. In total it is proposed to erect 212 dwellings. The site area extends to 10.7 hectares but only 7.1 hectares would be developed. The land to be developed roughly equates to the land previously developed as the former St Regis Papermill and is allocated in the adopted Local Development Plan (LDP) as a strategic housing site. The levels of the site would be re-profiled to protect the developed part of the site from flooding. The development would utilise the existing access from Sudbrook Road with altered priority. The layout would follow a looped roadway within the site with several cul-de-sacs leading off this and shared driveways. A Local Area of Play (LAP) would be provided in the centre of the housing development. In addition there would be substantial public amenity space and planting at the entrance of the site and along the boundaries. There would be an area of public open space in the north east corner of the site from which there would be a pedestrian link into the existing settlement. The existing ephemeral pond would be retained near to the estuary in the south-east corner. A large area of public open space would be provided on the south west portion of the site and this would contain a footpath link from the development to the Wales Coastal Path. There would be two other pedestrian links from the development to adjacent footpaths.
- 1.2 To the north of the site is the existing settlement of Sudbrook containing approximately 150 dwellings and to the south, beyond the Wales Coastal Path, is the Bristol Channel and the Second Severn Crossing. Immediately to the east of the site, is an Iron Age fort which has been designated as a Scheduled Ancient Monument (SAM). To the west of the site is a coniferous plantation within the applicant's ownership. The Severn Estuary has been designated as a Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR site and Site of Special Scientific Interest (SSSI). A Habitats Regulations Assessment has been completed for the site.
- 1.3 An Environmental Statement was submitted with the application due to the site's proximity to the Severn Estuary. The Statement covers landscape and visual impact, biodiversity, transport and access. The other reports which accompanied the application are:
- Flood Consequences Assessment

- Transport Assessment and Travel Plan
- A Report on Ground Conditions
- Archaeological Assessment
- Noise Impact Assessment
- Design and Access Statement
- Information relating to the Viability of the site.

1.4 A similar application (but containing no affordable housing) DC/2014/01468, was submitted in 2014. The applicants appealed the application on grounds of non-determination. Members were minded to refuse that application as it contained no affordable housing. That appeal is being held in abeyance pending the outcome of this application.

1.5 This application is presented to Committee having been independently assessed in terms of development viability by the District Valuation Service. Having received this third party independent viability appraisal, it is clear that a higher proportion of affordable housing cannot be provided. As such, the application complies with the LDP, regenerates an unsightly brownfield site and provides much-needed housing.

2.0 RELEVANT PLANNING HISTORY

DC/2012/00307 Outline application for residential development for 340 dwellings	Refused, Dismissed on appeal 08/05/14
DC/2013/00487 Erection of Bat Building	Approved 18/12/14
DC/2014/01468 Full application for 209 dwellings	Appeal held in abeyance.

Relevant History on Adjoining Sites

DC/2006/01678	Residential development of 42 dwellings Land off Sudbrook Road	Appeal Allowed 2/6/09
DC/2011/00607	Redevelopment of Old Shipyard Site for 42 dwellings	Approved subject to the signing of a 106 agreement.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 - Spatial Distribution of New Housing Provision
- S2 - Housing Provision
- S3- Strategic Housing Sites
- S4 - Affordable Housing Provision
- S5 - Community and Recreation Facilities
- S7 - Infrastructure Provision
- S12 - Efficient Resource Use and Flood Risk
- S13 - Landscape, Green Infrastructure and Natural Environment
- S14 - Waste
- S16 - Transport
- S17 - Place Making and Design

Development Management Policies

H1- Residential Development in Main towns, Severnside Settlements and Rural-Secondary Settlements
CRF2 – Outdoor Recreation/Public Open Space and Allotment standards and provision
SD2 – Sustainable Construction and Energy Efficiency
LC5- Protection and Enhancement of Landscape Character
GI1 – Green Infrastructure
NE1 – Nature Conservation and Development
EP1 – Amenity and Environmental Protection
MV1 Proposed development and Highway Considerations
MV2 – Sustainable Transport Access
MV3- Public Rights of Way
MV4- Cycleways
DES1 – General Design Considerations

LDP Site Allocations

SAH7 – Sudbrook Papermill

4.0 REPRESENTATIONS

4.1 Portskewett Community Council – Refuse

No further to comments to add to our original comments which stated that:

There is a need for social housing in the area and none has been included in the application. A Roundabout would be more desirable to ease the flow of traffic into Sudbrook. Will the lane at the side of Camp Row leading to the playground be kept open?

4.2 Caldicot Town Council – Refuse

Infrastructure is not suitable, there are access issues and the development would have a negative impact on services e.g. schools, doctors and food store. Insufficient affordable housing.

4.3 Planning Policy Team

The site is allocated in the adopted LDP under Policies S3 and SAH7 as a strategic housing site for 190 dwellings on 6.6 hectares. There are, therefore, no objections in principle to the proposal.

It is noted that in the application the area to be developed for housing has been increased to 7.1 hectares and the number of houses has been increased to 212 dwellings. Policy SAH7 refers to the site allocation as being for 'around' 190 dwellings. It is also noted that the Minister's appeal decision discussed the interpretation of 'around' and considered that this could be taken as plus or minus 10%, in keeping with the flexibility allowance utilised in the LDP housing target. This view is agreed with and there are no policy objections to the increase in numbers from the allocated 190 dwellings to 212 dwellings (despite this being marginally over 10%). There are also no objections in principle to the slightly enlarged site area. It is noted that this helps to rationalise the site boundary to enable a more satisfactory layout to be provided and the extended area falls within the Development Boundary for Sudbrook, which the LDP Inspector agreed should be retained rather than drawn tightly to the boundary of the site allocation. This extended site area lies within C1 flood plain and it is necessary to demonstrate satisfactorily compliance with TAN15 and LDP Policy SD3.

The applicant's Planning Statement generally covers the LDP policies relevant to this development. Some additional points are:

Policy S3 requires that any detailed application shall include a feasibility assessment for suitable renewable energy and low or zero carbon technologies that could be incorporated into the development proposals.

Policy CRF2 includes a requirement for provision for allotments at the standard of 0.25 hectares of allotment space per 1,000 population. It would seem, therefore, that around 0.14 hectares of allotment area would be required to comply with this requirement.

Of more significance, Policy S4 of the LDP states that “In the Severnside settlements identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 25% of the total number of dwellings on the site to be affordable.” The application makes provision for 20 affordable housing units which equates to 9.4%. As this is below the 25% policy requirement, evidence will need to be provided to justify the level of affordable housing proposed. In this respect, Policy S4 does allow for negotiation on the percentage affordable housing requirement to take account of viability issues.

4.4 MCC Housing & Communities

Housing & Communities support the above application as there is a high need for affordable housing in all areas of the County and the Chepstow/Caldicot Housing Market Area (HMA), of which Portskewett Community Council area is a part, is no exception. There are approximately 500 households on our housing register wishing to live in the Portskewett area, 433 are under the age of 60. It is disappointing that the scheme will not deliver the policy compliant percentage of affordable housing, however, a great deal of work went into the viability assessment which clearly shows that the site will not support 25% affordable housing. The Senior Strategy & Policy Officer in Housing was involved with the viability assessment at all stages and is confident that 10% affordable housing is all that can be achieved at this time.

4.5 Cadw

The proposed development is located in the vicinity of the Scheduled Monument known as Sudbrook Camp and Chapel (MM048). There has been no material change since Cadw was consulted on the previous application and their advice remains the same. The proposed houses are set back from the designated monument thus providing a buffer zone as previously approved. The development will not have a significant impact on the setting of Sudbrook Camp and Sudbrook Chapel. The applicant had incorrectly displayed the boundary of the scheduled area and the proposed development boundary includes part of the scheduled area. The proposed development has the potential to directly affect the scheduled area. There are no proposals to build houses in this area however the SAM may be affected by the construction of associated infrastructure and would need Scheduled Monument Consent prior to works commencing. The applicants own the SAM and there is a need to secure the long term future of the site in regards to maintenance, interpretation and public access. This can be secured by means of a planning obligation and Cadw would like to be part of the negotiations.

4.6 MCC Education

This LDP housing site falls within the Caldicot School catchment schools cluster. The nearest school is Archbishop Rowan Williams Primary which has 23 surplus spaces. The other primary schools in this catchment are full, with Dewstow already dispersing pupils to Archbishop Williams. Taking this capacity into account, along with the other two known housing developments in the catchment, and birth data, a S106

contribution of £439,286 is required to provide additional capacity at Archbishop Rowan Williams Primary School. There is surplus capacity at the catchment secondary school, and this LDP allocation was factored in when designing the 21st Century replacement school at Caldicot.

4.7 MCC Transport Planning and Policy Officer

Concerning public transport, it must be noted that the transport assessment contains some inaccuracies. The transport assessment is based on the one for the previous application for Sudbrook Paper Mill, and while some updates have been made some changes relating to bus services have not been taken account of. The key issue is that there is currently no scheduled bus service to Sudbrook, service 75 no longer operates over this section of the route (and will shortly cease completely). From April Monmouthshire County Council will be introducing a limited Grass Routes scheduled service, though this will be a trial. Overall, while there is a reduction in the number of proposed houses, a regular scheduled bus route continues to be essential, and the proposals set out in the previous draft S106 agreement concerning such a service should continue.

Concerning walking and cycling, while Appendix H refers to the Active Travel (Wales) Act 2013, it is unclear how the act (and the Design Guidance, which takes precedence over the Manual for Streets but is not mentioned at all) has been taken account of. The Transport Assessment makes substantial reference to walking and cycling, and the role it can play, for example:

- “It is possible to walk and cycle to these stations [Caldicot and Severn Tunnel Junction] using the Wales Coast Path and this is a shorter distance. These are within reasonable cycling distance for commuting and other purposes.” (2.9)
- “The Travel Plan would encourage walking and cycling [to the local primary and secondary schools] as more sustainable options.”
- “Both Severnside Industrial Estate and Castlegate Business Park are within reasonable walking and cycling commuting distances from the site.”
- “Employment opportunities also exist within Caldicot town centre, which is within a 32-39 minute walking distance or 10-12 minute cycle distance (2,617-3,150m) from the site.”

To enable such journeys to be made by active travel, the relevant routes must be fit for purpose. While the transport assessment makes some limited comments on the state of the footpath towards Portskewett, a proper audit of the routes described above should be undertaken. This should be using the audit tool set out in the Active Travel Act Design Guidance, and include a list of any locations that do not score green for any factor. According to the Transport Assessment the developer is committed to enhancing the sustainable transport provision, for the proposed development and for the local community. The Travel Plan set out a number of sustainable transport initiatives:

- Funding for a Travel Plan coordinator;
- Information Packs for all residents;
- A scooter rack for the local primary school;
- A cycle or walking shelter for the local primary school; and
- Grass Routes member ship for all households.

Of these, the information pack is essential, and the funding set out in the previous draft S106 agreement for this should continue. The proposed travel planning coordinator

may also provide useful benefits in terms of sustainable travel and if possible should be retained. However, providing one-off personalised travel planning, such as the travel advice provided directly to residents as part of the Keeping Cardiff Moving project, may be a suitable alternative and should not cost more than £5000. The proposed Travel Planning Primary School Walking Bus Shelter will need to be discussed with the school. The proposed Travel Planning Vouchers will also be beneficial but are of less importance enhancing the sustainable transport provision than the proposed bus service or ensuring that key walking and cycling routes are up to standard.

4.8 MCC Economic Development

I am not aware of there having been any serious interest in this site for potential commercial or industrial uses over the past four years and I believe there is little likelihood of realising such a use in this location. In view of this, I have no objection to this application for residential development on the site.

4.9 Glamorgan Gwent Archaeological Trust (GGAT)

A desk based assessment prepared by CGMS (October 2014) was submitted with this application which concluded that there is potential to encounter archaeological remains of prehistoric to modern date within the application area and that that archaeological features could be revealed during the construction work. It is recommended that a condition requiring the applicant to submit a detailed programme of investigation for the archaeological resource should be attached to any consent.

4.10 Natural Resources Wales (NRW)

- 4.10.1 We note from the Bat Survey Report 2016' by Arcadis dated January 2016 (Report Ref: 0025-UA003506-UE21) that, aside from the Paper Mill building (Building 1) which is confirmed to support roosting bats, the majority of the buildings on site have no or negligible potential to support roosting bats, and six are considered to offer very low bat roosting potential. We note the recommendations in the 'conclusions and recommendations' section of the report in respect of the careful demolition of the buildings under a method statement and supervision of a suitably qualified, experienced and licenced ecologist. Providing this is secured as part of any planning permission that is granted for the scheme we do not consider that there will be detrimental impact to the maintenance of the favourable conservation status of bats.

We concur with the LPA ecologist's comments (dated 17/3/16) on this latest survey information that it is essential that the long-term management and monitoring of the bat house (roost) is secured as part of any permission granted for this application. In that respect our previous advice as set out in our letter of 23 November 2016 still applies. A European Protected Species Licence will be required.

Therefore, we have no objection to the proposed development subject to:

- i. A planning condition attached to any permission that may be granted for the development to secure the recommendations in the 'recommendations and conclusions section' of the bat survey report 'Sudbrook. Bat Survey Report 2016' by Arcadis dated January 2016 (Report Ref: 0025-UA003506-UE21); and**
- ii. The applicant entering into a Section 106 agreement to secure the long-term management and monitoring of the bat house (roost).**

iii. An appropriately worded conditions in respect of flood risk and land potentially affected by contamination being secured in any planning permission granted.

4.10.2 Groundwater and land potentially affected by contamination

The site is located within the Source Protection Zone (SPZ1) for the Great Spring. The site is also adjacent to the Severn Estuary SAC. We therefore consider the site to be highly sensitive with respect to controlled waters. We have reviewed the Phase II Site Investigation, Detailed Quantitative Risk Assessment and Remediation Strategy, dated November 2014, by Wardell Armstrong submitted in support of the application. Following the works recommended in the Outline Remediation Strategy, the applicant should then submit a verification report. We therefore, request condition be included on any planning permission granted.

4.10.3 Flood Risk

The planning application proposes highly vulnerable development (housing), on land partially within Zone C1 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the Severn Estuary. Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified. The proposed development, as submitted, will only be acceptable if the measures as detailed in the Flood Consequences Assessment (FCA) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

4.10.4 Surface Water Run-off

The development site is partially within the NRW Internal Drainage District (IDD) boundary. We note that the FCA states that surface water will be discharged via an existing pumped sewer network that discharges into the estuary. The drainage system should, as a minimum, be designed to cope with storm water run-off equivalent to the "greenfield" response for the site. The development should not increase runoff from the site and if required the drainage network should be accompanied by on-site storage designed for the 1 in 100 year storm event to prevent excess water entering the Reen network. Should it be proposed to discharge any surcharge of the system during an extreme event to a watercourse then this will require a Flood Defence or Land Drainage consent (depending on the watercourse). We recommend that a condition is imposed to ensure that a scheme to dispose of surface water is submitted to and approved in writing by your Authority, to ensure effective management of surface water run-off resulting from the proposed development. We would also recommend consultation with your Drainage Department. We advise that any proposed scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates. Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development. (This is also requested due to the sensitive nature of the site in relation to the previous land use and the location in the SPZ1).

4.10.5 Other Regulatory Requirements Flood Defence/Ordinary Watercourse Consent

The watercourse known as the Back Ditch (Caldicot Levels) is scheduled as a statutory main river, pursuant to the Water Resources Act 1991 and Natural Resources Wales (NRW) Land Drainage Byelaws. The prior formal Flood Defence Consent of NRW must be obtained for any works in, under or over the watercourse, or within 7 metres of the landward toe of any flood bank or wall, or where there is no bank or wall, within 7 metres of the top of the riverbank. In addition to the above, under the requirements of Section 23 of the Land Drainage Act 1991, the prior Ordinary Watercourse Consent of the Local Lead Flood Authority (LLFA) or, in this instance the NRW Internal Drainage

District (IDD) (formerly Caldicot and Wentlooge Internal Drainage Board), is required for the erection of any mill dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such an obstruction; or erect any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect any such flow.

4.10.6 The Wales Coast Path

The applicant states that 'cyclists and pedestrians can use the Wales Coast Path (WCP) to travel north through Sudbrook village towards Chepstow...' this statement and the line shown on the plan appears to show that the WCP runs along the eastern boundary of the application site. The Wales Coast Path actually follows a public footpath along the southern boundary of the proposed development site and then continues along the southern boundary of the ancient monument and playing fields to the east. We are not aware that the route along the eastern boundary of the site currently has any legal status, however it would provide a useful link from Sudbrook to the Wales Coast Path. The proposed development is likely to significantly increase the numbers of people using this section of the WCP. This may require the path to be widened and improved. The WCP project generally supports provision for cycling where appropriate. If cycling were to be formalised here, there would be additional implications in terms of design and specification to ensure sensitive shared use. The WCP should be at the very least as wide as currently. We note that the WCP runs close to the boundary of the housing development on the south eastern section of the site. It would be helpful if any boundary fence between the development and the path were set back enough to a) allow for widening the path to accommodate points raised above and b) to provide enough verge space to prevent it feeling intimidating. The Coastal Path should not be adversely affected by the proposed development during and post construction. We advise the applicant to contact us for further discussions.

