

**Application Number:** DM/2020/00234

**Proposal:** Erection of 2 x 4 no. detached residential dwellings.  
**Address:** Pathways, Vinegar Hill, Undy  
**Applicant:** Mr. & Mrs. Peter & Sonia Whitfield  
**Plans:** Site Plan 020 02 - Site Plan Tree Protection, Green Infrastructure Appraisal 021 02 - GI Plan, Site Plan 022 02 - Site Plan Suds, GI Masterplan GI Management Plan - , Location Plan 014 01 - , All Existing Plans 06602 - Existing House, All Proposed Plans 012 03 - Proposed Plans and Eleva, Site Plan 015 02 - Proposed Site Plan, Site Plan 016 02 - Site Plan Highways, Other 019 02 - Contextual Plan, Site Plan 017 02 - Site Plan Topography,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms. Kate Young  
Date Valid: 12.02.2020

**This application is presented to Planning Committee due to the application receiving more than four objections**

### **1.0 APPLICATION DETAILS**

#### **1.1 Site Description**

Pathways is a two storey detached dwelling which is located on a large plot, 0.3 hectares, within the Magor and Undy development boundary of the LDP. The existing property is located on the western side of the plot and is accessed by a long driveway from Vinegar Hill. The land slopes downwards steeply from north to south. The site is set between neighbouring dwellings. Adjoining the southern boundary is an area of amenity open space.

#### **1.2 Value Added**

Following negotiations between officers and the applicant significant amendments have been made since the original submission. The number of units has been reduced from three to two, the scale of the properties has been reduced and the design amended. The siting of the new dwellings has been altered moving them further away from the common boundary. The space between the proposed units has been increased and additional ecological information has been submitted as requested.

#### **1.3 Proposal Description**

The application now seeks the erection of two, detached dwellings in the residential curtilage of Pathways; the properties would share the existing vehicular access and driveway. The properties would be facing north towards to the driveway. The dwellings would be two storey with some accommodation in the attic. The footprints would measure 12.5 metres by 7.5 metres and would be 8.7 metres in height to the ridge. The main glazing would be on the north and south elevations incorporating roof lights. The dwellings would be finished in smooth render with some timber cladding on the front gable. The roofs would be of grey concrete tiles and the window and door frames of grey coloured aluminium. Each dwelling would have three off road parking spaces and an enclosed curtilage.

An ecological appraisal and a tree survey were submitted as part of the application.

## 2.0 RELEVANT PLANNING HISTORY (if any)

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2020/00234	Erection of 2 x 4 - Bed Detached Residential Dwellings.	Pending Determination	

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

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

#### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
SD4 LDP Sustainable Drainage  
NE1 LDP Nature Conservation and Development EP1  
LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations DES1  
LDP General Design Considerations

#### **Supplementary Planning Guidance**

Affordable Housing SPG July 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Monmouthshire Parking Standards (January 2013)

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

Infill Development SPG November 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

### **4.0 NATIONAL PLANNING POLICY Planning**

#### **Policy Wales (PPW) Edition 10**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

##### **Magor with Undy Community Council - Approve**

Concerns are raised regarding access/egress onto Vinegar Hill, specifically relating to the access which is via an unadopted trackway that joins Vinegar Hill where there is a 'blind' bend in the road.

The Planning Authority has continued to approve 'infill' plots, resulting in an increase of traffic, and is now considering closing off the northern end of Vinegar Hill, when the proposed large development goes ahead. This in turn will further increase the flow of traffic on this single track lane which regularly see minor road incidents, blockages and is a constant hazard for pedestrians, cyclists and horse-riders.

Reference is also made to DC/1997/00237 where an application for low level usage agricultural access onto Vinegar Hill went to appeal.

### **MCC Highways and Flood Risk Management:**

As LLFA we would expect a detailed plan showing how the site will be drained and flood risk managed so as not to increase the flood risk off site. We would therefore require a condition to be applied to the application decision.