4.10.7 Severn Estuary Special Protection Area (SPA)

Given that this is a redevelopment of an industrial site, we are of the opinion that the housing development will not cause increased disturbance to birds beyond what occurs from the existing residential areas.

4.10.8 Local Biodiversity

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species

4.10.9 Pollution Prevention Advice for the applicant

Drainage and Discharge Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters. Only clean surface water from roofs and paved areas should enter the Sustainable Urban Drainage.

4.10.10 Construction

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990. If any controlled waste is to be removed off

site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we advise the applicant considers reduction, reuse and recovery of waste in preference to off-site incineration and disposal to landfill during site construction. If controlled wastes are to be utilised for construction purposes the applicant will be required to obtain the appropriate exemption or authorisation from Natural Resources Wales. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided. Any aggregate used to during construction of embankments/pathways/roads needs to be of clean and of sufficient grade. If any hazardous waste e.g. asbestos is to be removed off site then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. We refer the applicant to the pollution prevention guidelines listed in the attached Planning Advice Note. In particular to PPG5 Work in, near or over watercourses and PPG6 Construction and Demolition Sites, PPG2 Choosing and using oil storage tanks and PPG26 Storing and handling drums and intermediate bulk containers for any machinery fuel stored on site should be referred to. No material is to be deposited within 10m of any watercourse/ditch or spring

4.11 Gwent Police

No major objection to the scheme and it would be possible to achieve a level of Secured by Design accreditation for this proposed development, under the Secure by Design Homes 2016 guide which comes into effect from the 1st June 2016.

4.12 MCC Highways

The site was subject to previous applications DC/2012/00307 and DC/2014/01468 for the development of 340 residential properties, following a detailed review I offered no objections to the proposed development on traffic capacity / impact grounds and subject to specific and significant mitigation measures in respect of:

The means of access

Improvements to sustainable transport by way of providing pedestrian and cycling improvements/linkages

Estate Road Layout

Emergency Access

Surface Water Management

Improvement / enhancement of public transport provision.

The aforementioned was subject to detailed scrutiny and agreement by way of a statement of common ground and draft unilateral undertakings prepared and agreed during the subsequent planning appeal (DC/2012/00307) and inspector`s decision.

The applicant has submitted no additional or amended information in support of this application other than the submission of a parking breakdown to the planning case officer. I therefore would not wish to add or amend the comments and observations provided in respect of planning application DC/2014/01468, other than to comment specifically on the additional information provided by the applicant in respect of earlier comments and observations in respect of the available Resident & Visitor Car Parking:

Car Parking

The applicant, has not amended the Transport Assessment dated 2014 but submitted via email a full parking breakdown. The breakdown unfortunately does not satisfy the requirements of the Councils adopted Supplementary Planning Guidance for Parking Standards 2012 & Domestic Garages 2012, due to the following:

The Malvern is a 3 bedroom property with only 2 parking spaces per property resulting in a shortfall of 22 parking spaces.

The Ledbury3 is a 3 bedroom property with only 2 parking spaces per property resulting in a shortfall of 10 parking spaces.

The applicant has also included integral garages contrary to the Domestic Garages 2012 Supplementary Planning Guidance, namely;

The Oxford+ is a 3 bedroom property with only 2 parking spaces and an integral garage resulting in a shortfall of 24 spaces.

The Worcester is a 3 bedroom property with only 2 parking spaces and an integral garage resulting in a shortfall of 10 spaces.

The Canterbury+ is a four bedroom property with only 2 parking spaces per property and a double integrated garage, that results in a shortfall of 9 spaces and not an extra space per property cannot be counted and used to offset parking elsewhere, namely 9 spaces.

In Conclusion

The actual number of spaces provided per property in accordance with the SPG result in a deficit of 75 off street resident parking spaces. The actual number of spaces provided if we were to accept a relaxation of the garage SPG, by accepting integral garages would result in a deficit of 32 off street parking spaces, the over subscription of 9 spaces with The Canterbury+ cannot be taken into account, the additional space per property, 9 spaces in total cannot be counted and used to supplement the overall total. The applicant has indicated that there are 22 visitor parking spaces available on street in some shape or form. It has always been accepted that visitor parking could be accommodated on street, however this relaxation is reliant on 2 factors namely the street layout and the correct number of off street parking spaces for residents. The street layout is conventional and is wide enough to accommodate the anticipated levels of visitor parking, unfortunately, the off street parking provision is deficient and this will result in the on street visitor parking being reduced by the displacement of residential off street parking on to the street. Although the proposed development will be designed to encourage and promote sustainable transport and Section 106 contributions provided to promote and enhance public transport the reliance on the private car is still a fundamental issue in Monmouthshire and although the promotion and use of sustainable transport is commendable and encouraged it does not preclude residents from owning a vehicle and hence the need to park it securely. It is therefore imperative from a highway safety perspective and to ensure that the estate roads and footways remain uncongested and unobstructed that the required level of resident off street parking is provided in accordance with the Councils adopted Supplementary Planning Guidance for Parking Standards 2012 & Domestic Garages 2012.

Highway comments relating to the previous application DC/2014/01468

Existing Highway Network – Impact

With reference to the previous application for the development of 340 dwellings and having reviewed the current application and the supporting documentation (Transport Assessment, Dated December 2014) for the development of up to 209 dwellings I offer no objections to the current proposal for 209 houses on highway capacity grounds.

Means of Access

The proposed means of access is agreed and the re-engineering of Sudbrook Road is welcomed. The proposal reflects the increased vehicle demand and movements to and from the proposed development over and above the movements to the village of Sudbrook, therefore giving priority to the greater traffic movements. The re-engineered

junction creates an environment that reduces entry speeds into Sudbrook village whilst improving traffic flow and reducing vehicle conflicts. These works will be required to be carried out pursuant to a Section 278 Agreement Highways Act 1980 and the junction re-engineering will be required to be constructed and operational prior to the occupation of the 1st Dwelling. The Developer will be required to enter into the S278 Agreement Highways Act 1980 prior to the commencement of the development.

Link Footpaths

Although the use of the existing coastal path is likely to be seasonal due to the footpaths surface, location and lack of natural surveillance the links from the development to it are. The developer should consider the linking of the development to the coastal path at a number of points along the site boundary to provide direct and more commodious points of connection to and from the development.

Sustainable Transport

The current application appears to make no reference to the improvements to the public transport required as a consequence of the development. The earlier application, statement of common ground and the draft unilateral agreement clearly indicated the provision of a financial contribution to provide a bus service and enhancement of the existing bus services operating in Sudbrook. The development is located in what is considered to be an unsustainable location and alternative modes of transport should be encouraged and promoted irrespective of the reduced number of dwellings now on the site. It is recommended that the previously agreed bus service contribution is retained to ensure that the bus services are provided for residents and to improve the frequency of existing bus services. It is recommended that the Council's Transport Planning & Policy Officer be consulted for further advice and comment on the application and public transport contributions.

Travel Plan

The current application has provided a travel plan it is recommended that the Council's Transport Planning & Policy Officer be consulted for further advice and comment.

Estate Road layout

With reference to the drawings submitted in support of the application, the layout is considered a traditional layout adopting in broad terms current residential estate road design. The provision of a loop assists in promoting permeability and connectivity and provides for the future introduction of a bus service. The layout in particular the introduction of raised junction plateaus, individual raised promenades and shared surface cul-de-sacs creates an environment that promotes and encourages vehicle speeds of 20mph or less.

Emergency Access

The provision of an emergency secondary vehicular access in the event that the primary access to the development is unavailable during an emergency is welcomed. The status, adoption and means of controlling the use of the emergency access will require further detailed design, discussion and agreement between the developer and the highway authority.

Surface Water

With reference to the Flood Consequence Assessment Rev: F dated 2/2/14 and in particular section 4.0 Outline Drainage Assessment, Outline Surface Water Assessment, the proposed means of managing the impact of the development is deemed acceptable in principle by way of;

- Discharging to the 5 mile 4 chain outfall
- Surface water storage/attenuating on site up to the 1 in 100 year + 30% storm event
- All sewer/pipe outfalls to be flapped.

However, it is recommended that suitably worded condition(s) are imposed to safeguarding the surface water management;

That a scheme for the disposal and management of surface water is submitted to and approved in writing by the Planning Authority. That a scheme for the adoption, management and maintenance of the proposed scheme of surface water management be submitted and approved by the Local Planning Authority.

However as the site lies within the boundaries of the Caldicot and Wentlooge Internal Drainage Board it is recommended that Natural Resource Wales who now oversee and administer the board are contacted to specifically comment on the proposed means of managing surface water.

4.13 Welsh Water

Outlines conditions relating to surface water. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharge from the site. The proposed development is in an area where there are water supply problems for which there are no improvements planned within our current Capital Investment Programme AMP4 (years 2005 to 2010). In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network.

4.14 MCC Biodiversity

4.14.1 Protected Species

Reptiles

Reptiles were identified on the site during the 2010 study including a moderate population of slow worms and grass snakes. It is likely on this basis that this would further ratify the SINC designation and potentially widen the area of the SINC site to other areas suitable for reptiles on the application site. Details of the reptile translocation that has already been undertaken and a strategy for the remainder of the site has been submitted to the LPA. A planning condition is recommended to secure the implementation of this strategy.

4.14.2 Bats

Survey has been undertaken of the main paper mill buildings and the surrounding ancillary structures. This survey is considered acceptable to inform the planning decision. The paper mill building has been identified as a bat roost and the mitigation has already been provided and there is evidence that it is already being used. The ancillary structures were subject of a building assessment in winter 2015 and ecological justification presented to the LPA for no activity survey. This is acceptable subject to the recommendations of the survey being followed including a licenced bat ecologist being present to observe the soft strip of some of the buildings. A planning condition is recommended to secure this. The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for EPS. Please see our internal guidance note for information.

4.14.3 Bat House

The permission for the bat house has no planning conditions to secure maintenance, management and monitoring of the building or the core habitat around it. It is essential that this is secured as part of this development. The monitoring, management and maintenance including the core habitat shall be for a minimum of 25 years.

4.14.4 LDP policy NE1

Site of Importance for Nature Conservation (and surrounding public open space)

Part of the application site was identified as being of County Importance during the LDP process and it has been recognised as a Key Ecological Receptor in the Environmental Statement. An area will be lost at the south east of the site due to housing however, it is not considered to be the most valuable part of the site and the ecological connection will be maintained outside of the development site. In the course of the DC/2014/01468 appeal, information about the future management of the SINC and surrounding habitat (to be restored) at the south of the site was submitted to the LPA. A carefully worded planning condition shall be used to secure this and future management will be secured via a planning condition for a GI Management Plan.

4.14.5 Invasive non-native species

Himalayan balsam has been recorded at the site and this Invasive Non-native species (INNS) will need to be considered during the construction phase and during the long term site management. A strategy for this will need to be provided and a planning condition should be used to secure this.

4.14.6 Protected Sites

A Habitats Regulations Assessment has been undertaken for the DC/2014/01468 application and is directly transferable to this application. This assessment is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, in accordance with the EC Habitats Directive (Council Directive 92/43/EDC) before the Council as the 'Competent Authority' under the Regulations can grant permission for the project. In accordance with Welsh Government policy, the assessment is also made in relation to the sites listed under the 1971 Ramsar Convention. The Wye Valley and Forest of Dean Bat Sites SAC was considered as well as the Severn Estuary SAC, SPA and Ramsar site.

4.14.7 Appropriate avoidance measures will be adopted to limit the risks of pollution and no un-attenuated discharges will be made from the site directly into the Severn Estuary. Surface water discharge will be via an existing discharge pipeline currently used by Network Rail to pump 11,000m³ of water daily allowing for significant dilution of any pollution or sediment loads to the estuary. Measures will be in place to protect the Estuary from surface water runoff during the operational phase including permeable surfaces and interceptors. Standard dust suppression techniques, together with the combination of rain and tidal removal of any deposited dust on the salt marsh will ensure that any emissions are controlled and integrity of the SAC protected. The impacts of increased HDVs are considered to be insignificant and effects further reduced by combination of rain and tidal movement. There will be no disturbance to fish and no significant disturbance to wintering birds during the construction phase. Increased recreational pressures are not considered to be significant enough to have any negative effects on the SAC, SPA or Ramsar features particularly as there are no significant numbers of birds within 500m of the site and the nature of the coastline in this area does not encourage people to stray from the path and significantly disturb birds or directly damage habitats. Contaminated land will be remediated and standard pollution prevention measures will safeguard the Severn Estuary during these works.

Avoidance and/or mitigation measures embedded in the scheme include:

- No works will take place within the Severn Estuary SAC, SPA and Ramsar, neither will any access routes be located with the designated sites:
- Construction lighting will be directional, localised and only used when work is being carried out

- Best practice guidance on pollution prevention and control will be adhered to
- The use of permeable paving, gravel storage under the paving, a new piping system, attenuation ponds, silt traps and oil interceptors will ensure surface water is not directly discharged into the Severn Estuary during construction or operation
- Equipment will be inspected regularly for leaks and repaired immediately
- Spill kits will be widely available during construction
- Tool-box talks will be given to operatives on site outlining the sensitivity of the site to pollution
- Dust suppression techniques, e.g. wheel washes, damping down of haul routes, will be employed
- Method Statements will be issued for works activities and a Construction Environmental Management Plan will be implemented in order to prevent any adverse impacts
- Operational lighting will be directional and away from the European site
- Recreational areas will be created to encourage people away from the designated habitats, particularly Atlantic salt meadows.

With these measures considered, there will be no Significant Effect on the Severn Estuary European Marine Site.

Request Planning Conditions to cover the following:

- Bat House and core habitat monitoring (for 25 years minimum)
- Bat House and core habitat maintenance and management (for 25 years minimum)
- Construction Environmental Management Plan to cover; issues identified by HRA, INNS strategy, Mitigation to safeguard mammals during construction.
- Habitat creation in south of site (adjacent to SINC) as per email from GVA during appeal process.
- Green Infrastructure Management Plan to cover; bird and bat enhancements, reptile management, INNS management, plus landscape, trees and public access requirements.
- Recommendations of 2016 bat report
- Recommendations in the Reptile Strategy
- Nesting bird condition
- Lighting plan

4.15 MCC Environmental Health

14.5.1 I have previously reviewed several contaminated land reports for the site, submitted for previous applications, the most recent of which was 'Phase II Site Investigation, Detailed Quantitative Risk Assessment' (Wardell Armstrong, February 2012, Report No. RPT-001).

This report details desk studies and intrusive site investigation programmes undertaken between 2001 and 2007 and Warden Armstrong's own intrusive site investigation between November 2011 and February 2012.

The report presents the findings of the chemical testing of soil samples, ground water monitoring and ground gas monitoring. The results were compared to Generic Assessment Criteria and use a generic quantitative risk assessment for an end land use of residential with home grown produce to assess the risk to human health.

The investigation has identified the presence of contamination that could give risk to harm to human health (arsenic, lead, total petroleum hydrocarbons, polycyclic aromatic hydrocarbons and asbestos), as well as concentrations of methane and carbon dioxide therefore remediation and validation will be required if this site were to be used for a residential development.

I would therefore recommend that you require the developer to undertake a site investigation/risk assessment procedure in accordance with CLR11 "Model Procedures for the Management of Land Contamination" I would also recommend that you make the applicant aware of the guidance document from the South East Wales Land Contamination Working

Group “The Development of Potentially Contaminated Land” which is available from Monmouthshire County Council’s Website. Should the Planning Authority considered it appropriate to grant planning approval prior to a contaminated land site investigation I would recommend that the following conditions (EH01 and EH03) be attached to ensure that the site is fully investigated and remediated to ensure the protection of public health.

The 2014 site investigation report would be suitable for discharge of part a) and b) of the Condition, if they were to be used. The report also provides an outline remediation strategy (Condition c)). This Outline should be firmed up and made more definitive before Condition c) could be considered covered, and so should still be included in any planning permission granted.

4.16 MCC Public Rights of Way

4.16.1 Without prejudice to unrecorded rights of which the Council is unaware and maybe proven to exist under the Wildlife and Countryside Act, Section 53, the applicant’s attention should be drawn to Footpath No. 13 in the community of Portskewett which runs along the southern edge of the proposed development site and carries the nationally important Wales Coast Path. There is no recorded public path running along the eastern site of the development area between the proposed new houses and the scheduled ancient monument as shown on the site layout plan. The Wales Coast Path follows instead Footpath No. 13 along the coast before looping to the end of Camp Road. The informal links detailed in the Design and Access Statement 5.6 providing east-west pedestrian/cycle permeability to the site although welcome do not therefore connect to a path with any recorded public rights. The only three remaining links out of the site are the main vehicular access, the emergency access onto Camp Road and the link at the southern end of the site onto Footpath No 13, the Wales Coast Path. Countryside Access would like this shortfall addressed and to see these informal links and path made up to at least restrictive standards, secured for the public and maintained.