The total area of development appears to total an area of more than 100m<sup>2</sup>. Therefore SAB approval will be required prior to any works commencing on site.

### **MCC Highways - No objection.**

The highway authority acknowledge that a number of residents have raised concerns and objected to the proposal on highway safety grounds. I can confirm that I visited the location on Friday 10/07/2020 but due to current Covid guidance I did not leave my car but was able to observe the current access arrangements and experience first-hand vehicle manoeuvres in the area, observing through traffic, BT service vehicles attending to apparatus in the lane and a neighbour reversing their vehicle onto their drive directly opposite the proposal's access.

What I observed has not influenced or affected my earlier comments on the application and the reduction in the number of dwellings will reduce the frequency and number of vehicles accessing and egressing onto Vinegar Hill Lane, which is welcomed.

The Proposed Site Plan - Highways, Drawing No. Pathways016\_02 has considered the previous highway recommendations and demonstrated that the proposed access is in excess of 4 metres wide for a distance of 10+ metres from its junction with Vinegar Hill; this is considered an acceptable arrangement to enable those vehicles who are accessing and egressing to pass one another. The highway authority would still recommend that the applicant consider the earlier recommendations to improve the access.

The highway authority therefore as detailed previously is unable to object to the proposal on the basis that the development would not be considered detrimental to the capacity and safety of the adjacent highway network, Vinegar Hill. The highway authority would therefore be unable to sustain an objection.

The highway authority in determining the application are also minded to point out that the proposal is not dissimilar to other existing access arrangements for multiple properties off Vinegar Hill. To conclude the highway authority do not object to the revised proposal and if the Planning Authority are minded to approve the application the highway authority recommends conditions.

**Wales and West Utilities:** We have pipes in the area. The developer should contact us directly to discuss their protection.

### **MCC Ecology - No objection subject to conditions and obligations**

Hedge retention and planting is welcomed

The GI plan indicates 9 new fruit trees (plum, apple, cherry) as part of an orchard.

The biodiversity enhancements indicated on the GI plan are acceptable but require clarification on the bird boxes. The ecology report has indicated that there are potential habitats on site for a number of different species, including reptiles, badger, hedgehogs and nesting birds. The protective fencing of the trees and hedgerows required in accordance with the arboricultural report will protect some of these habitats

### **MCC GI and Landscape: No objection to the amended scheme**

The applicant has responded to previous landscape and GI concerns. The development density has been reduced from 3 to 2 dwellings with an improved siting arrangement and reduction in the visual impact within the context of the existing built settlement. Proposed ridge heights of dwellings 1 and 2 are commensurate with the surrounding existing ridge heights.

There has been an improved landscape provision, mitigation for loss of landscape and retention and improvement of a suitable amenity area for wildflower / grassland as part of the approach to the site. There is scope for additional suitable tree species tree planting to the southern boundaries

The green infrastructure plan is proportionate to the site.

## **5.2 Neighbour Notification**

Letters of objection have been received from 11 addresses following re-consultation on the amended scheme which whilst welcoming the loss of plot three, maintains the following key points as areas of concerns and objections.

The development will increase traffic to an unacceptable level combined with a poor access arrangement is dangerous (inadequate visibility splay and width), will have an adverse impact and become a nuisance. There is also inadequate parking provision. This traffic will also increase pollution

The proposals are an over-development of the plot and are not in keeping with the surrounding building pattern

The design of the proposed properties is out of keeping with the setting

The proposed units will cause an unacceptable level of overlooking and a sense of overbearing on neighbouring properties

There is inadequate provision within the community to accommodate the proposals, for example schooling and medical surgery provision

The impact on Ecology is not clear, the proposed mitigation is not sufficient and it is not clear how the area of amenity will be protected in the future

That the GI management plan is not sufficient and does not fully respond to the concerns raised by MCC Ecologists

The development will damage the roots of the existing trees and the number of replacement trees do not compensate the loss

Concerns over the drainage of the site and the sewers

The proposed development is not policy compliant, especially in relation to the SPG

Dangerous access for construction traffic, this traffic will cause a nuisance

Unacceptable refuse collection.