4.16.2 Because of the proximity of Caldicot, consistent with the Wales Active Travel Bill, Countryside Access would like more be done to encourage pedestrian and cycle access to the town which is within walking distance and very comfortably within cycling distance for most people. Cycling along Footpath 13, is currently permitted adjacent to the site by agreement but Public Rights of Way would like to see this formalised with a Cycle Track Order as it is already well used as such. Additionally because of the coast’s attraction and peoples’ preference for circular walking routes Countryside Access would also like to see at least one other access point formed onto the Wales Coast Path at the western end of the development south of the proposed LEAP. Not only would this be consistent with National and Monmouthshire County Council policy on improving access to the coast but it would also serve to provide better links to Caldicot also compliant with the requirements of the Wales Active Travel Act.

4.16.3 Countryside Access are also concerned about the lack of community feel and incentive to walk/cycle generated by the lack of permeability through the site. Countryside Access see scope for this to be significantly improved. The current site layout requires some residents sharing a common boundary to travel a distance of nearly 400m to their neighbours’ front doors. Countryside Access also see scope to maximise the site’s connectivity potential by forming links to the disused rail line running along the northern edge of the site should this become available in the future.

4.16.4 All cycle/pedestrian links should be made up to suitable standard and given a formal status by either being adopted as Highway or dedicated as Public Footpaths and/or upgraded by Cycle Track Order as appropriate. Alternatively they should be secured for the public and maintained under agreement by some other mechanism. The Wales Coastal Path must be kept open and free for use by the public at all times, alternatively, a legal closure must be

obtained and an alternative path put in place prior to any development affecting the path taking place.

4.17 MCC Recreation

The developer has agreed to enter into a S106 agreement to contribute:

£46,858 for the provision and adoption of an on-site LAP;

A £50,000 contribution towards adult recreation/community facilities at one or more of the following locally identified priority projects:

- The Cornfield Project
- The Quest
- Sudbrook play park
- Portskewett Heritage Centre
- Sudbrook Non Political Club

To transfer ownership of the adjacent play area to the Community Council for £1 (it is understood that the Community Council already maintains this land at its own cost so no adoption cost is payable).

It is understood that the large informal open space area on the 'lower tier' will be provided and landscaped at the developer's expense and managed by a management company funded by future occupiers of the market housing.

In the light of the viability of the development, the agreed contributions are welcomed.

4.18 MCC Landscape and Green Infrastructure

4.18.1 MAIN ISSUE

All development must be of a high quality sustainable design. DES1 (a) Ensure a safe, secure, pleasant and convenient environment that is assessable to all members of the community; and supports the principles of community safety and encourages walking and cycling; (b) contribute towards sense of place; (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 historic 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; (g) incorporate and where possible, enhance existing features that are of historic, visual or nature conservation value and use the vernacular tradition where appropriate; (h) include landscape proposals for the new building, in order that they integrate into their surroundings; (i) make the most of efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare and (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. Development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape LC5 (a) by causing significant visual intrusion; (b) being insensitively and unsympathetically sited within the landscape; (e) failing to harmonise with, or enhance the landform and landscapes; (f) losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both built and natural environment. Development proposals will be permitted provided it maintains, protects and enhances Monmouthshire's diverse green infrastructure network GI1.

4.18.2 ADVICE ONLY: In addition to previous comments made by Colette Bosley.

It is considered that the proposed development would be acceptable if the following information is requested (and approved) and subsequent changes are made to the proposal.

1. A detailed public realm design is submitted for Area A. The submission should be to scale and include levels (kerb heights etc.), relevant dimensions and include details of paving, furniture, landscaping, lighting.
2. A detail design is submitted for the street design, specifically the 'traffic calming' areas.
3. An effective landscape strategy is sought, based on the current layout. The strategy should aim to enhance vistas and viewpoints (including the gateway); define street structure; consider microclimate (wind shelter). The submitted landscape strategy must consider the site constraints and opportunities and reconsider plant/tree species chosen; this is an exposed coastal site.
4. A detailed landscape planting scheme is submitted for approval. This will include (e.g.) plant species; numbers and spacing's, tree pit detail, soil.
5. The movement framework should include access to the Welsh Coastal Path (NCN), at all connected routes.
6. A Green Infrastructure Management Plan is submitted for approval.

REASONS

Improving the public realm, creating a special focal space to define the development is essential to make certain that development meets the standards set out in National and Local Planning Policy. Using this concept to detail Area A will ensure a safe, secure, pleasant and convenient environment and will significantly contribute towards sense of place (DES1). This approach would also have benefits for biodiversity and visually help define key views as well as provide a series of green connections to larger open spaces within the development site. The street design should consider changes in surface materials, landscape planting and lighting to improve the quality of public realm. This will ensure a safe, secure, pleasant and convenient environment and will significantly contribute towards sense of place (DES1). The proposed development will have a significant impact on the landscape and will require an appropriate landscape planting scheme to ensure it integrates well and enhances the landscape (LC5). To help integrate the scheme, tree avenues should be used; this will also form part of the GI / landscape infrastructure. Structural planting will also provide shelter from prevailing winds. Screen planting should be more significant and more dispersed throughout the whole site, to help break up the density of development overlooked by the houses along Sudbrook road, and also to the south of the site to limit residual effects on the Severn estuary. Improving access to the coastal path and NCN will improve pedestrian/cycle permeability through the site and encourage walking and cycling, and avoid terminated paths. The green corridors should seek to incorporate these opportunities as well. (GI1) There is no management/maintenance plan submitted with this application. As part of the GI provision a GI management Plan is required. (GI1)

4.18.3 Other GI matters

The public realm design should consider material choices. Pedestrian spaces could receive a different type of surface treatment that is more visually complex, in keeping with the use of the space. It may be appropriate to install a concrete sett paving with different gauge blocks; laid in a random pattern. Kerb/edging might be textured – kerb lines should always be retained to maintain the visual continuity of the street. Shallow cobble of set gullies could be used to define the edge of the carriageway where a flush finish is appropriate to a shared surface route, and provide a form of perceptual road narrowing to help slow vehicles. The opportunity to install low level bollard lighting to create a more interesting night time scene, that reduces night time glare and is appropriate to a residential area. A low level lighting design to target open areas and define spaces during night time hours should be sought. Public art and on plot planting will also make a positive contribution. The landscape strategy should take into account ecological, acoustic, visual and aesthetic issues when considering the size, location and

type of structural landscape planting. The design should seek to use formal tree and shrub planting to define a strong visual aesthetic for the 'main street' and entrance to the site. Structural planting should not fall within private ownership; the reliance upon trees to provide the avenue, within private ownership is not appropriate. All off plot planting should be carefully selected to ensure hardiness. There is an opportunity to integrate the landscape planting scheme (within the street design) with a surface drainage system; Space efficient SUDs. Tree pit / rain gardens can be used to drain runoff into lined underground storage. (DES1/GI1). High quality sustainable design.

4.19 Network Rail – Objects.

Requests that the applicant submits further details regarding the drainage of the site. Calculations should be provided to show if the Network Rail Culvert can take the additional storm water that the developer is looking to discharge into the culvert.

Safety concerns for the Mathern 21 footpath level crossing due to the increased use of the Wales Coast Path.

4.3 Neighbour Notification

Four letters of objection have been received.

Drop in water pressure for existing residents

Blocked sewerage pipes

Increase in traffic

Inadequate parking provision

Existing roads will be unable to cope with the increase in traffic especially at the lights over the railway bridge, and the junction into the site.

Existing residents should not have to give way to traffic from the new development.

Poor visibility when leaving the site due to the increase in landscaping.

Access to Monument Close will be congested and difficult.

Construction traffic will cause congestion.

A new road to Sudbrook should be constructed.

It was initially agreed that if the Papermill was closed the land should revert to a community facility i.e. playing fields.

This Development will destroy the small villages of Sudbrook and Portskewett. The village schools are already fit to burst and the local doctors surgeries are under so much pressure from just the current residents.

The small village roads will not be able to handle the extra traffic as that amount of homes will bring with them.

5.0 EVALUATION

1. Strategic principle of development
2. Changes in Policy since the appeal was dismissed in May 2014
3. Affordable Housing
4. Development on Brownfield Sites
5. Impact on the Existing Settlement
6. Access and Highway Safety
7. Layout and Parking Provision
8. Sustainability & Public Transport
9. Flooding
10. Contamination of the Site
11. Layout and Design
12. Recreational Provision
13. Biodiversity

- 14. Green Infrastructure and Landscaping
- 15. Footpaths and Cycle Ways
- 16. Impact on Local Services
- 17. Impact on Local Residents
- 18. Archaeology
- 19. Sewage and Water Supply

5.1 Strategic Principle of Development

5.1.1 The site is located within the Sudbrook settlement boundary as identified in the LDP and is one of the Severnside Settlements that policy S1 of the LDP has identified as suitable for new housing development. Policy S3 identifies new strategic housing sites within the County and included this site which is identified as SAH7 “6.6 hectares at the Former Paper Mill are allocated for Residential Development for around 190 new dwellings”. Policy S3 of the LDP requires that on the specifically identified strategic site the development proposal will need to comply with the site specific criteria set out in appendix 1 and also the following requirements:

- a) Any detailed application for development shall be preceded by, and consistent with, a master plan for the whole site that has been approved by the council
- b) Any detailed application for development shall include a feasibility assessment for suitable renewable energy and low or zero carbon technologies that could be incorporated into the development proposals.

The ma

5.1.2 The principle of new residential development on this site is now established through the LDP process. The area of land identified under Policy SAH7 is slightly smaller than that of the development area of the proposed scheme. The Council has no objections in principle to the slightly enlarged site area. It is noted that this helps to rationalise the site boundary to enable a more satisfactory layout to be provided and the extended area falls within the settlement boundary for Sudbrook, which the LDP Inspector agreed should be retained rather than drawn tightly to the boundary of the site allocation. This extended site area lies within zone C1 flood plain and it would be necessary to demonstrate satisfactorily compliance with TAN15 and LDP Policy SD3.

5.2 Changes in Policy since the appeal was dismissed in May 2014

5.2.1 An outline application was submitted in 2012 for up to 340 houses on the whole of the Paper Mill site. That application was considered against the policies of the UDP and was subsequently refused by the Council and dismissed on appeal. The reasons for refusal were:

1. The proposal is contrary to the overall Housing Strategy for Monmouthshire set out in the adopted Unitary Development Plan (UDP), which directs large scale housing developments to locations that are within or on the edge of main urban areas in order to deliver sustainable development which exploits or improves existing infrastructure and services and is well served by public transport. The proposed development would result in large scale housing development being located in an unsustainable location, remote from any services which would lead to an over dependence on car journeys.
2. The application is contrary to the objectives of Policy H3 of the Monmouthshire UDP and its supporting paragraph 4.6.3, as it seeks large scale housing development in a small village which has few facilities and services. This would result in an excessive level of commuting.
3. A development of this scale would have an adverse impact on the historical form and character of the village of Sudbrook and is therefore contrary to Policy H3 of the UDP and its supporting paragraph.

4. Having regard to paragraph 2.6.3 of Planning Policy Wales (Edition 4, February 2011), it is considered that it would be inappropriate to make a decision on the future development of this site outside of the development plan process. Given the scale of the proposed residential development, to grant planning permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the Local Development Plan context and would have significant implications for the strategy of the emerging Monmouthshire Local Development Plan, the next stage of which is Submission to the Welsh Government for Examination.
5. The proposed development would introduce highly vulnerable development in an area liable to flooding that does not meet the criteria of Policy ENV9 of the Monmouthshire Unitary Development Plan and is not justified by Section 6 of Planning Policy Wales Technical Advice Note 15 - Development and Flood Risk. The proposal is contrary to Policy ENV9 of the UDP and TAN 15 - Development and Flood Risk.

5.2.2 A Public Inquiry was then held to consider the proposal, in June 2013 at that time the Inspector considered the appeal against the UDP Policies. Before the decision was issued by the Welsh Minister for Housing and Regeneration, the LDP was formally adopted. The Welsh Minister reviewed the Inspector's Report and concluded that the appeal should be dismissed on two grounds.

1. The scale of the proposal would be unacceptable and inappropriate given the existing size of Sudbrook
2. No justification for building highly vulnerable development on an area liable to flooding

5.2.3 It can be seen that the proposed development is significantly smaller than that of the proposed development that was dismissed at appeal and that there has been a significant change in material considerations, with the adoption of the LDP and this site being included as an allocated strategic housing site. In addition, the reduced scale of development means that the vast majority of houses would be constructed outside of the C1 Flood Zone identified by the TAN15 maps. Those few within Zone C1 are considered to meet the tests set out in Section 6 of TAN15. The reasons which lead to the refusal of the previous outline application and its subsequent dismissal at appeal are now fully resolved and are no longer reasons for refusal.

5.3 Affordable Housing

5.3.1 Policy S4 of the LDP states that "In the Severnside settlements identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 25% of the total number of dwellings on the site to be affordable."

A significant issue for Monmouthshire is the fact that house prices are high in relation to earnings so that there is a pressing need for additional affordable housing in the County. It has been calculated, using the Local Housing Market Assessment, that 960 new affordable homes will be required in the County during the Plan period. This equates to 96 affordable units per year. The latest Local Housing Market Assessment undertaken in April this year shows a need for 150 affordable units per year. The LDP Affordable Housing Viability Study suggests that a 35% target is achievable throughout much of the County, the exceptions are the M4 corridor settlements of Magor/Undy, Caerwent, Caldicot/Portskewett, Rogiet and Sudbrook where land values are lower and 25% is a more feasible target. The LDP policy requirement for this site is therefore 25% affordable housing. **LDP policies make provision for the consideration of viability with the potential to agree a lower level of affordable housing if supported by viability evidence.**

5.3.2 The current full application makes provision for 20 affordable housing units on the site, i.e. representing 9.4% affordable housing. Officers of the Council have scrutinised the viability of this site in great detail and have enlisted the assistance of Andrew Golland, an independent viability assessor, who has run the proposals through the Tree Dragon Tool Kit to test for viability. All of the costs of developing the site including the land value, cost of clearing the site, build costs, professional fees, S106 contributions, contingencies and other costs have very carefully been analysed as has the projected revenue from the sale of the properties. All these costs and returns have been entered into the Tool Kit. The conclusion of this viability assessment is that the development is viable if 15% of the housing being provided on the site is affordable, the scheme would still be able to provide the developer and the landowner with competitive returns.

5.3.3 The applicants maintain that the site only becomes viable if no more than 9.4% of the properties are affordable and have amended their scheme accordingly to show this. Council officers have been in detailed discussions with the applicants over the viability of the site.

5.3.4 In light of this disagreement, the Council approached the District Valuation Office as an independent third party and asked them to scrutinise the viability of this site to ascertain the level of affordable housing that could be provided while maintaining the viability of the site to ensure that the development came forward. The District Valuer has completed this independent assessment and agreed with the developer's conclusion that only 9.4% affordable housing can be provided. Both parties entered into this independent third party scrutiny by the DV on the basis that the DV's findings would be agreed to, i.e. if the findings were in the Council's favour, the developer would provide additional affordable housing, and if the findings were in the developer's favour, the Council would accept the independent findings as evidence of the development's viability. Consequently, Officers of the Council have scrutinised and accept this independent finding that the development would not be viable if more than 9.4% affordable housing is provided. As such, the application as submitted is LDP compliant: Policy S4, point two, says that in the Severnside settlements 25% of housing developments shall be for affordable units but this is subject to appropriate viability assessment. As outlined above this proposal has been vigorously tested for its viability and it was found that the costs of clearing and developing the site were so high that the development could only support 20 units. It is concluded that the proposal is compliant with policy as it has been independently verified that the site will only be financially viable if no more than 20 affordable units are provided.

5.3.5 The 20 affordable units which are located within the site comprise 8 no. one bedroom flats, 10 no. two bedroom houses and 2 no. three bedroom houses. This is the mix requested by the Housing Officer and reflects local need. The affordable units are located in two areas, one in the north-east part of the site around the public open space and the other towards the south-west of the site, served off a private drive and facing towards the green amenity space. All of the affordable units have hipped roofs and finishing materials to match the market housing on the site.

5.4 Development on Brownfield Sites

5.4.1 National policy guidance supports the principle of new development on brownfield sites and the Council as a Planning Authority subscribes to this view. The redevelopment of brownfield sites reduces the need for development on greenfield sites, often agricultural land, on the edge of settlements. It is recognised that there are additional costs to developers, however, including the costs of clearance, remediation and asbestos removal. These additional costs have been included in the development costs submitted by the applicant and run through the viability appraisal. In addition, the Council employed a consultant to independently verify the costs.

The redevelopment of this site is considered to benefit the local community by removing vacant derelict buildings which are currently unsightly.

5.5 Impact on the Existing Settlement

5.5.1 Sudbrook is a small village of approximately 150 dwellings. It contains a hairdressers (in the premises vacated by the post office) and a social club. All other facilities would have to be accessed in other settlements such as Caldicot, Chepstow or Newport. As part of this application an enhanced bus service is being proposed which would be secured via a S106 agreement. It has been identified that there is insufficient capacity in the existing primary schools, but this will be addressed in detail elsewhere in this report. Sudbrook has a very distinctive character derived from the fact that that it was almost exclusively constructed to house the workers building the Severn Railway Tunnel. The proposed development would more than double the size of Sudbrook and would provide a housing development quite separate from the existing settlement. However, it must be remembered that this site has been allocated in the LDP for 190 dwellings +/- 10%, so the proposed 212 dwellings would be in accordance with the LDP allocation

5.5.2 The site is physically separated from the existing settlement by a linear parcel of land, a former railway line, which is not within the applicant's ownership. Much of this belt contains mature landscaping (trees) and another section contains a community garden. It would not be feasible to design a scheme to front onto the existing road into Sudbrook due to the intervening land ownership and the desire to retain the existing trees and landscaping. The proposed layout is considered acceptable in planning terms. The distances between the proposed dwellings and the existing homes, together with the intervening landscaping, mean that there would not be any unacceptable privacy or amenity impacts. There would be a pedestrian link between the proposed development and the existing village near Post Office Row, and the proposed play area (LAP) is located alongside this making it accessible to both the existing properties and the proposed homes.

5.6 Access and Highway Safety

The Environmental Statement submitted with the application contains a Traffic and Transport section in which it is evidenced that there is sufficient capacity within the highway network to accommodate the increase in traffic resulting from an additional 212 dwellings. Until 2006 this was the site of a functioning paper mill with a high volume of commercial traffic especially HGVs bringing timber into the site and the finished material from the site, using Sudbrook Road and the traffic light controlled bridge.

When considering the previous application for 340 dwellings in 2012 (DC/2012/00307), the Council did not put forward any objections on highway grounds when refusing the application and similarly when dismissing the appeal the Minister and Inspector did not put forward any highway grounds for the dismissal. Given that there were no highway grounds for refusing the application for 340 dwellings in 2012 or dismissing the appeal in 2014 and that there has been no material change in circumstance since then, there can be no objections to the current proposal on grounds of the capacity of the local highway network or the safety at the road junctions. The Council's Highways Department, having reviewed the current application and the supporting documentation (Transport Assessment December 2014) offers no objection to the 212 houses on highway capacity grounds. While the local objections on this matter are noted, a refusal on this basis would not be substantiated at appeal, having been considered through the LDP examination and previous appeal and the subsequent planning applications.

It is proposed that there would be one vehicular access into the site via Sudbrook Road, over the existing level crossing point. The priority at the existing Papermill access will be changed so that westbound traffic from Sudbrook Road will give way to eastbound traffic into the site.

This should help reduce the speed of traffic through Sudbrook and will give priority to the large proportion of traffic movements. The access on the north –east corner of the site adjacent to Post Office Row is intended as a pedestrian and cycle link to the existing village. It could be used by emergency vehicles this would be controlled by means of collapsible bollards. Highways have agreed the means of access and welcome the re-engineering of Sudbrook Road. The proposal reflects the increased vehicle demand and movements to and from the proposed development over and above the movements to the village of Sudbrook, therefore giving priority to the greater volume of traffic movements. The re-engineered junction creates an environment that reduces entry speeds into Sudbrook village whilst improving traffic flows and avoiding vehicular conflicts. The developer would be required to enter into the S278 Agreement prior to the commencement of the development.

The proposal is considered to accord with the objectives of Policy MV1 as the development resulting from this application will not create significant and unacceptable additional traffic growth in relation to the capacity of the existing road network.

5.7 Layout and Parking Provision

5.7.1 There would be a single access into the site in the north-west corner, close to the existing access into the site. From there, there would be a circular distributor road. This would allow for circulation of public service bus within the site. Leading from the distribution road there would be several adopted cul-de-sacs, and several private shared drives for up to five dwellings. The layout is considered a traditional layout adopting in broad terms, current residential estate road design. The provision of a loop assists in promoting permeability and connectivity and provides for the future introduction of a bus service. The layout in particular the introduction of raised junction plateaus, individual raised promenades and shared surface cul-de-sacs creates an environment that promotes and encourages vehicle speeds of 20mph or less.

5.7.2 There would be standard footpath width on either side of the distributor road. The Development provides a total of 611 car parking spaces within the site (this accords with the 2008 Wales Parking Standards). In 2012 Monmouthshire County Council adopted their own parking standards and under these standards a total of 617 car parking spaces would be required, therefore there is a shortfall of 6 spaces.

5.7.3 Assessed strictly against the Council's SPG on parking provision and garages, the proposal has a shortfall of parking spaces. The applicant has amended the plans to provide 3 spaces to all but 7 of the 3+ bedroom dwellings, and those still short by one space have visitor layby spaces in close proximity. It should also be noted that the plots affected are the smallest three-bedroom dwelling, which in reality are highly unlikely to accommodate three car-owning adults. The other key shortfalls relate to properties served by private driveways and are only a shortfall because the Council's Garages SPG states that integral and attached garages should be excluded from the parking provision figures. While it is accepted that garages are often used for storage, the developer has provided 3m by 6m (internal dimension) garages in accordance with our guidance and Manual for Streets. The purpose of these larger garages is to accommodate both a car and the usual domestic paraphernalia such as lawn mowers and bicycles and bins. Given that a condition can be imposed to prevent the conversion of garages to specific plots into living accommodation, and given that any parking overspill will be contained within private shared driveways rather than the main access road, any impact on highway safety is considered to be negligible. No action can be taken to make people park their car in their garage, whether attached, integral or detached, and residents need to behave in a sensible, considerate and neighbourly fashion, as well as exercising an element of *caveat emptor* before purchasing their home. Consequently, planning officers have no objection to the level of parking proposed.

5.8 Sustainability and Public Transport

5.8.1 When considering the allocation of this site for housing in the LDP, the issue of sustainability and infrastructure provision was paramount. There are two bus stops within Sudbrook but there is currently no bus service running to Sudbrook. The nearest railway stations are located in Caldicot and Severn Tunnel Junction. Caldicot Station provides hourly services to Maesteg and Cheltenham Spa, as well several services per day to Fishguard Harbour. Severn Tunnel Junction Station provides half-hourly services to Cardiff and hourly services to Taunton and Bristol Temple Meads. As part of this planning application a Travel Plan was submitted which included:

- Funding for a Travel Plan co-ordinator;
- Information Packs for all residents;
- A scooter rack for the local primary school;
- A cycle or walking shelter for the local primary school; and
- Grass Routes membership for all households.

5.8.2 In order to ensure that the new housing development meets with sustainability criteria it was recommended that the developer make a financial contribution, though the S106 legal agreement, to pump prime a new bus service serving Sudbrook. The cost of providing this service is £200,000 for three years and the developers have agreed to this. The pump-priming of the bus service with a financial contribution from the developer is necessary to comply with the LDP strategic objective for sustainable development.

5.8.3 During negotiations between the developers and planning officers it was agreed that not all of the elements of the Travel Plan were strictly required to enable the development to come forward. In light of the very marginal viability of the site it was agreed that there was no need for an audit of the existing footpaths and cycle ways to be undertaken and that the personalised travel planning could be omitted. The scooter rack and shelter for the local primary school, could also be omitted. A financial contribution of £10,000 will be provided for Information Travel Packs.

5.8.4 The site is very close to the Wales Coastal Path and the Sustrans Cycle Network. Footpaths and cycle lanes will be provided throughout the site and to link into Portskewett and Caldicot. With the improvements outlined within the travel plan and the close proximity to public transport this site can be considered to be located in a suitable location.

5.9 Flooding

5.9.1 The proposed dwellings would be located on Zone A or, to a much lesser extent, on Zone C1. The latter area would be raised and the applicants have submitted a Flood Consequences Assessment (FCA) to demonstrate that the risks of flooding are acceptable.

5.9.2 Section 6 of TAN 15 states that highly vulnerable development including residential development, should not be permitted within Zone C2. Within C1, highly vulnerable development such as residential development should be permitted only if the tests in Section 6 of the TAN are met. In this instance, the site is a strategic housing allocation in the adopted LDP, so its development complies with a regeneration initiative. The housing development would be on brownfield land. The consequences of flooding can be acceptably managed. As such, the development complies with TAN15.

5.9.3 NRW confirms that it has no objection to the application as submitted subject to flood risk conditions being imposed and the mitigation outlined in the FCA being carried out.

5.10 Contamination of the Site

5.10.1 MCC Environmental Health Officers have reviewed several contaminated land reports for the site, submitted for previous applications, the most recent of which was 'Phase II Site Investigation, Detailed Quantitative Risk Assessment' (Wardell Armstrong, February 2012, Report No. RPT-001). This report details desk studies and intrusive site investigation programmes undertaken between 2001 and 2007 and Warden Armstrong's own intrusive site investigation between November 2011 and February 2012. The report presents the findings of the chemical testing of soil samples, ground water monitoring and ground gas monitoring. The results were compared to Generic Assessment Criteria and use a generic quantitative risk assessment for an end land use of residential with home grown produce to assess the risk to human health.

5.10.2 The investigation has identified the presence of contamination that could give risk to harm to human health (arsenic, lead, total petroleum hydrocarbons, polycyclic aromatic hydrocarbons and asbestos), as well as concentrations of methane and carbon dioxide. Therefore remediation and validation will be required if this site is to be used for residential purposes. It is therefore recommended that the developer be required to undertake a site investigation/risk assessment procedure in accordance with CLR11 "Model Procedures for the Management of Land Contamination" and this is covered by condition.

5.11 Layout and Design

5.11.1 The general layout of the site is acceptable with a mix of house types including some smaller two bedroom units and some terraced properties. The dwellings themselves are from Redrow's Heritage range, which are attractively designed homes influenced by the Arts and Craft movement. The design is welcomed, and examples elsewhere show the high quality environment that can be achieved with good design from a volume housebuilder. The affordable housing will match the design concept, materials and appearance of the market dwellings.

5.11.2 The boundaries of the site will be substantially landscaped with buffer zones and tree planting. To the centre of the site is a LAP (Local Area of Play) with an area of open space and a footpath link which will provide an interesting focal point. The areas of public open space will be overlooked by the proposed dwellings thereby providing a safe environment. The northern boundary of the site is adjacent to the existing railway track which contains some semi-mature vegetation, there is a natural stone wall before reaching the main road through Sudbrook. The majority of the existing houses in Sudbrook face into the development site. It is very important that the new development relates well to the existing properties. In order to achieve this, where possible the existing vegetation along this boundary will be retained and enhanced, and the natural stone wall will be retained. There will be a mix of finishing materials to match those finishing material in the existing village and would feature red and brown brick, render with stone detailing, window sills on both front and rear elevations and overhanging eaves. The general design considerations comply with the objectives of Policy DES1 of the LDP

5.12 Recreational Provision

5.12.1 The layout plan shows a LAP in the centre of the housing development and several additional areas of open space. In addition there is an existing equipped play area adjacent to the site. Policy CRF2 of the LDP states that: "Development proposals will be assessed against the Council's standards for recreation and open space and allotments, as follows:

Public Recreation and open space:

NPFA minimum standards for outdoor play space of 2.4 ha per 1000 population and 0.4 ha public open space per 1000 population which is accessible to residential areas.

Allotments – Spatial standard of 0.25 ha of allotment space per 1000 population.

5.12.2 Proposals for new residential development should provide appropriate amounts of outdoor recreation and public open space in accordance with the above standards. Any provision should be well-related to the housing development that it is intended to serve, however the exact form and type will be determined having regard to the nature and size of the development proposed. Proposals for new residential development on the strategic sites listed in Policy S3 and any development exceeding 50 dwelling units per site, should also make provision for allotments if required in accordance with the above standards.

5.12.3 On this development, it is proposed to provide a large amount of public open space and recreational facilities on site. There would be public open space at the entrance to the site as well as in the “central corridor” and on the eastern side of the site, close to the existing settlement. In addition to this a very large area of open space will be provided that includes the area of ecological importance and is also in Flood Zone C1. Here the existing hard standing would be broken up and grass planted. The proposed development provides more play space and public open space than is required by adopted standards and complies with Policy CRF2. The Council requires that a LAP be provided in the centre of the site and that a commuted sum be provided by the developer for its maintenance. In addition the applicant has agreed to transfer the adjacent play area to the Community Council for £1. The large lower-tier informal public open space area will be landscaped by the developer and then managed via a management company funded by the occupiers of the market dwellings. The remainder of the open spaces will be adopted by the Council, with associated commuted sums agreed. No allotment space is being proposed given that Sudbrook already provides an area of allotments within the village. The proposal complies with the objectives of Policy CFR2 of the LDP and provides more open space than is required by the policy.

5.13 Biodiversity

5.13.1 The site contains many biodiversity interests which have been considered in great detail by both the MCC Biodiversity Officer and NRW. With regards to reptiles, slow worms and grass snakes were found to be present on the site. The applicants have put forward a strategy for their translocation which is considered to be acceptable and can be secured by condition. A Bat Survey has been carried out for the site and it was found that the main paper mill building and several of the ancillary buildings contained bat roosts for various species. Mitigation has already been provided in the form of a bat house (evidence has shown that this is being used). NRW and MCC Biodiversity Officers consider that it is necessary that the maintenance, management and monitoring of the bat house continue for 25 years; this may be addressed as part of the Bat Licence. A Bat Licence will be required from NRW as well as other mitigation measures and this can be secured by condition. A Site of Importance for Nature Conservation (SINC) has been identified on the south-west corner of the site. A small part of the SINC will be lost as part of the development but the MCC Biodiversity Officer is satisfied that as this is not the most valuable part of the site and because connectivity is retained this small loss is acceptable, however a condition will be imposed to secure the future management of the SINC. A Habitats Regulations Assessment (HRA) has been completed by officers of the Council and concluded that there will be no significant impact in the integrity and the Wye Valley and Forest of Dean Bat Site SAC. With regards to the Severn Estuary SAC, RAMSAR and SSSI, avoidance measures will be adopted to limit the risks of pollution. Increased residential pressures are not considered to be so significant as to have a negative effect on the designations. Again avoidance measures and mitigation can be secured by condition. NRW are satisfied with the provision made for bats as a result of this development provided that there is long term management and monitoring of the bat house. With regards to the impact on birds in the Severn Estuary, NRW are of the opinion that the development will not cause an increased disturbance to birds.

5.13.2 Although this is a very sensitive site with regards to biodiversity, the applicants have provided sufficient mitigation and avoidance measures to ensure that there is not a significant impact on the various designations. Both NRW and MCC's Biodiversity Officer are satisfied that the proposal is acceptable on biodiversity grounds provided that all of the conditions suggested are adhered to.

5.14 Green Infrastructure and Landscaping

5.14.1 The supporting ES documents and the DAS have provided information in relation to Green Infrastructure (GI). The proposed development is largely acceptable in terms of landscaping and GI although MCC landscape officers would like to see more details at this stage including a landscape strategy. It is recognised that "the public realm area" in the centre of the site and the public open space at the entrance of the site are the main focal points of the site and will contribute to a strong sense of place which will comply with the objectives of Policy DES1 of the LDP. Details of the landscaping can be secured by condition. The pedestrian links from the proposed development to the Wales Coast Path and the existing settlement will provide permeability through the site and will encourage walking and cycling. Policy GI1 of the LDP seeks to ensure that individual green assets are retained wherever possible and encourages the incorporation of new or enhanced GI. This is a brown field site with few green areas on the northern portion of the site where the industrial buildings now stand. However in the southern part of the site it is proposed to provide a large area of informal public open space including the creation of a lowland grassland habitat, appropriate landscaping and the retention of the pond which had been designated as a SINC. Footpath links between the new housing and the informal public space will be provided. A management company funded by the occupiers of the market houses on the site will be responsible for future maintenance. With this level of GI being provided on the site the development does realistically accord with the objectives of Policy GI1 of the LDP. It has been suggested by MCC landscape officers that it would be better to have the avenue trees outside of the private gardens and in the public highway. This has been considered, and although desirable, it would add to the highway maintenance costs and would lead to a reduction in plot sizes or plot numbers which would impact on the very fragile viability of this site.

5.15 Footpaths and Cycle Ways

5.15.1 The All Wales Coastal Path runs along the southern boundary of the site and there are some informal footpaths crossing the Old Camp to the east of the site. The layout plan shows a pedestrian link from the public open space in the north east corner of the site to the existing village of Sudbrook, close to the existing children's play area. There are also pedestrian links from the development onto the Wales Coastal Path and links from the development to the large area of public open space to the south of the site. There is therefore a lot of permeability and connectivity between the proposed dwellings, the existing village and the Wales Coast Path. The Council's Countryside Section would like to see all of these routes made up to suitable standards and given formal status. They would also like to see Footpath 13 formalised with a Cycle Track Order and the All Wales Path include a bridle route. Given the marginal viability of this site and other demands on the development it is considered that this request is not realistic especially as the development has provided such a high level of permeability.

5.16 Impact on Local Services

5.16.1 The Council's Education Department has confirmed that there are 23 spaces in the nearby primary schools, but because the development generates a greater demand than 23 spaces, a S106 contribution of £439,286 is required to provide additional capacity in the local primary school. There is surplus capacity at the catchment secondary school, and this LDP allocation was factored in when designing the 21st Century replacement school. Therefore no contribution is required for secondary education.