### 5.3 Local Member Representations

County Councillor L, Dymock requested that the application should be brought before Planning Committee.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang>

## 6.0 **EVALUATION**

### 6.1 Principle of Development

The application seeks the erection of two residential properties. The site is located within the Magor and Undy Development Boundary as forms part of the Severnside sub-region. Policies S1 and H1 of the LDP presume in favour of new residential development within development boundaries, subject to the relevant detailed planning considerations. The principle of new residential development in this location is acceptable in policy terms. PPW 10 recognises the need to provide sufficient housing in an area to meet housing need.

### 6.2 Sustainability

The Local Development Plan and PPW encourages sustainable development. This is a sustainable location for new housing development being located within an existing village, within walking distance to facilities such as schools and smaller convenience stores. The proposal accords with a key objective of PPW10 providing residential accommodation in a sustainable location.

#### 6.2.1 Good Design

The application seeks to build two detached dwellings. They would be two storey, with some storage accommodation in the roof space. The dwellings would be of a contemporary design. Policy DES1 of the LDP requires that the dwellings contribute to a sense of place while its intensity is compatible with existing uses. The residential properties surrounding this site are of a variety of ages and styles, although most are detached and situated on large plots. As the site is steeply sloping with the neighbouring properties to the north set at a higher level than the proposed development, and those to the south set at a lower level, it means that there is no need for a uniform ridge height. The ridge height of the proposed dwellings is 8.7 metres. This is lower than the existing property at Pathways and the same height as the bungalow at Blue Water; it is also a similar height to the properties on Pennyfarthing Lane but higher than Walnut Tree Cottage. The development site is not visually prominent from any public vantage point. The form, scale and massing of the two proposed new dwellings respect those of surrounding properties.

Each dwelling would face north towards the access track and the main fenestration would be on

the north and south facing elevations. Each dwelling would have a footprint of 12.5 metres by 7.5 metres. The external walls would be finished in painted smooth cement render with some timber boarding on the front elevation, while the roof would be made up of grey concrete tiles. The door and window frames would be of grey colour-coated aluminium. The contemporary design of the dwellings is acceptable in design terms and reflects the character of the area as a whole, given that there is such a mix of house types and designs in this area. The design of the dwellings are respectful of the prevailing character of the area and contribute towards a sense of place. The proposal therefore accords with the objectives of Policy DES1 of the LDP.

### 6.2.2 Place Making

PPW 10 says that good design is fundamental to creating sustainable places where people want to live work and socialise. The special character of an area should be central to its design. In this case the layout, form, scale and appearance of the development does engage with its surroundings. The proposed new dwellings are not visually prominent within either of the Vinegar Hill or Pennyfarthing Lane street scenes but will be viewed from surrounding properties to some degree. Each dwelling would have its own private garden enclosed by hedgerows. There would also be two areas of communal amenity space, one to the north of the access track and one to the east of the site. This will contribute towards creating a sense of space, and will ensure that the amount of development and its intensity is compatible with development in the adjacent area. The design, massing and scale of the proposed dwellings reflect the local character in that it allows for large detached properties on spacious plots. The design of the dwellings and their layout will contribute to a sense of place, thus complying with one of the key objectives of PPW10.

### 6.2.3 Green Infrastructure

Policy GI1 of the LDP states that development proposals will be expected to maintain, protect and enhance the diverse green infrastructure network within the county. There is opportunity for enhancements to the GI in this location. A Green Infrastructure and Management Plan was submitted as part of the application. It shows that each plot will have a private residential curtilage as well as an area of amenity space to the north of the access track. The amenity space would be planted with a flowering lawn mix and fruit trees. The existing hedgerows around the boundary of the site would be retained and maintained. Ecological enhancements would also be incorporated including bat and bird boxes. There is a further amenity area to the east of the site that is to be left as grass.