5.17 Impact on Local Residents

5.17.1 The proposal will inevitably impact on local residents in terms of increase in traffic compared to existing levels and because it will effectively double the size of the village. The impact of increased traffic has been considered as part of the Transport Assessment and it found that the increase in traffic generated by this development would not be as great as that relating to the paper mill when it was operational, and the site could revert back to an industrial use if residential development was not allowed. A new link road to Caldicot from the development site is not feasible or warranted on traffic grounds. In visual terms the proposed housing development represents a visual improvement, given that the existing site is derelict, overgrown and dilapidated. Many of the dwellings along Sudbrook Road face towards the site but their privacy will not be adversely affected due to the intervening road and railway line. Many of the proposed two storey dwellings will have their rear elevations facing towards the existing dwellings. Most of these are all above the minimum guideline distances between directly facing habitable room windows and are considered acceptable. However Plot no 122 is only 15 metres from the front elevation of nos. 25 and 26 Sea View. Nos. 25 and 26 will have their front elevations facing towards the blank two storey side elevation of Plot 122. Given that there are no windows on this side elevation and the fact that there is a road between the existing houses and the proposed unit, the distance of 15 metres is considered acceptable in terms of privacy and outlook. These relative distances are such that the residential amenity of the existing occupiers will not be significantly compromised. The proposed layout of the new development does comply with the objectives of Policy DES1 of the LDP.

5.18 Archaeology

Glamorgan Gwent Archaeological Trust has no objection to the application but requests a condition requiring a detailed programme of investigation for the archaeological resource. A buffer zone has been provided between the proposed development and the Scheduled Ancient Monument (SAM) of Sudbrook Camp and Chapel and Cadw are satisfied with this. The SAM is on land which is owned by the applicant and it is considered that the best way of preserving it is to leave it in situ. The red line on the site plan has now been amended so that it does not impinge on the area of the Scheduled Monument. This was a minor alteration that reduced the red line area very slightly and no one has been prejudiced by this alteration.

5.19 Sewage and Water Supply.

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharge from the site. Welsh Water have outlined conditions relating to the discharge of foul and surface water, details of which will need to be submitted and approved prior to work on site commencing. Welsh Water is however aware of problems with the water supply to the area and advises that no upgrades are planned. In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network. This would have to be done by the applicants prior to development and could be secured by condition.

5.20 Other issues raised by the Community Councils

The increase in traffic movements generated by this proposal are not sufficient to justify a roundabout being constructed at the entrance to the site. Highways are satisfied that the proposed altered priority at the entrance to the site is sufficient to ensure highway safety. The submitted Traffic Assessment has found that the increase in vehicular movements, over and above that which could be generated by the Papermill if it was still operational is not so great

as to justify improvements to the controlled crossing over the railway. There will be only one vehicular access into the site. This topic has already been considered at appeal for a larger development and was not found to be a problem. The access into Camp Row will be for pedestrians and cyclists only. Highways are opposed to speed restrictions within the site itself and the proposed layout / road geometry will help to control traffic speeds. The impact on local services has been addressed above.

6.0 RECOMMENDATION Approve subject to a 106 legal agreement requiring:

1. 20 no. (9.4%) of the units shall be for affordable housing and would be handed over to a housing provider at a specified time.
2. £200,000 to pump prime a new bus service serving Sudbrook for 3 years.
3. A financial contribution of £10,000 will be provided for Information Travel Packs.
4. Contribution £439,286 is required to provide additional capacity in the local primary school.
5. A financial contribution of £46,858 as the capital and adoption cost for the LAP to be provided on site.
6. £50,000 for offsite open space provision for one or more of the following of the Community Council priorities.
 - . The Cornfield Project
 - . The Quest
 - . Sudbrook Play Park
 - . Portskewett Heritage Centre
 - . Sudbrook Non Political Club.
7. £159,531 for the adoption by MCC of the on-site Public Open Space
8. Transfer of the existing play area to the Community Council for £1.

Total £842,770

Conditions

Condition No.	Condition
1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. (NRW)
4	Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. (NRW)
5	Contamination – Site Investigation, Remediation and Validation No part of the development hereby permitted shall be occupied until:

	<p>a) Prior to remediation works taking place, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The outline remediation strategy shall be amended in order to address this condition.</p> <p>b) Following remediation a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>c) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing. (NRW and EH)</p>
6	<p>Contamination – Imported Material</p> <p>Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority prior to the material's import. No other fill material shall be imported onto the site.</p>
7	<p>No development other than demolition and remediation works shall take place until a foul water drainage scheme to satisfactorily accommodate the foul water discharge from the site has been submitted to and approved in writing by the LPA. No dwelling shall be occupied until the approved foul drainage system for that dwelling has been constructed, completed and brought into use in accordance with the approved scheme. Reason: To prevent hydraulic overload of the public sewerage system and pollution to the environment.</p>
8	<p>No development, except for demolition, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.</p>
9	<p>No development other than demolition and remediation works shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.</p>
10	<p>No development other than demolition and remediation works shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets</p>

	<p>serving each phase of the development will be completed. The development shall be carried out in accordance with the agreed details.</p>
11	<p>Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the LPA, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users (including school children) from construction works. The development shall be carried out in accordance with the approved CTMP.</p>
12	<p>Works including stripping / demolition of the paper mill building, shall not commence unless the local planning authority has been provided with either:</p> <ul style="list-style-type: none"> a) a licence issued By Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
13	<p>Management of bat house and core habitat - No development shall take place, including demolition, ground works and building stripping until a management plan for the replacement bat roost building has been submitted to and approved in writing by, the local planning authority. The purpose of the management plan shall be to secure the long term use of the bat house and the key connecting vegetation by bats.</p>
14	<p>Monitoring and Maintenance - No development shall take place, including demolition, ground works and building stripping, until a bat monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to safeguard roosting potential for bats in the compensatory bat house. The content of the Strategy shall include the following as a minimum:</p> <ul style="list-style-type: none"> a) Aims and objectives of monitoring to match the stated purpose. b) Identification of adequate baseline conditions prior to the start of development. c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged. d) Methods for data gathering and analysis. e) Location of monitoring. f) Timing and duration of monitoring. g) Responsible persons and lines of communication. h) Review, and where appropriate, publication of results and outcomes. <p>A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.</p>

	The monitoring strategy will be implemented in accordance with the approved details.
15	Construction phase Lighting Strategy and Plan - No construction shall take place until a scheme to illustrate the lighting on the development site during construction has been submitted to and approved in writing by the local planning authority. This scheme shall illustrate positioning and direction of lighting so as not to illuminate the Severn Estuary and semi-natural habitats at the site to maintain dark corridors for bats. Timings for artificial lighting shall be included. The approved scheme shall be fully complied with.
16	Lighting design strategy - Prior to the installation of any external lighting (other than the construction lighting referred to in Condition 15), a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for 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 within the sensitive areas identified under part a) of this condition, without prior written consent from the local planning authority.
17	No Works within the Severn Estuary No works will take place within the boundary of the Severn Estuary SAC, SPA or Ramsar. Access routes shall not be located within the designated sites.
18	Construction Environment Management Plan (CEMP) - No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (biodiversity) shall include the following: a) Risk assessment of potentially damaging construction activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs.

	The approved CEMP shall be strictly adhered to and implemented throughout the construction.
19	<p>Nesting Bird Condition</p> <p>No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and buildings or structures for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p>
20	<p>Reptile mitigation</p> <p>The development shall be undertaken in strict accordance with Harrow Estates plc. Sudbrook Paper Mill, Reptile Mitigation Strategy by Hyder Consulting (UK) limited dated May 2015.</p>
21	<p>A Green Infrastructure Management Strategy shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development other than demolition or remediation works. The content of the strategy shall include the following;</p> <ul style="list-style-type: none"> a) Description and evaluation of Green Infrastructure assets to be managed to include but not be limited to: <ul style="list-style-type: none"> (i) Public open spaces (ii) Ecological areas of interest including the SINC (iii) Ecological enhancements including bat and bird box provision (iv) Public rights of way and informal access including cycleways (v) Informal and formal Play (vi) soft landscaping including but not limited to street trees and green corridors, and including a schedule of landscape maintenance for a minimum period of five years (vii) SUDS for surface water management (viii) Existing vegetation b) Trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period). g) Details of the body or organization responsible for implementation of the plan. h) Ongoing monitoring and remedial measures. <p>The Management Strategy shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Strategy are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved</p>

	scheme. The approved plan will be implemented in accordance with the approved details.
22	Site of Importance for Nature Conservation Prior to the end of the first planting season following first occupation of any dwelling, the measures agreed by email on 22 nd January 2016 between Mark Hand (Monmouthshire County Council) and Michael Southall (Bilfinger GVA) for the protection, creation and enhancement of the 'ecology area', as identified on the Landscape Strategy Drawing 2462/5/2/1 (March 2016) shall be implemented in full. For the purposes of this condition, a planting season is defined as the period from 01 October to 31 March.
23	Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) all integrated garages on site shall be used so as not to prevent the parking of cars therein.
24	All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable that has first been submitted to and approved in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
25	The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) produced by BWB Consulting FCA, Reference BMW/1516/FCA/Rev F dated 2nd December 2014 and the following mitigation measures detailed within the FCA. Development plateau levels are set to 10.880 metres above Ordnance Datum (AOD) (Newlyn). Finished floor levels are set no lower than 11.030 metres above Ordnance Datum (AOD) (Newlyn).

Reasons for conditions:

1.1	To comply with Section 91 of the Town and Country Planning Act 1990.
2.1	To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
3.1	To protect the water environment as the site is located within the Great Spring SPZ1.
4.1	To protect the water environment.
5.1	To protect the water environment and health of future occupiers. This site has had a previous industrial use as a paper mill and there is a degree of contamination on site that may be a risk to controlled waters. The site is within 10m of the River Severn and within SPZ1 of the Great Spring groundwater abstraction (250 m to the east).
6.1	To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.
7.1	To prevent hydraulic overload of the public sewerage system and pollution to the environment.

8.1	To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
9.1	To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.
10.1	To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.
11.1	To safeguard the amenities of the locality and users of the highway.
12.1	To Safeguard species of conservation concern in accordance with the LPA duty under the Conservation of Habitats and Species Regulations 2010 (as amended).
13.1	To ensure long term roost compensation for species of conservation concern protected by the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2010 (as amended).
14.1	To ensure long term roost compensation for species of conservation concern protected by the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2010 (as amended).
15.1	To Safeguard the Severn Estuary SSSI, SAC, SPA and Ramsar Sites in accordance with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Species and Habitats Regulations 2010 (as amended). To Protect European Protected Species in accordance with The Conservation of Species and Habitats Regulations 2010 (as amended) and LDP policy EP3
16.1	To Safeguard the Severn Estuary SSSI, SAC, SPA and Ramsar Sites in accordance with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Species and Habitats Regulations 2010 (as amended). To Protect European Protected Species in accordance with The Conservation of Species and Habitats Regulations 2010 (as amended) and LDP policy EP3
17.1	To Safeguard the Severn Estuary SSSI, SAC, SPA and Ramsar Sites in accordance with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Species and Habitats Regulations 2010 (as amended). To Protect European Protected Species in accordance with The Conservation of Species and Habitats Regulations 2010 (as amended) and LDP policy EP3
18.1	To Safeguard the Severn Estuary SSSI, SAC, SPA and Ramsar Sites in accordance with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Species and Habitats Regulations 2010 (as amended). To Protect European Protected Species in accordance with The Conservation of Species and Habitats Regulations 2010 (as amended) and LDP policy EP3
19.1	To ensure long term roost compensation for species of conservation concern protected by the Wildlife and Countryside Act

	1981 (as amended) and Conservation of Habitats and Species Regulations 2010 (as amended).
20.1	To ensure Reptiles which are protected under the Wildlife and Countryside Act 1981 are not killed or injured by development works.
21.1	To safeguard all GI Assets and ensure long term sustainable management in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4.
22.1	To ensure the provision of an area of ecological value, afforded by the proper maintenance of existing and / or new landscape features; in the interests of nature conservation.
23.1	The garages provided form an essential element of the required off street parking as recommended in the Council's adopted Parking Standards, in the interests of highway safety and residential amenity
24.1	To ensure the provision of amenity areas afforded by the proper maintenance of existing and / or new landscape features.
25.1	To safeguard the development from the risk of flooding.

Informatives:

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Foul water and surface water discharges shall be drained separately from the site.

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. 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.

Approved Plans/ Documents

Plan Ref No.	Version No	Status
- 1581-01 (Site Location Plan) - 1581-02 (Planning Layout) - 1581-03 (Boundary Enclosures Layout) - 1581-04 (Materials Finishes Plan) - 1581-05 (Site Sections) - 1581-06 (Street scenes) - - 1581-07 (Public Open Space Provision)		
House type Plans - The Cambridge (Brick Finish)		

- The Cambridge (Render Finish)
- The Canterbury Rev A (Floorplans)
- The Canterbury Rev A (Elevations)
- The Letchworth (Floorplans)
- The Letchworth (Elevations – Brick Finish)
- The Letchworth (Elevations – Render Finish)
- Malvern & Ledbury (2 & 3) 4 Block (Elevations – Render)
- Malvern & Ledbury (2 & 3) 4 Block (Elevations – Brick)
- Malvern & Ledbury (2 & 3) 4 Block (Floorplans)
- The Oxford + (Floorplans & Elevations – Brick Finish)
- The Oxford + (Floorplans & Elevations – Render Finish)
- The Leamington (Floorplans & Elevations – Brick Finish)
- The Leamington (Floorplans & Elevations – Render Facade)
- The Shaftesbury Corner Rev A (Floorplans)
- The Shaftesbury Corner Rev A (Elevations)
- The Stratford (Floorplans & Elevations – Brick Finish)
- The Stratford (Floorplans & Elevations – Render Finish)
- The Warwick Rev A (Floorplans & Elevations – Brick Finish)
- The Warwick Rev A (Floorplans & Elevations – Render Finish)
- The Warwick Rev A Corner (Floorplans & Elevations – Brick)
- The Warwick Corner (Floorplans & Elevations – Render)
- The Worcester (Floorplans & Elevations – Brick)
- House Type 2.1.3 Rev A (Floorplans & Elevations)
- House Type 4.2.2 DQR (Floorplans & Elevations)
- House Type 5.3.3 (Floorplans & Elevations)

Landscaping Strategy drawing reference 2462/5/2/1
 Landscaping Strategy (Tuesday 8th March 2016)
 Tree Removal & Retention, drawing reference
 6507_Tech_38

Documents:

- Planning Statement;
- Environmental Statement ;V this comprises three volumes:
 Volume I - Non-Technical Summary; Volume II - Main Text;
 and Volume III - Appendix;
- Design & Access Statement (Inc. GI Concept Statement);
- Flood Consequences Assessment;
- Archaeological Assessment;
- Ground Conditions Report;
- Viability Assessment;
- Noise Impact Assessment;
- Travel Plan;
- Transport Assessment
- Bat Survey Report (September 2015);
- Reptile Mitigation Strategy (May 2015);
- Tree Survey;
- Parameters for Development Appraisal;
- Bat Survey Report (ancillary buildings – January 2016);
- Public Consultation Letter Drop;
- Viability Report (July 2015);

Viability Advice Letter from BGVA to HEp (Dec 2015); and Viability - Email from James Petherick to Andrew Golland (dated 7th January 2016).		
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DC/2015/01528

ERECTION OF A DETACHED DWELLING

GLEN USK MAIN ROAD UNDY

RECOMMENDATION: APPROVE

Case Officer: Nia Morrison

Date Registered: 4th February 2016

This application was presented at Planning Committee on the 12th April 2016 where Members resolved to defer the application so that amendments could be made to the positioning of the dwelling within the site and to the design of the dwelling. It was requested to:

- Move the dwelling south-west of the site towards the neighbouring property Fairfield Cwrt;
- Move the position of the dwelling south-eastwards (towards the rear) so that it was not directly positioned behind No. 8 Rectory Gardens and so that the dwelling was mainly positioned between the building line of No. 8 and No 7 Rectory Gardens;
- Change the roof material from a slate to a roof tile to match adjoining dwellings;
- Clarify the colour of the proposed render.

Following this request, amended plans (1462-10C and 1462- 2D) have been submitted which illustrate the following changes:

- The dwelling has been repositioned approximately 1.9m towards Fairfield Cwrt. There is now an approximate gap of 4.7m from the side elevation of the proposed dwelling to the shared boundary with No. 8 Rectory Gardens.
- The dwelling has been repositioned approximately 2.2m closer towards the railway line
- The roof materials have changed to a roof tile, Redland Grovebury smooth farm house red that better reflects the tiles on nearby dwellings.
- It is confirmed the proposed render of the dwelling would be an ivory colour.

Following consultation, four letters of correspondence have been received: one letter of concern from the owner of No. 8 Rectory Gardens; a letter of concern from the owner of Fairfield Cwrt; a letter of support from the applicant's agent; and the other from the Community Council. Magor with Undy Community Council recommend approval but wish to re-iterate their previous comments regarding access to the B4245.

The owners of No. 8 comment that:

- We appreciate that the proposed dwelling has been moved from the boundary of properties in Rectory Gardens but we still would like it to be known that our views have not altered due to the loss of quiet enjoyment of our garden and the very dominating visual impact on our home.
- The proposed house looks as though it has been moved by 1.95m sideward and towards the rear of the plot by approximately 2m. The exact dimensions are not clear. The sideward move looks to be beneficial to us. The backward moves is slightly more detrimental to us as it moves the building more into the line of sight from our living room.
- We note the change of roof tiles and the stated colour of the rendering to 'Ivory' and these should prove better than the original plans.

The owner of Fairfield Cwrt does not oppose the sideways movement of the proposed dwelling towards Fairfield Cwrt, but opposes the movement back into the plot towards the railway line in that this would create an overlap with their dwelling causing a loss of light and sight intrusion into their living room window. It is pointed out that if the objector of no. 8 Rectory Gardens has stated that the amended plans actually provide no. 8 with a more negative impact from no. 8's

lounge window then it is suggested that the building plan goes back to the original plan in terms of distance from the railway line.

The applicant's agent commented that:

- We have moved the proposed dwelling a further 1.5 metres [sic] from the rear of No.8, the distance of 15 metres between the nearest window to No.8 and the 2 storey element of the proposal now well exceeds the distance required by other authorities and also meeting the WAG requirement. The change reinforces the Officer view in paragraphs 5.3 of the previous Officer Report that there will not be significant harmful effect. There will be no harmful effect.
- We have also considered carefully the additional possibility of shifting the dwelling [further] back towards the railway line. This has been discounted however for a number of reasons:
 1. The creation of an illogical, uncomfortable and harmful relationship with Fairfield Court. An overlapping mass of 2 storey building, appreciably beyond the rear face of Fairfield Court would have an adverse impact upon the enjoyment of that house (at a much closer distance than that with No.8)
 2. The [proposed] house and its rear elevation would be much closer to the railway line with its adverse noise impacts.
 3. The rear garden would be reduced to inadequate size and proportion in relation to the house.
 4. Also considered was the fact that such a proposal would not help the relationship with No.8, it would exacerbate visual impacts. As now proposed the 2 storey element of the dwelling would be set close to and against the backdrop of Fairfield Court when viewed from the rear windows of No.8. To offset the dwelling close to the railway would increase the mass of building seen. All of the end elevation of the proposed house would be seen (albeit a satisfactory distance) while a greater element of Fairfield Court will also be seen.

Following the amendments received it is considered by officers that the proposal now has a better amenity impact than the initial scheme put forward to Committee. Although the dwelling has not been re-sited as specifically requested by Members in the location between Nos 8 and No. 7 Rectory Gardens the dwelling has been re-sited further away from the boundary with No.8 which would reduce any potential overbearing impact of the property upon the occupiers of No.8. It is considered that although re-positioned closer to Fairfield Court this impact will be acceptable as the position of the dwelling is largely in line with Fairfield Court. There is some concern that if the position of the dwelling was shifted further back, as requested by Members, this would lead to a detrimental impact upon Fairfield Court, particularly now as its position is just 1m from the boundary with Fairfield Court.

Although the owner of No.8 has some concern in relation to the backward shift of the dwelling by approximately 2m (not 1.5m referred to by the agent above), this shift is not considered to detrimentally alter the impact from the previous position. It is considered that the resulting impact will be similar to the previous position, albeit improved with the dwelling moved further away from the shared boundary.

It is considered the proposed 'Redland' tiles for the roof and ivory rendered walls will be in keeping with properties within the surrounding area and the recommendation to approve is re-presented for Members' consideration.

The following was reported as late correspondence to the Committee meeting held on 12th April 2016:

Notes of Site inspection 11th April 2016

Attending: R. Edwards, P. Clarke, A. Webb, P. Murphy, R. Harris, D. Dovey, D. Evans, P. Watts, B. Strong, R. Hayward, A. Wintle

We noted the following:

1. The area was part of the large curtilage of a semi-detached dwelling, Glen Usk, off Main Road.
2. There was a modern dwelling alongside the proposed plot and dwellings in Rectory Gardens to the side; we visited the garden of adjoining dwelling, no. 8, to consider the impact of the proposal on the amenity of this and other neighbours.
3. The mainline railway was to the rear of the proposed plot.

Email from a local resident:

'Having now read your report to the planning committee, I am disappointed, but not surprised, that you have recommended approval. I seem to recall that on your first visit to Rectory Gardens regarding this application you referred to the expense that the authority would incur if planning was refused and it went to appeal. This leaves me with the impression that no matter what objections we, as neighbours, raised, you would always take the route you have.

You have paid little regard to the impact this will have upon us. I can only hope that the members of the planning committee are more understanding and reasonable.

I would draw to your attention that in your report at paragraph 5.3 you make reference to the distance from the proposed new build to Glen Usk and say that this would have 'an acceptable impact'. Of course it is acceptable, the occupants are the applicants. You make no reference in this paragraph to the impact on us (10 Rectory Gardens). Perhaps you could rectify this before the planning committee meets.'

PREVIOUS REPORT (12th April Committee)

1.0 APPLICATION DETAILS

- 1.1 This full planning application relates to land to the rear of Glen Usk, Undy, a semi-detached two storey dwelling located within Magor and Undy's development boundary and also within an Archaeologically Sensitive Area (ASA). The application site level is 49.70m Above Ordnance Survey Datum (AOD) and is a rectangular shape measuring approximately 19m in width by approximately 64m in length. To the north-east boundary of the site are the rear gardens of numbers 7-10 Rectory Gardens and to the south-west of the site is the detached house, Fairfield Cwrt, which was a new build in the rear garden of Fairfield (the adjoining semi-detached dwelling to Glen Usk). To the rear of the site is the mainline railway line. The site had been cleared of trees /shrubs at the time of the site visit (4th February 2016).
- 1.2 It is proposed to erect a detached two storey 4 bedroom dwellinghouse within the rear of the plot adjacent to the existing neighbouring property Fairfield Cwrt. The proposed dwelling measures approximately 13m in width by 11m in depth by 8.4m to the ridge height. It is noted that the property has been amended to feature a lean-to element on the north-east elevation in order remove the first floor element of this part of the property. The two storey element of the proposed dwelling would now measure 9.5 in width.
- 1.3 Access to the site is proposed off Main Road (the B4245) via the existing access point which serves Glen Usk. A shared driveway with Glen Usk is proposed, to serve both Glen Usk and the proposed dwelling and the driveway is to be constructed with self-

draining block paviors. Three parking spaces for Glen Usk are proposed and four spaces would be available for the proposed dwelling.

2.0 RELEVANT PLANNING HISTORY

M06211 – Outline application for one new dwelling (land to the rear of Fairfield)
Appeal allowed 01.02.2002

M07579 – New House (land to the rear of Fairfield)
Approved 19.11.2002

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 Spatial distribution of new housing provision
S2 Housing provision
S12 Efficient resource use and flood risk
S13 Landscape, green infrastructure and the natural environment
S17 Place making and design

Development Management Policies

H1 Residential development in Main Towns, Severnside Settlements and Rural Secondary Settlements
DES1 General Design considerations
EP1 Amenity and environmental protection
NE1 Nature conservation and development
SD2 Sustainable construction and energy efficiency
SD3 Flood risk
SD4 Sustainable drainage
MV1 Proposed development and highway considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Magor with Undy Community Council – recommends refusal.
The following observations were made:

- The rear garden plot of Glen Usk in which this ‘in-fill’ dwelling is proposed seems adequate in size.
- The adjacent property Fairfield already has a rear garden in-fill dwelling, and therefore this newly proposed dwelling would not appear to be out of place.
- The sides of the proposed dwelling – on the first floor, which overlook Rectory Gardens (to the East) are obscure glazing, and there do not appear to be any opening overlooking and Fairfield/Fairfield Cwrt (to the West).
- Item 16 of the Planning application states that there are no trees or hedges on the proposed development site. Council do not believe that this statement is correct. It goes on to say that there are no trees or hedges on the land adjacent to the proposed development site that could cause influence to the development of might be important as part of the local landscape character. The Community Council recommend that before any decision is made on this application that the Planning Authority need to check this statement in order to ensure whether a full tree survey is required.

- The section of the B4245 where the joint access is proposed is of considerable concern. The B4245 is one of the busiest, if not the busiest road in the County. There have been numerous accidents along this stretch of the road (both reported and unreported) and some time ago resulted in a traffic island being installed as a traffic calming feature at the nearby junction with Manor Chase. The application states that there will be a possible seven (7) vehicles using the access point. The Community Council believe that Highways department need to seriously consider whether the proposed increase to the width of the access point, and the visibility splays is sufficient for this section of the B4245 and ask that the applicant revisit and reconsider the said proposals ensuring that every effort is made for ease of access/egress to the site and for the safety of cyclist and pedestrians.

At present, the Community Council feel they cannot recommend approval of this application until such time that they are satisfied that every effort has been made to ensure the safety of pedestrians and cyclists following the B4245 route, and until such time that the Planning Authority visits the issue of whether a full tree survey is required. That said, the Community Council will be please to re-consider the application at a future date.

Welsh Water - requests conditions in relation to foul and surface water discharges. Attention is also drawn to an advisory note that the applicant may need to apply to Dwr Cymru/ Welsh Water to connect to the public sewer.

MCC Highway Officer - initially required further information in relation to the visibility splays and width of the access and materials and gradient of the driveway. These were subsequently submitted on the Drwgs. 1462 10B and 1462-11. Following receipt of these drawings Highways have no adverse comments to make (confirmed in email correspondence 15.03.2016).

Glamorgan Gwent Archaeological Trust - no objections. The Trust requests the application of an informative.

Network Rail - no objection in principle; the consultee provided some advisory notes in relation to the protection of the adjoining Network Rail land.

4.2 Neighbour Notification

Six neighbouring households have submitted representations raising the following issues, which are summarised below:

- Overdevelopment of the plot
 - The footprint of the house is over dominant compared to the existing house to the front of the site (Glen Usk).
- Impact on residential amenity
 - The rear facing bedroom windows will overlook our rear garden and give a view into our conservatory (No.7 Rectory Gardens).
 - The front facing windows will overlook our rear garden and conservatory (No. 9 & 10 Rectory Gardens).
 - The building will create overshadowing and loss of light into our rear garden and conservatory (No.7, 8 & 9 Rectory Gardens).
 - There will be considerable shadow cast into our garden and living room (No.8 Rectory Gardens). This will be at its worst in the afternoon in the winter, reaching a peak at the winter solstice. There is an attached illustration indicating this. The

existing hedgerow throws a large shadow over the garden. The proposed building will be almost 5 times higher and for a period put our whole garden and part of the house into deep shade.

- Our house (No. 8 Rectory Gardens) will look right onto the side elevation of the proposed development and affect our visibility from the main habitable rooms of our house.
 - The proposed dwelling will have a dominating and overbearing presence on the amenity of occupiers of No.8. This is illustrated with an enclosed photograph of 'before' and a super impression of 'after'. The steep pitch of the lean to roof and the blue/black colour of the slates will exacerbate the situation.
 - There are no indications of the colour of the rendered areas to the proposed house, however even if this is white, the times of day when the sun is behind the building will leave it looking quite dark.
 - The peaceful enjoyment of our garden will be affected. The Council needs to consider the Human Rights Act, Protocol 1, Article 1 where it states that a person has the right to peaceful enjoyment of their possessions, which includes home and other land. Article 8 states that a person has the substantive right to respect for their private family and life.
- Highway concerns
 - Main Road is the busiest B road in the County of Monmouthshire.
 - Although there is a limit of 30mph on this stretch of road, traffic does approach often in excess of this speed limit. With hazardous bends either side of the entrance the increased vehicle access would present a real danger.
 - Widening the entrance and the increased vehicle movements would create a hazard to both pedestrians and traffic, particularly for children on their way to Undy Primary School. The wider driveway would be immediately in front of the traffic calming measures installed to aid the safe crossing of the highway.
 - Adverse impact on local amenities
 - The proposal would put additional strain on an overloaded mains sewerage system.
 - The loss of trees and hedgerows would have an adverse effect on the wildlife in the vicinity. This is also apparent that in the course of the application the applicant has cleared the site and removed further trees before a decision has been granted.
 - The proposal includes turning and parking for a minimum of six vehicles resulting in a substantial increase in air and noise pollution for all adjoining properties in Rectory Gardens.
 - Concern that the border on the western side of the plot will be heavily damaged by the removal of trees and hedging.
 - Should the application be approved it is requested the council consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of works more bearable.
 - Visual amenity
 - The design is not in keeping with adjacent Fairfield Cwrt and the adjacent dwellings in Rectory Gardens. The dwelling should have red/brown roof tiles and not the proposed black/blue.

4.3 Local Member Representations

None Received.

5.0 **EVALUATION**

- Principle of the proposed development
- Visual impact
- Residential amenity
- Highway considerations
- Other considerations

5.1 Principle of the proposed development

The site is within Magor and Undy's development boundary, within which there is a general presumption in favour of new residential development. LDP Policy H1 states however that the principle of residential development is subject to detailed planning considerations and other policies of the LDP that seek to protect the amenities of the area. The main detailed planning considerations for this application are: design, form and amenity of the surroundings and the need to protect existing residential privacy and amenity. These planning considerations will be assessed in the ensuing sections.

5.2 Visual amenity

In terms of the visual impact of the proposal, it is considered that the application site has a good sized plot measuring 19m by 64m, and there is sufficient space for a dwelling within the site, which is surrounded by a variety of properties and architectural styles. In terms of its size the dwelling has been designed to have a similar footprint and height as the adjacent property, Fairfield Cwrt. The proposed dwelling would be set back away from the public highway, Main Road, and therefore the proposal is not considered to have a prominent visual presence within the surrounding street scene. Although proposed materials of blue/black slates for the roof differ from some of the red/brown roof tiles of neighbouring properties, it is not considered that this visual difference in roofscape will harm the street scene. As mentioned, there are a variety of different properties within the area with different roof materials - for instance, the semi-detached property, Fairfield, has a blue/black roof slate finish.

5.3 Residential amenity

The main concern in relation to this application is the impact it will have upon the surrounding residents, in particular the residents of No.8 Rectory Gardens, whose rear back garden immediately adjoins the north-east boundary of the site and the position of the proposed dwelling is set to the immediate rear of their garden. There will be a blank gable end wall with a lean to addition set approximately 2.7m away from their boundary hedge. Although it is acknowledged that the location of the proposed dwelling will change the outlook of the occupiers of No. 8, unfortunately there is no right to a view and this is built up area of Magor within the development boundary where residential housing is to be expected. It is also acknowledged that there will be some overshadowing to the rear garden area of No. 8, particularly in the late afternoon and early evening. On balance however this overshadowing is not considered to have a significant, harmful impact based on the surrounding density and the important consideration that the proposed dwelling has been designed with a single storey lean-to element on the elevation facing no.8 (the north-east side) which will lessen the overbearing and overshadowing impact upon No 8's rear garden. The distance between the nearest part of the rear of no. 8 would be 10m to the side elevation of the single storey lean-to element of the proposed dwelling and 13.5m to the two storey gable element of the proposed dwelling which is what would normally be acceptable on a modern housing layout when accommodating dwellings with a side elevation facing towards a primary elevation of another dwelling (which features main habitable room windows).

Although residents refer to 'The Human Rights Act, Protocol 1, Article 1' the consideration of this application takes into account the effect of the proposal on local residential amenity. While acknowledging residents' concerns, it is considered that the harm caused to local amenity by the proposal is not so significant as to prohibit the adjoining occupiers' peaceful enjoyment of their property or their privacy.

In terms of overlooking impact the first floor window to the south-western side elevation is to serve an en-suite bathroom and would be obscure glazed. Although there would be some view from the first floor rear windows into the rear gardens of Fairfield Cwrt and Rectory Gardens it is not considered to exacerbate, or be out of character with, the existing overlooking situation in respect of neighbouring dwellings in the area, where there is inevitably some overlooking due to the proximity of properties to each other. The impact from the proposed windows would not involve direct overlooking but would rather be at an oblique angle into the rear garden areas of Fairfield Cwrt and No.7 Rectory Gardens which is considered acceptable in this location.

With regards to the first floor windows to the front of dwelling, there is sufficient distance between these windows and the rear windows of Glen Usk (21m) for there to be an acceptable impact. This situation is similar to the impact of the front windows of Fairfield Cwrt upon Fairfield.

5.4 Highway considerations

In relation to highway matters, there is no objection in principle from the Council's Highway Officer. In terms of increased traffic congestion, the additional vehicle movements caused by one additional house would be insignificant and would not warrant a refusal for this reason.

Visibility splays are sufficient and parking can be achieved for at least three vehicles for the proposed dwellinghouse and three spaces are proposed for the existing Glen Usk property which meet the adopted Council parking standards. Concerns in relation to the control of surface water have been addressed and a condition will ensure the proposed driveway will be constructed in permeable self-draining paviers as indicated on drawing 1462-11.

5.5 Other considerations

In terms of the loss of orchard trees to the site, a condition will also request a further planting plan is submitted prior to any work commencing, in order to help compensate for the loss of trees that were removed prior to the application being submitted. A condition will ensure that the existing hedgerow on the north-east boundary of the site, which is an attractive feature, will remain.

A Construction Method Statement (CMS) is requested as a condition to the consent to ensure building works throughout the construction period will respect neighbouring properties.

5.6 Response to the Community Council's representations

In response to the Community Council's concerns regarding highway safety and the lack of consideration of the existing trees, MCC Highways have been consulted on the application and they are satisfied that the proposal will not result in any undue safety concerns upon pedestrian and vehicle movements using the B4235. Although it is

unfortunate that the site was cleared of the existing trees a condition will require further tree planting and landscaping as mitigation.