### 6.2.4 Energy

PPW states that the planning system should support new developments that have very high energy performances, support decarbonisation, tackle the causes of climate change and adapt to the current and future effects of climate change through the incorporation of effective mitigation and adaption measures. In this case the applicant has stated that "consideration will be given to providing high standards of insulation and the use of renewable energy to achieve a climate responsive and resource efficient design". PPW 10 5.7.8 states that the benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance and encourages the planning system to 'facilitate the integration of sustainable building design principles in new development'. There are opportunities for this proposal to include PV and proposed landscaping to help to reduce rainwater run-off and improve air quality by using appropriate species and materials selection. Appropriately located tree planting and rain gardens will also assist with any SuDS provision.

### 6.3 Landscape

The site is not visually prominent within the wider landscape and is not visible from many public vantage points. The existing hedgerows on the boundary of the site will be retained and several new hedgerows will be planted within the site to subdivide the plots. The application includes a Green Infrastructure Plan which shows a strip of amenity land on the northern part of the site, fruit trees will be planted in this strip and the rest will be laid to grass. The green infrastructure plan is proportionate to the site. The GI officer has requested a sum of £500 to be secured through a S106 to contribute to improvements to the local PROW network. However planning officers do not consider this to be justified.

#### 6.4 Biodiversity

The application is informed by an ecological assessment. The Tree Protection Plan shows that the existing hedgerows will be retained and protected as part of the works. The GI plan indicates new hedgerows will be planted to distinguish plot boundaries, this is welcomed and will contribute to providing net benefit for biodiversity. The ecology and tree reports provide that the trees on site had recently been significantly reduced in height, the tree report provides that these trees, totalling 15 will be removed as part of the development. The GI plan indicates 9 new fruit trees (plum, apple, cherry) as part of an orchard. MCC Ecologists have suggested that there could be additional tree planting on the amenity space to the south of the site but this is outside the application site so this would not be feasible, nor reasonable. Appropriate management of the strategic GI areas (Hedgerows, Trees, wildflower grassland areas) will be key and MCC Ecologists considered that they need to be secured as a condition of the consent via a GI management plan. The biodiversity enhancements indicated on the GI plan are acceptable these include bird boxes and bat tubes. MCC ecologists require further details and this can be secured by condition. The proposed scheme does accord with nature conservation interests and complies with policy NE1 of the LDP.

#### 6.5 Impact on Amenity

There are 10 residential properties adjacent to this site. Immediately to the west of plot 1 are no's 29, 31, 33 and 35 Pennyfarthing Lane. These are set at a similar height to the proposed dwelling although no 35 is set at a slightly lower level. These properties all back onto the rear/side boundary of plot 1. No 29 is the closest to plot 1. The side boundary of plot 1 would be approximately 13.6 metres from the common boundary and 21.6 metres from the rear elevation of number 29. Because of the orientation of these two dwellings and the intervening hedge along the common boundary there would be no direct overlooking or unacceptable loss of privacy to the occupiers of no 29. The garden of number 29 comes between no 31 and the proposed plot. No's 33 and 35 are further away and look towards the end of the garden of plot 1. To the north of Plot 1 is no 4 Broadlands, and this property is set at a higher level and is approximately 20 metres from the front elevation of plot 1. Plot 2 is situated to the east of plot 1. To the south of plot 2 is amenity open space and to the north is Blue Water House. Blue Water House is set at a higher level than plot 2 and approximately 19 metres away.

The Supplementary Planning Guidance for Infill Development (Policies H1, H2 and H3) was adopted in November 2019. The overarching objectives for infill development as set out in this SPG are to:

- a. Make efficient use of greenfield and brownfield land.
- b. Protect residential amenity, both of new and existing occupiers.
- c. Make a positive contribution to the creation of distinctive communities, places and spaces.
- d. Respond to the context and character of the area.
- e. Be of a good design, which is sustainable.
- f. Consider and embrace the Green Infrastructure (GI) functions, natural environment and ecological assets.