6.0 RECOMMENDATION: APPROVE

Conditions

1. 5 year time limit
2. In accordance with the approved plans
3. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - v) the times for the delivery of building materials and the local routes to be used.
4. No development shall commence until a planting scheme to compensate the loss of the previous trees that have been removed from the site has been submitted and agreed in writing with the local planning authority.
5. PER02 – Permitted development rights removed - Part 2 (means of enclosure)
6. PER03 – Permitted development rights removed - Part 1 (extensions and outbuildings)
7. No surface water shall be allowed to connect, either directly or indirectly to the public sewerage network.
8. The Finished Floor Level of the dwelling hereby approved shall be 49.90m Above Ordnance Datum (AOD) as stated on the approved plan 1462-10B
9. The existing hedgerow on the north east boundary of the site shall be retained as stated on the approved plan 1462-10B. If the hedgerow dies, it shall be replanted with a similar species.

Informatives

Please see the attached guidance in relation to building on land adjoining to Network Rail land.

GGAT informative

Dwr Cymru Informative

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DC/2015/000141

TO BUILD TWO DETACHED HOUSES RATHER THAN A PAIR OF SEMI-DETACHED HOUSES, APPROVED ON 8 AUGUST 2008 UNDER PLANNING PERMISSION DC/2007/01569

17 DIXTON CLOSE, MONMOUTH

RECOMMENDATION: APPROVE

Case Officer: Jo Draper

Date Registered: 10/02/2016

1.0 APPLICATION DETAILS

- 1.1 The site is located on the northern edge of Monmouth between Dixton Close to the east (at the lower part of the site) and The Gardens to the west which are more elevated. The application site forms part of a previously much larger plot which has planning consent for the construction of four semi-detached properties, two of which have been constructed fronting onto Dixton Close. The other two properties have consent to be constructed in the area of land to the rear of these dwellings, fronting onto The Gardens. This application seeks to change the development from two semi-detached properties to two detached properties. As with the extant permission both properties would have integrated garages and additional off-site parking with forecourts to allow the cars to leave the site in a forward gear.
- 1.2 As with the extant permission the proposal takes advantage of the change in levels as the land slopes down from The Gardens and appears as conventional two storey dwellings on the frontage to the highway, with two and half storey units viewed at the rear including accommodation within the roof space. The proposed development is almost exactly the same as the approved development; this includes the ridge and eaves details and heights, the position of the houses on the site, the simple contemporary design of the development and use of external materials. The only other revision, apart from the development changing from two semi-detached dwellings to two detached dwellings, is the width of each house; this has been reduced by 650mm to form a 1300mm gap between each dwelling and the basement has been omitted which existed at the previous scheme.
- 1.3 The proposed access arrangement is also the same as the approved scheme; it is proposed to create a new vehicular access to serve both dwellings. The landscaping and boundary treatment is also the same as the approved scheme comprising predominantly close board fencing on the northern boundary with the neighbouring dwelling 19 The Gardens, to the south west is a blockwork boundary wall, with a 1m stone boundary wall which is to remain to part of the boundary to the north of the site. Hedgerows and landscaping as proposed which have been applied along the boundaries are the same as the extant planning permission.
- 1.4 External materials comprise interlocking slates with a smooth render finish, colour light beige, and timber windows. The windows proposed on the gable (both ground floor and first floor) would be obscure glazed.
- 1.5 There are a variety of house types within the surrounding area reflecting the different ages when they were built comprising of 1.5 to 2.5 storey high buildings, both semi-detached and detached properties. The character of the area has been subject to

considerable change in recent years with infill development constructed at The Gardens and Dixon Close.

- 1.6 This application has been presented to Planning Committee at the request of the Local Member.

2.0 RELEVANT PLANNING HISTORY

DC/2007/01569 (M12337): Outline planning for 4 dwellings
Refused 22nd May 2006. Appeal lodged and allowed 25th October 2006.

DC/2007/00304 Detailed scheme for four detached dwellings submitted March 2007 Refused
Appeal dismissed.

DC/2007/01569 for four semi-detached units,
Appeal against non-determination
Appeal allowed. 18th August 2008

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 Spatial Distribution of New Housing
S17 Place Making and Design

Development Management Policies

H1 Residential Development in Main Towns
DES1 General Design Considerations
EP1 Amenity and Environmental Protection

4.0 REPRESENTATIONS

4.1 Consultations Replies

- Monmouth Town Council: Refuse
- Over development.
 - Not in keeping with the area.

Highways: Application to be deferred;

- Lack of parking provision at the site. The dwellings are to be four bedroomed units therefore to comply with SPG, three spaces are required.
- The plan does not indicate specific parking provision at this site.
- The SPG does not permit integral garages to be included in the calculations for parking.

4.2 Neighbour Notification

No neighbour comments received to date

4.4 Local Member Representations

Cllr Hayward - This site too narrow for two detached dwellings as proposed. You can see that in the detached houses proposal the long axis of each dwelling is along the length of the plot.

The roof line however is at right angles to the long axis which whilst in keeping with the roof lines of the rest of the properties on the road means the house looks inappropriate. With the two semi-detached houses the roof line is along the long side of the building and also in keeping with other properties on the road. This point was made at the previous application and was one of the reasons why the two semi-detached houses were preferred. The development with two detached houses would look inappropriate in the street scene.

5.0 EVALUATION

The principle of the proposed development is already established, given that the proposed development is almost identical to the extant permission the issue to consider in determining this application is whether it is appropriate to allow two detached units on this plot with exactly the same access and parking arrangement as the extant permission. There are no neighbour implications as the separating distance between the dwellings and the neighbouring properties is the same as on the extant planning permission. Furthermore there are no overlooking windows on the gables that could compromise neighbour amenity. Therefore the two issues that arise in the consideration of this application are visual amenity and highway safety impacts.

5.1 Visual Impact

- 5.1.1 When considering this application it is important to consider what can be implemented on site now having regard to the fall-back position created by the extant planning permission. Visually a good idea can be obtained when looking at the existing development that fronts onto Dixon Close. This existing property sits at the lower end of the overall site and therefore the 2.5 storey elevation fronts onto the highway (which is the other way round compared to the development that can be implemented on the application site which is just 2 storey in form on the road frontage) and it can be seen that whilst semi-detached in form these two dwellings have an impact in terms of their overall mass. It is often the case that when two detached dwellings are proposed on a site it is more appropriate to change to semi-detached properties as it provides more space on either side of the dwelling enabling breathing space between the adjoining dwellings and allows the dwellings to sit more comfortably on the plot. However, in this case the space that separates the proposed detached dwellings has been created by reducing the width of the dwellings compared to the extant permission to create the 1.3m gap between the properties. There is still the same distance on the outside of both dwellings separating the development from the adjoining neighbouring development as that of the extant permission.
- 5.1.2 In terms of street scene this provides a less dominating form of development than the extant permission as it narrows the dwellings but also provides a further visual break by separating the properties which reduces the mass of the proposed development further and represents a significant improvement on the extant permission. Furthermore the adjacent residential properties are detached properties and the introduction of two detached dwellings sits comfortably alongside the existing neighbouring house types.
- 5.1.3 The orientation of the ridge is the same as the approved scheme and was chosen to minimise the impact of the roof scape towards the access lanes and to be in keeping with the neighbouring dwellings. This revised proposal is considered to be visually acceptable.

5.2 Highway Impact

- 5.2.1 There are exactly the same number of bedrooms in the current proposal as in the extant permission. The fall-back position is that they can implement exactly the same access and parking arrangement to serve two slightly larger dwellings than is proposed in the current scheme. It would be unreasonable in this case therefore to insist upon the highway guidelines being complied with in this case.

5.3 Response to the Representations of the Community/ Town Council

These have been addressed above.

6.0 **RECOMMENDATION: Approve**

Conditions/Reasons

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.
4. No development shall commence until details of the design, height and materials proposed for the screen walls or fences shown on the layout plan have been submitted to and approved in writing by, the Local Planning Authority. Such walls and fences shall be erected before the dwelling is completed or occupied whichever is the earlier and retained in perpetuity
Reason: To ensure a satisfactory form of development takes place
5. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is/are first occupied.
Reason: To ensure satisfactory facilities are available for disposal of foul and surface water

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the landscape amenities of the area.

Informatives:

1. 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. 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.

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DC/2016/00342

CHANGE OF USE OF A1 RETAIL USE TO C3 DWELLING TO INCLUDE RECONSTRUCTION OF BUILDING

OLD FORGE CRAFT SHOP, LLANELLEN LINK, LLANELLEN

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Date Registered: 11/04/2016

1.0 APPLICATION DETAILS

- 1.1 This application relates to an existing retail premises just off the A4042(T) at Llanellen that has been trading as the Old Forge Craft Shop selling craft and gift items aimed mainly at the tourist market. It is now proposed to convert the building into a single dwelling. The rebuild will retain the frontage of the older part of the building (the Old Forge) but with levels adjusted to mitigate potential flood issues. The remainder of the building will be new build. As the site is within the development boundary of the village of Llanellen, there is no limit set by policy on the amount of re-build although the proposed dwelling will have a smaller footprint than the existing building, albeit it would be two storied throughout rather than single storey.
- 1.2 The site is located between Llanellen Village Hall and an existing dwelling known as Uskside. The frontage of the property is open onto an unclassified road that links the A4042 trunk road and the B4269 known as Llanellen Link. The existing building extends across virtually the whole width of the site. There is a hedge boundary along the north western boundary with the hall and a 1.8m high close board timber fence on the north-eastern boundary with Uskside.

2.0 RELEVANT PLANNING HISTORY

DC/2008/00455 – Conversion and Extension to two storey dwelling. Refused 2008 on the grounds of flood risk, bats and design.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 – Spatial Distribution of New Housing Provision
- S5 – Community and Recreation Facilities
- S8 - Enterprise and Economy
- S12 – Efficient Resource Use and Flood Risk
- S13 – Landscape, Green Infrastructure and the Natural Environment
- S17 – Place Making and Design

Development Management Policies

- H2 – Residential Development in Main Villages
- SD3 – Flood Risk
- CFR1 - Retention of Existing Community Facilities
- NE1 – Nature Conservation and Development
- DES1 – General Design Considerations
- EP1 – Amenity and Environmental Protection

4.0 REPRESENTATIONS

4.1 Consultations Replies

- 4.1.1 Llanfoist Fawr Community Council – recommends refusal. It was noted that this would mean the loss of a business in the village and it is not known if the applicant has exhausted the possibility of selling the premises as a business. As per the design statement this would be a replacement building.

Members would wish to speak at Planning Committee.

- 4.1.2 Natural Resources Wales (NRW) - Recommend that planning permission should only be given if the following requirements can be met by the applicant. If these requirements are not met then we would object to this application.

The planning application proposes to change the building from a less vulnerable use (retail) to a highly vulnerable use (housing). The proposal falls within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 0.1% (1 in 1000 year) annual probability fluvial flood outline of the River Usk.

The FCA has provided a flood level for the extreme 0.1% annual probability flood event at 43.578 metres AOD. However we are unclear on how this level was established. We note the FCA states that a previous site survey and the extent of the flooding indicated on our flood maps have produced this level but no information or methodology is provided. On the basis of the above we are unable to provide your Authority with advice on the acceptability of flooding, and therefore cannot advise on the technical criteria in TAN15.

You should note that the FCA has provided mitigation in the way of raised floor levels. The finished floor level for the proposed development is stated as 44.65m AOD. This would be above the stated 0.1% annual probability flood event of 43.578m from the FCA. We recommend that the FCA is revised to provide further information on how this predicted flood level (43.578m AOD) was established. If this can be demonstrated satisfactorily than our advice is the risks and consequences of flooding are acceptable.

- 4.1.3 MCC Highways –The proposed plan shows three spaces each overhanging the highway. This is an unacceptable layout. The use of the footway as parking is not in the control of the applicant as it forms part of the public highway clearly indicated on site with the change of material and the street furniture that lies therein. The adjacent property has enjoyed access over part of the frontage for many years and it is therefore assumed has legal rights uninterrupted over the frontage; parking therefore cannot obstruct this right.
- 4.1.4 MCC Biodiversity Officer – No objection subject to conditions (see conditions listed towards the end of this report).
An ecological assessment has been undertaken at the site which is considered to be of a sufficient standard to enable the Authority to make a lawful planning decision.

4.2 Neighbour Notification

Two representation received.

- Overlooking from windows and decking area of proposed new dwellings into bedroom of Uskside due to increased floor levels.
- Concern from Village Hall that noise and dusk until dawn lighting from the hall could cause friction with the owner of the new property.
- Where would the site be accessed from when reconstructing the building?

4.3 Other Representations

SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

5.0 **EVALUATION**

5.1 Principle of Development

5.1.1 The site is within the development boundary of a ‘main village’ and therefore the principle of new residential development is acceptable.

5.1.2 Policy CFR1 relates to loss of existing community facilities such as local shops. This policy only allows the change of use or conversion of local facilities where: the local community would continue to be adequately served by facilities to which there is easy and convenient access by means other than the private car; or in respect of commercially-operated facilities, there is evidence that the facility is not, and could not reasonably be expected to become, financially viable or the facility, if non-operational, has been vacant for a substantial period of time; and genuine attempts at marketing the facility, whether in use or vacant, have been unsuccessful. In this case there is a general store across the road which sells basic groceries. Therefore the loss of the craft shop would not be contrary to Policy CFR1.

5.2. Access, Parking and Traffic

5.2.1 Within their response the Council’s Highways Engineer has noted that it was considered that the proposed parking arrangement overhangs the public footpath, and was therefore not acceptable. However having checked, this area is in fact in the applicant’s ownership which extends right up to the edge of the carriageway. There is no public footpath or footway across the frontage of the application site. To support this, a copy of the Land Registry title plan for the site has been provided which clearly indicates this situation. As such therefore, it is considered that three off road parking spaces can be provided as required by adopted supplementary planning guidance (SPG) and there is no sustainable highway objection to the proposal.

5.3 Biodiversity Considerations

5.3.1 One of the grounds of refusal in respect of a previous application for conversion and extension of the building was due to lack of any information in relation to protected species. In this case a bat roost assessment has been undertaken to support the application.

5.3.2 A daytime scoping survey involving an internal and external inspection of the property for its potential to support bats was carried out on the 9th February 2016. No local records centre or data search was carried out. The inspection found limited areas of bat roost potential; each of these areas was thoroughly investigated using an endoscope and found no signs of bat use. The building has therefore been assessed as providing negligible potential for bats. However, considering the location of the

building and the surrounding high quality habitat it is recommended that careful working practices are adopted so as to safeguard potential bat species. The report also recommends the inclusion of bat enhancement measures in the new building, this is welcomed and is in line with LDP policy NE1. These have been conditioned below.

5.4 Flooding

5.4.1 The planning application proposes to change the building from a less vulnerable use (retail) to a highly vulnerable use (housing). The proposal falls within Zone C2 of the Development Advice Map (DAM) contained in TAN15. NRW's Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 0.1% (1 in 1000 year) annual probability fluvial flood outline of the River Usk.

5.4.2 As the site is recognised as a floodplain the application has been supported by a Flood Consequences Assessment (FCA). NRW have indicated that there is no detailed flood data readily available to the applicant which could be used to inform a FCA. Therefore the FCA has relied upon NRW's general catchment wide flood maps to assess the risk to the proposal and recognising the particular nature of this application (change of use) and the scale of the development (one dwelling), it is considered to be unreasonable to expect the applicant to produce detailed site specific flood data to inform a FCA. The FCA has demonstrated that the dwelling would be flood free in a 1 in 100 year flood event. It also shows that with the adjusted levels proposed in this application this would mean that the dwelling would also be flood free in a 1 in 1000 year flood event. Additional information requested by NRW as to how the 1 in 1000 year flood level was established by the applicant have been provided and the Authority is now satisfied that the site will not be at risk of flooding.

5.4.3 On balance therefore, as it has been demonstrated that the risk of flooding on this site is very low and it is considered that the strategic aims of the LDP in relation to providing housing outweigh Development Management Policy SD3 which precludes development in flood plains.

5.5 Visual Impact

5.5.1 A previous application on the site proposed a full height two storey extension on the rear of the existing building which was refused on design grounds. This application proposes to raise the ridge of the existing building by approximately 0.38m. This will allow the demolition of the rear portion of the building and its replacement with adequate new residential accommodation whilst keeping the ridge line no higher than the front part of the resultant building. The most prominent views of the building from the A4042 will therefore remain largely unchanged.

5.5.2 All new roofs will be natural slate with painted fascia and barge boards. Windows will be double glazed uPVC as existing and with the frontage window and door arrangement remaining unchanged from the existing arrangement. The resulting visual impact is considered to be acceptable.

5.6 Residential Amenity

5.6.1 Habitable room windows face south west and north east and there will be no overlooking of the neighbouring dwellings at Uskside, partly because the property is single storey and divided by a 1.8m high close board timber fence.