In this case the plot size ratios do reflect those prevailing in adjacent properties. The two plots are orientated to maximise the penetration of sunlight with a lot of glazing on the rear elevation that face south. The proposal does respect the scale, form and massing of existing development in the area. The privacy and amenity to existing residents is an important factor. As far as the effect of the new dwelling is concerned, the Council's normal privacy standard for new development is that there should be minimum of 21m between directly facing elevations containing main habitable windows. In this case the rear elevations of the two plots do not directly overlook any existing properties. The front elevations do look towards 4 Broadlands and Blue Water House, but at an oblique angle and a distance of over 19 metres, this is considered to be acceptable and will not result in a significant loss of privacy or overlooking. The privacy distance between a rear elevation and a side elevations is generally accepted to be 15 metres. In this case the properties on Pennyfarthing Lane would look onto the side elevation of plot 1 and there are no windows on that side elevation, only a doorway. The proposal also conforms to the 25 degree rule outlined in the

SPG with regards to light being able to enter habitable rooms. The 45 degree splay line rule would not apply in this case as the existing dwellings are a sufficient distance from the proposed one. The proposal would therefore accord with the advice given on the SPG with regards to residential amenity and the layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties.

## 6.6 Highways

### 6.6.1 Sustainable Transport Hierarchy

PPW10 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located within a village within walking distance to a primary school and some small local shops and therefore in a relatively sustainable location.

### 6.6.2 Access / Highway Safety

The Highway Authority does not consider a development of this size and scale will be detrimental to the safety and capacity of the immediate highway network around Vinegar Hill. The increase in traffic movements generated by these two additional dwellings will not be significant over and above the number of vehicles using Vinegar Hill at the present time. The Highway Authority has considered the impact on future housing developments elsewhere on Vinegar Hill and does not consider that that the impact of those combined with the current proposal will have a detrimental impact on highway safety, and would therefore be unable to sustain an objection. The Highway Authority in determining the application is also minded to point out that the proposal is not dissimilar to other existing access arrangements for multiple properties off Vinegar Hill. There is sufficient capacity within the adjoining road network to accommodate additional traffic likely to be generated by the proposed new dwellings. The Highway Authority acknowledge that the use of Vinegar Hill has increased over the years following considerable infill development being permitted, the communities' concern regarding the current status and use of Vinegar Hill and the impact the proposal will have on traffic and highway safety, but the Highway Authority also note that the road already provides access to in excess of 50 residential properties and the impact of the increased traffic from two additional properties would be minimal.

It is proposed that the two new dwellings will be served off the existing access into Pathways. This existing access is between two properties Gwyn Royson and Lydstep. Gwyn Royson is set at a lower level than the access road and has a stone wall along the boundary with the existing access. Lydstep is set at a higher level but has windows on the elevation facing towards the access. The increase in traffic resulting from two additional dwellings will have an impact on the amenity of those two properties especially with regards to disturbance from car headlights but this disturbance is not so great as to justify refusal of the scheme. The access track is narrow for a length of approximately 40 metres; it is constrained by the properties on either side so there is little space to increase the width of the access. There is one passing bay but this is often used as a parking space. The width of the access is not of great concern given the limited amount of traffic that will be using it. Once inside the site the access track can be widened with passing places, turning areas and parking spaces. The proposed site plan - Highways, Drawing No. Pathways016\_02 has considered the previous highway recommendations and demonstrated that the proposed access is in excess of 4 metres wide for a distance of 10+ metres from its junction with Vinegar Hill. This is considered an acceptable arrangement to enable those vehicles who are accessing and egressing to pass one another. It is not necessary to make any improvements to the access but it could be beneficial if the access could be improved. This has been requested by a condition.

### 6.6.3 Parking

The adopted Monmouthshire Parking Standards require one off street parking space per bedroom up to a maximum of three for each dwelling. In this case the two new dwellings will require three parking space each as will the existing property. The layout plan shows each dwelling will have three off road car parking spaces will be provided, this is in accordance with the adopted standards.

## 6.7 Affordable Housing

Policy S4 of the LDP requires that all new housing developments contribute to affordable housing within the County. Where 5 or more dwellings are proposed, the policy requirement for Severnside is 25% of dwellings to be affordable and provided on site. Where capacity is below this, a financial contribution will be sought towards off-site affordable housing. In this case the contribution for each new dwelling would be £10579.00, a total of £21,158 in accordance with Policy S4.

## 6.8 Flooding

The site is not in a designated Flood Zone. The Council's Flood Team would expect a detailed plan showing how the site will be drained and flood risk managed so as not to increase the flood risk off site; this can be ensured by condition.

## 6.9 Drainage

### 6.9.1 Foul Drainage

The foul water will connect to a mains sewer. This complies with the advice from NRW that in a sewered area the preference is to connect into a mains sewer.

### 6.9.2 Surface Water Drainage

SuDS techniques will be incorporated into the development. The applicant has had a SAB pre-app meeting with the Council's drainage engineers. A full application can be made if planning permission is granted but the possible SuDS components could include permeable paving and separate soakaways for each dwelling, infiltration trenches, swales, filter drains and rainwater gardens/SuDS planters. Water butts will be provided for each building to demonstrate compliance with the second principle to "treat rainfall as a valuable natural resource". The SAB authority have no objection to the proposal, the site is of sufficient size to accommodate sustainable drainage measures. A condition requiring details of the surface water to be submitted has been included.

## 6.10 Gas Pipe

There is a Gas Transporter Pipe running through the site. Wales and West Utilities advise that the applicant must not build over any of this plant or enclose their apparatus. The pipe line runs along the existing driveway and it is not proposed to develop within its easement.

## 6.11 Planning Obligations

A financial contribution of £21,158 for affordable housing will be required.

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

6.5.1 The community council and several residents raised concerns over the amount of traffic using Vinegar Hill and the access into the site, this has been discussed in detail in the main body of the report and the Highway Authority are satisfied that the proposal will not pose a danger to users of the highway.

Local residents are concerned that the proposal constitutes over-development. In this case this is a large site and there is adequate space for two additional dwellings plus amenity space. The proposed plot sizes are similar to other properties in this area of Undy. The design of the properties is considered acceptable and the provisions of the SPG on Infill Development have been met. This is discussed in greater detail in the main body of the report.

Residents are concerned that the proposal will put a strain on community facilities such as schools and surgeries. The proposal is for two additional dwellings and thus the demand on local services from two dwellings is negligible in relation to the population of Magor with Undy as a whole. In relation to property prices, the devaluation of existing property prices is not a material planning consideration.

Local residents consider that the roots of the proposed trees will damage a retaining wall and that the trees will overhang neighbouring properties and block swales. Any resident is able to plant trees in their garden and it is then their responsibility to ensure that the trees are properly maintained. The proposed SuDS system will require technical drainage approval by the Council's engineers prior to any works commencing on site; this will be assessed in detail to ensure that it does not lead to any flooding of adjoining properties.

Local residents have asked that the amenity space to the south-east of the site be planted with trees and conditioned that no structures be built there. There is ample planting proposed elsewhere on site and it is not considered necessary to require additional planting on the more open area in the south-east corner of the site. In terms of additional development, it would be unreasonable to condition that no structure be erected on this land, but any large outbuildings or new dwellings would require the benefit of planning permission and each case would be assessed on its merits.