5.7 Response to Llanfoist Fawr Community Council and Other Issues Raised

- 5.7.1 Notwithstanding that Policy CFR1 allows the loss of a village shop where the community continues to be adequately served by another facility, in this case a statement provided by the applicants in support of the proposal has indicated that the shop is struggling to be economically viable due to limited customer parking and parking for deliveries, and competition from larger retail units both out of town and online.
- 5.7.2 Any future owner of the dwelling would be aware that there is a functioning Village Hall adjacent to the property and would therefore purchase the building on that basis. The sporadic use of the village hall for events likely to generate noise would not be so frequent as to be likely to cause regular complaint from any future occupier.

6.0 RECOMMENDATION: APPROVE

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	The works will be carried out in accordance with the recommendations with section 6 of the document titled 'The Old Forge Craft Shop, Llanellen - Bat Roost Assessment' February 2016 produced by Pure Ecology.
4	The new design shall incorporate enhancement for bats to include one or more of the following; " Unobtrusive integrated bat boxes such as 'Schwegler bat tube', 'habibat' or 'Ibstock type c'
5	No surface water and/or land drainage shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Informatives:

Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

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.

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. 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.

DC/2016/00378

RETENTION OF REDWOOD SCULPTURES OF THE DRAGON AND LEOPARD FROM THE BEAUFORT COAT OF ARMS

BEAUFORT HOTEL, RAGLAN

RECOMMENDATION: APPROVE

Case Officer: Alison Pankhurst

Date Registered: 20/4/2016

1.0 APPLICATION DETAILS

1.1 The application seeks permission for the retention of two redwood sculptures that have been placed close to the boundary of the Beaufort Hotel, Raglan. The application was received as a result of an enforcement case for the alleged unauthorised works to the site. The two sculptures depicting a dragon and leopard taken from the Beaufort Coat of Arms are fixed to the ground either side of the entrance to the patio area at the side of the Hotel. The structures measure 2.3m high with a width of 1.1m.

2.0 RELEVANT PLANNING HISTORY

Recent applications

DC/2016/00377	Installation of two retractable awnings over outside seating areas	Pending
DC/2016/00549	Changing of two window openings to door	Pending

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making & Design

Development Management Policies

EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations

DES2 – Areas of Amenity Importance

HE1 – Development in Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultations Replies

Raglan Community Council – no objections to the application as long as the consent complies with any advice offered from Cadw and the Conservation Officers.

MCC Highways - The application was the subject of a preliminary application where highway comments referred to the safety aspects of the structures being so close to the edge of the footway. I would have expected to have received as part of this application written statement of the anchorage of the same and the public liability confirmation. Subject to a confirmed safety audit being undertaken by the applicant and lodged with the application, I would offer no adverse comment.

4.2 Neighbour Notification

Four responses were received in support of the proposed application making the following points:

- Public works of art should be encouraged; these are outstanding and the village-scape is enhanced by their impact
- Great display of public art; the sculptures not only add to the historic story but also the trees used have been preserved for the future
- Enhance the village and give pride to our community

Six responses were received objecting to the proposal and made the following points:

- Prominent location
- Disturbed line of vision emerging from Castle Street
- Structures are crude, over-imposing, over-intrusive, immodest, spotty grotesques; total overkill
- The dragon statue is overpowering when walking past and totally out of place and not in keeping with the village; the one statue can obscure vision of traffic coming down from the High Street and could be potentially dangerous and the illumination may also cause problems for drivers. The structures area a great piece of art work but in the wrong place.
- No objection to the public works of art but not in keeping with the context of the surroundings; they are out of place and an eyesore.
- These statues are totally 'Out of Keeping' with the rest of Raglan. They look hideous. Would look better in a back garden or native Indian reservation.
- If located within the Inn itself I would see no issue at all; they would become an intriguing piece of decoration within the pub and restaurant. However, items such as this must be both relevant and complementary if they are to be located outside and become an integral part of Raglan, but should have both context and alignment with the overall atmosphere of Raglan Village, unfortunately these statues have neither. We have been told that the statues represent heraldic beasts on the 'Raglan Coat of Arms', I have also read that they are interesting pieces of art. To the casual observer they seem to be more representative of the statues one would expect to see at the entry to a theme park and if they are in fact artwork, they should be categorised under the Damien Hirst school of art. They do not belong outside the Beaufort Inn.

5.0 EVALUATION

5.1 Principle of the proposed development and visual impact having regard to its context in the Conservation Area

- 5.1.1 The application was submitted as a result of an enforcement case for the alleged unauthorised works at the site. The application is for the retention of two redwood wooden sculptures which depict the leopard and dragon from the Beaufort Coat of Arms. The two sculptures have been positioned on either side of the entrance into the patio area at the side of the Hotel and are therefore in a prominent position within the village. The structures measure 2.3m high x 1.1m wide and the dragon depth is 0.5m with the leopard depth being 0.6m. The leopard sculpture has been positioned in the alcove of the front porch and attached to the wall and is set back from the pavement; the dragon has been sited on the top of the dwarf wall of the corner of the patio area and is closer to the footpath. Both features are held in place by bolts so they are quite sturdy. There is a single small LED down-lighter over each structure.

The two sculptures although very prominent in their position and street scene are of a high quality design and are distinctive and of interest to the streetscene. The proposals are considered to preserve the character and appearance of the Conservation Area, and therefore meet the statutory test of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990. The proposal is therefore considered to be in accordance with Policies DES1, DES2, and HE1 of the Monmouth Local Development Plan.

5.2 Highway / Public Safety

Following the consultation response from the Council's Highways Officer no adverse comments have been made regarding the retention of the proposed development, although Highways have queried the safety aspects of the structures being so close to the edge of the footway. The agent has been contacted in order to clarify this information, although this is not a planning matter and it would be the responsibility of the landowner to ensure the safety of pedestrians and road users in the vicinity of the sculptures.

6.0 **RECOMMENDATION: APPROVE**

Condition

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

Reason

1. To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

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SUBJECT:	Amendments to the Protocol on Public Speaking at Planning Committee
MEETING:	Council
DATE:	June 2016
DIVISION/WARDS AFFECTED:	All

1. PURPOSE:

To adopt a revised Protocol on Public Speaking at Planning Committee.

2. RECOMMENDATION:

- 2.1 That the Planning Committee endorses the revised Protocol on Public Speaking at Planning Committee for adoption by Single Cabinet Member.

3. KEY ISSUES:

- 3.1 Public speaking has been a key part of the Council's Planning Committee since 2012. It has largely worked in an effective and efficient manner and has added value to the experience of the service's customers, as well as helping Members to reach a considered decision on applications before them.
- 3.2 Recently, circumstances have arisen where it has become apparent that the Protocol needs some clarity - primarily this has stemmed from the way the five or more representations are measured (this being the threshold that leads to certain applications qualifying for consideration at Planning Committee rather than via the Delegation Panel and to be eligible for public speaking at the meeting). The practise has developed in allowing objections received at a late stage after the committee agenda has been published to qualify toward the public speaking threshold and this places officers in Democratic Services and Development Management in difficulty and puts too much emphasis on late objections which should have been submitted in a more timely fashion. The proposed amendments consider the following key changes to make the process clearer and fairer:
- Speaking will be limited to applications where, by the deadline (set out below), 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. *It should be noted that there are other circumstances where applications would qualify to be considered by Committee such as being referred to Committee for a planning reason by the Local Member, the applicant being a County Councillor (or a close relative), or an officer / close relative of the Planning*

service or an officer who works closely with that service, or the application has been subject to an objection by a statutory consultee.

- Speakers must register their request to speak between 12 noon on the Tuesday and 12 noon on the Friday before the Committee. This has brought the registration period forward by a day to provide the applicant or their agent with more time to prepare a right of reply, should they wish to exercise that right. At present the applicant or agent are only notified that there is an objector speaking on the afternoon of the day before Committee. This is considered to be too late in the process and unfair to the applicant.
- It is made clear that parties are welcome to address Committee in Welsh or English, 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.

3.3 The proposed changes to the Protocol are shown in red in Appendix 1 below.

4. REASONS

The recommended changes will allow officers to manage the process more effectively and setting a deadline for representations to count towards the public speaking threshold will enable officers to advise the public with more certainty and precision.

5. FINANCIAL IMPLICATIONS

The proposed changes to the Planning Committee Public Speaking protocol are to add clarity to the process only and should have no implications on existing budgets, and therefore there are no financial implications resulting from these proposed changes.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS

Sustainable Development: The proposals will improve the service to the Council's customers.

The Future Generation Assessment is attached at Appendix 2. It is considered that the proposals which aim to ensure consistency and equality of treatment on planning matters do not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person. The Protocol on public Speaking and Code of Practice for Members and officers will be regularly monitored to address equality implications.

7. CONSULTEES:

Senior Leadership Team
All Cabinet Members
Head of Legal Services
Head of Planning
Planning Committee
County Councillors
Community and Town Councils

8. AUTHOR: **Philip Thomas, Development Services Manager**
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Appendix 1

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

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

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

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

Applicants

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

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

Procedure at the Planning Committee Meeting

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

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

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

Appendix 2 (separate document)



<p>Name of the Officer completing the evaluation Philip Thomas</p> <p>Phone no: 01633 644809 E-mail: philipthomas@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>Revision of Planning Scheme of Delegation and Code of Practice</p> <p>To adopt the revised Protocol for Public Speaking at Planning Committee</p>
<p>Name of Service</p> <p>Planning</p>	<p>Date Future Generations Evaluation form completed</p> <p>May 2016.</p>

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Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive: An efficient and effective development management process is underpinned by democratic processes that should aim to provide the public and third parties with confidence that the planning application process is fair and transparent. The changes to the protocol should make the public speaking process clearer to the public. Clarifying that late representations after the agenda is published would not be counted towards the public speaking threshold would provide more certainty to the process and would</p>	<p>Better contribute to positive impacts: The changes proposed in the report propose improvements to the public speaking protocol which should add clarity and certainty to the registration process for public speaking. This should improve the customer experience and will focus public speaking in applications where there is genuine local concern in the community.</p> <p>Mitigate any negative impacts: Where necessary, the protocol allows flexibility so that the Chair can allow public speaking at Committee, where</p>




Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>encourage third parties to submit their comments in a timely fashion.</p> <p>Negative: Not accommodating late objections towards eligibility for public speaking can lead to a perception that the democratic processes have been circumvented.</p>	<p>considered appropriate. Those applications not qualifying for public speaking will normally be considered under the scheme of delegation which allows for consultation with the elected Members of the Council's Delegation Panel to ensure democratic scrutiny of decision-making takes place.</p>
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>Positive: Public speakers may continue raise environmental issues which would be taken into account by the planning authority when applications are determined by Committee. In addition, the current scheme of delegation allows for officers who are decision-makers to consider the impacts of decisions on ecological interests. This system would not change as a result of the proposed changes.</p> <p>Negative: None identified.</p>	<p>Better contribute to positive impacts: Should provide clarity to the Committee public speaking process and thus should help in the delivery of sustainable development.</p> <p>Mitigate any negative impacts: None</p>
<p>A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p>Positive: See above</p> <p>Negative: None identified.</p>	<p>Better contribute to positive impacts: The approval and delivery of development proposals can have a positive impact on health and well-being and foster social and community pride.</p> <p>Mitigate any negative impacts: None</p>
<p>A Wales of cohesive communities Communities are attractive, viable, safe and well connected</p>	<p>Positive: The area of work undertaken by the planning section directly and indirectly influences the appearance, viability, safety and connectivity of communities via planning policy, land use planning decisions and via enforcement action.</p>	<p>Better contribute to positive impacts: The timely approval and delivery of sustainable development proposals can have a positive impact on the character and appearance of an area, promote well-being and foster social and community pride,</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>Making such decisions in a timely fashion would assist in achieving this well-being goal.</p> <p>Negative: None identified.</p>	<p>while taking appropriate enforcement action can prevent harm occurring which can lead to negative well-being impacts.</p> <p>Mitigate any negative impacts: None</p>
<p>A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p>Positive: The area of work undertaken by the planning section directly and indirectly influences local social, economic and environmental well-being via planning policy and land use planning decisions. However, the global-scale effect is acknowledged as being limited.</p> <p>Negative: none.</p>	<p>Better contribute to positive impacts: None</p> <p>Mitigate any negative impacts: None</p>
<p>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</p>	<p>Positive: Planning decisions promote the value and significance of the historic built environment by ensuring that it is a direct consideration in planning policy and land use planning decisions. Planning decisions generally facilitate the provision of playing fields and recreational schemes in general. The Welsh language is now a material planning consideration.</p> <p>Negative: none.</p>	<p>Better contribute to positive impacts: Timely planning decisions will ensure that proposals foster civic pride through well-designed development in historic areas or through the removal of development that has a negative impact on a heritage designation via enforcement action.</p> <p>Mitigate any negative impacts: None</p>
<p>A more equal Wales People can fulfil their potential no matter what their background or circumstances</p>	<p>Positive: Appropriate development management decisions should bring positive benefits to all members of Monmouthshire's population through policies that seek to achieve the five main aims of the Welsh Spatial Plan, namely Building Sustainable Communities, Promoting a Sustainable Economy, Valuing our Environment,</p>	<p>None.</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	Achieving Sustainable Accessibility and Respecting Our Environment Negative: none.	

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
<p>Page 100</p>  <p>Long-term</p> <p>Balancing short term need with long term and planning for the future</p>	<p><i>We are required to look beyond the usual short term timescales for financial planning and political cycles and instead plan with the longer term in mind (i.e. 20+ years)</i></p> <p>The LDP covers the period 2011-21. The development management function which makes planning decisions seeks to implement the policies of the LDP. By its nature, therefore, it cannot look beyond the next five year period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations.</p>	<p>Ensure that the LDP and its policies have been subject to an appropriate level of scrutiny</p>
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>The proposed changes to the Public Speaking Protocol have been subject to consultation with Members of Planning Committee, whose Members have a specific interest in the subject, as well as senior officers of the Council.</p>	<p>Any observations offered by Committee have been taken into account as part of the single cabinet member approval process.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p><i>Who are the stakeholders who will be affected by your proposal? Have they been involved?</i></p> <p>The proposed changes to the Public Speaking Protocol have been subject to consultation with Members of Planning Committee, whose Members have a specific interest in the subject, as well as senior officers of the Council.</p>	<p>As above.</p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The proposed changes to the Public Speaking Protocol would provide a clearer basis for officers to provide advice to the public. The scheme, as amended, should therefore enable sound planning decisions to be made.</p>	<p>N/A</p>
 <p>Integration</p> <p>Positively impacting on people, economy and environment and trying to benefit all three</p>	<p><i>There is space to describe impacts on people, economy and environment under the Wellbeing Goals above, so instead focus here on how you will better integrate them and balance any competing impacts</i></p> <p>The work undertaken by the development management service directly relates to promoting and ensuring sustainable development and its three areas: environment, economy and society.</p>	<p>The amended public speaking protocol would facilitate the implementation of the LDP which has been subject to a Sustainability Assessment that balances the impacts on Social, Economic and Environmental factors.</p>

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
<p>Positive: The revised scheme of officer delegation within the Development Management service of the Council should bring positive benefits to all members of Monmouthshire's population through policies that seek to achieve some of the main aims of the Welsh Spatial Plan, namely Promoting a Sustainable Economy, Valuing our Environment and Respecting Our Environment, be it through making timely decisions on planning or related applications, or via the taking of appropriate enforcement action to prevent harm to acknowledged interests, such as amenity, public safety or biodiversity.</p>			
Age	None	None	See above
Disability	None	None	See above
Gender Reassignment	None	None	See above
Marriage or civil partnership	None	None	See above
Race	None	None	See above
Religion or Belief	None	None	See above
Sex	None	None	See above
Sexual Orientation	None	None	See above
Welsh Language	<p><i>Under the Welsh Language measure of 2011, we need to be considering Welsh Language in signage, documentation, posters, language skills etc.</i></p> <p>Welsh is treated on equal terms as English in the planning process, including the making of decisions at Committee or under officer delegated powers.</p>	None	Provision of Scheme of Delegation in Welsh Language.

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4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	None.	None	n/a
Corporate Parenting	None.	None.	n/a

5. What evidence and data has informed the development of your proposal?

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The changes are proposed following dialogue between the Council's Democratic Services, Legal Services and Planning staff, responding to some concerns that the protocol could be clearer to reduce confusion when advising the public.

6. **SUMMARY:** As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

This section should give the key issues arising from the evaluation which will be included in the Committee report template.

The work undertaken by the Council's Planning Service, and in particular the Development Management function, directly relates to promoting and ensuring sustainable development. The revised public speaking protocol would provide clarity to ensure effective management of the Committee public speaking process to facilitate much-needed sustainable development, helping to create jobs and investment, while protecting material interests such as amenity, public safety and biodiversity.

In terms of the protected characteristics of age, disability, gender reassignment, race, religion or beliefs, gender, sexual orientation, marriage or civil partnership, there are no direct implications as a result of this guidance.

There are no implications, positive or negative for corporate parenting or safeguarding.

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

N/A

What are you going to do	When are you going to do it?	Who is responsible	Progress

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

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<p>The impacts of this proposal will be evaluated on:</p>	<p>Speed of decisions, appeal decision and the scope of delegation are considered as part of the Welsh Government's Annual Performance Report on Welsh planning authorities, and within the WG's Development Management Quarterly Returns and would be taken into account via customer satisfaction surveys all of which will be publicly available.</p>
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