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

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

### **6.14 Conclusion**

6.14.1 The site is located within the Magor with Undy Development Boundary and is in a relatively sustainable location. The principle of new residential development is acceptable and the proposal is policy compliant. The design of the new dwellings is acceptable and is in keeping with the character of the area. The proposal accords with the advice and guidelines in the adopted SPG on Infill Development. The access into the site is adequate for the proposed use and the highway authority offer no objections. The proposal accords with the objectives of PPW10 and the policies of the LDP.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### S106 Heads of Terms

A financial contribution of £21,158 for affordable housing in the local area.

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

### Conditions:

1 This development shall be begun within 5 years from the date of this permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouses or any outbuildings shall be erected or constructed.

REASON: To protect residential amenity in accordance with policy EP1 of the LDP

4 The existing access shall be improved in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any development commences and shall be completed in accordance with the approved details before the development is brought into beneficial use.

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

5 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of Vinegar Hill. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP.

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

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

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

7 No development shall begin on site until the LPA has approved in writing the surface water drainage system. The system will need to manage surface water to comply with National Standards and legislation. The rate of discharge will need to be reduced to the greenfield run off rates with a surface water system storing and controlling flood water up to an including the 100 year + 30% climate change event. The applicant will also need to identify any overland flow routes if the surface water system exceeds and show that these overland flows do not increase flood risk to any property on or off the development site.

REASON: To ensure adequate protection and mitigation measures are included as part of the proposal surface water run-off which would lead to increased risk of flooding as required by Policy SD3

8 The development including any demolition, ground works, vegetation clearance) shall be carried out in strict accordance with methods provided in section 5 of the approved Land at Vinegar Hill, Magor - Preliminary Ecological Appraisal Report - produced by Wildwood Ecology dated 14.01.2020

Reason: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1

9 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" shall be submitted to and approved by the local planning authority and shall include integrated bird nesting and bat roosting provision identifying location, positioning and specification. The scheme shall provide for the future management and an implementation timetable. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1

10 Lighting Plan

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 building or in the curtilage until an appropriate lighting plan including lighting type and specification, demonstrating protection of roosting and foraging/commuting habitat for bats has been agreed in writing with the LPA.

Reason: To safeguard roosting and / or foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

11 A proportionate Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall include the following;

a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan including those that are to be privately managed and those

that are to be part of strategic landscaping.

a. Trees and Hedgerows

b. Green corridors and boundaries

b) Opportunities for enhancement to be incorporated

a. Management of streams and SUDS for botanical species diversity and / or protected species including reptiles

b. Management of tree and hedge buffer strips to increase and maintain diversity, connectivity and screening

c. Maintain habitat connectivity through and or around the perimeter of the site for species

c) Trends and constraints on site that might influence management of above features.

d) Aims and objectives of management.

e) Appropriate management options for achieving aims and objectives.

f) Prescriptions for management actions.

g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).

h) Details of the body or organization responsible for implementation of the plan.

i) Ongoing monitoring and remedial measures.

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

Reason: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

12 Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

o Detailed scaled plans, showing existing and proposed levels, appropriate cross sections with site levels

o Proposed and existing utilities/services above and below ground.

o Soft landscape details shall include: means of protection, planting plan, specifications including cultivation and other operations associated with grass and wildflower establishment.

o Hard surfacing materials.

o Minor artefacts and structures (e.g. Refuse or other storage units, signs and lighting)

o A landscape management plan to inform a 5 year landscape establishment period clearly identifying areas of responsibility

Reason: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan.

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

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1.

14 Before any works commence on site, details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

Reason: To ensure the provision afforded by appropriate landscape design and Green

15 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation.

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 building(s) 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 ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features

## **INFORMATIVES**

1 Following the implementation of the Sustainable Drainage (Approval and Adoption) Order 2018 the applicant will require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government Standards. The SuDS scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing on site. It is recommended that the applicant approach the SAB for Pre App discussion prior to formal submissions to the LPA. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>

The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us on [SAB@monmouthshire.gov.uk](mailto:SAB@monmouthshire.gov.uk) so we can update our records accordingly.

2 Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.