

Application Number: DM/2022/00484

Proposal: Full planning application for the construction of 9 dwellings including means of access, drainage, landscaping, associated engineering and infrastructure works

Address: Land at former Tythe House, Church Road, Undy, NP26 3EN

Applicant: Mr Chris Withey

Plans: Section 38 Highways Layout 9766-Gry-01-00-DR-C-102 REV P02 (13.10.22)
Drainage layout 9766-GRY-01-00-DR-C-100 REVP04 (13.10.22)
Vehicle Tracking. Refuse vehicle 9766_GRY-01-100-DR-C-105 REVP05 (13.10.22)
Retaining Wall section Plot 9 – 6830 Sk1 Oct 22
Planting Plan 521.01 B

Location Plan T2326-1-PA-01
Site Survey T2326-1-PA-02
Site Plan T2326-1-PA-03 C (13.10.22)
Site Plan levels T2326-1-PA-04A
Site hardscape/boundary treatments T2326-1-PA-05B (13.10.22)
Screen Wall details T2326-1-PA-06
Boundary Fence T2326-1-PA-07
Mesh Boundary fence T2326-1-PA-08
Front boundary fence T2326-1-PA-09
Paviour details T2326-1-PA-10

Plot 1 Floor Plans T2326-1-PA-11B (13.10.22)
Plot 1 Proposed Elevations T2326-01-PA-115B (13.10.22)
Plot 2 Floor Plans T2326-1-PA-15A
Plot 2 Elevations T2326-1-PA-15
Plot 3&4 Floor Plans T2326-1-PA-16
Plot 3&4 Elevations T2326-1-PA-17
Plot 5&6 Floor Plans T2326-1-PA-18
Plot 5&6 Elevations T2326-1-PA-19
Plot 7&8 Floor plans T2326-1-PA-24
Plot 7&8 Elevations T2326-1-PA-25
Plot 9 Floor Plans T2326-1-PA-26
Plot 9 Elevations T2326-1-PA-27

Street Elevations T232-1-PA-28
Long Sections T2326-1-PA-32
Habitable distances T2326-1-PA-33
Sections and cross sections T2326-1-PA-35
Site Sections T2326-1-PA-36
Site Sections T2326-1-PA-37

RECOMMENDATION: Approved Subject To S106 agreement

Case Officer: Ms Kate Young
Date Valid: 29.03.2022

This application is presented to Planning Committee due to the number of unresolved objections received

1.0 APPLICATION DETAILS

1.1 Site Description

The application site which measures 0.4 ha is located within the Magor with Undy Development Boundary. The site which until recently contained a two storey dwelling and some stone outbuildings, is now vacant and overgrown. Towards the centre of the site are some mature trees which are the subject of preservation orders. To the south of the site is Church Road and St Marys Church. To the north is the playing fields with the railway line beyond. To the east and west of the site is existing residential development which comprises two-storey detached dwellings. Topographically the site slopes upwards from southwest to northeast. The site contains an existing Public Right of Way which runs from north to south along the eastern boundary, this connects Church Road with the open space to the north.

In 2010 planning permission DC/2007/01277 was granted for residential development on the site involving conversion of existing buildings to four dwellings and erection of six new build dwellings, two of the new dwellings on the site were to be affordable and subject to a s106 Agreement. Work on that development never started and the permission has now lapsed.

The site is within a designated Archaeologically Sensitive Area. The southern half of the site is within a C1 Flood Zone.

1.2 Value Added

Following negotiations with planning and highway officers the proposed layout of the site and the design of the houses has been significantly altered to protect residential amenity and to comply with highway standards. The width and alignment of the public footpath through the site has been altered; it is now 3 metres wide for its whole length.

1.3 Proposal Description

This full application seeks the erection of nine new residential properties two of which would be affordable and constructed to Welsh DQR standards. A new access would be created off Church Road. A private drive would provide vehicular access to the three properties at the front of the site. To the front of the site a new footpath would be created along Church Road and between the footpath and houses would be the sustainable drainage system including swales. The existing public footpath to the north would be retained and resurfaced to a width of three metres.

On the southern part of the site there would be three, 4-bedroom, detached dwellings with integral garages facing towards Church Road. There would be two pairs of semi-detached dwellings, facing north east towards the public right of way. Plots 5 and 6 would be the affordable units and each would have two bedrooms. Plots 3 and 4 would have a four bedrooms each, one of which would be in the roof space. There would be roof lights on the front and rear elevations. At the end of the spine road, facing in towards the site would be two detached properties. Plot 1 would have three bedrooms on the first floor and a master bedroom with en-suite in the roof space, this property would have three roof lights on the front elevation. Plot 1 would also have three bedrooms at first floor level and a fourth bedroom in the roof space. The roof space would be served by windows in the front and rear gables and one rooflight.

All of the dwellings would be finished in white render with Stonewold grey slates on the roof. The parking spaces would be of permeable pavements. The boundary fences would be retained where possible there would also be a chain link fence to the rear of plots 1 and 2, hooped metal railings and screen walling to the side of plot 1 adjacent to the footpath. A comprehensive planting plan has been submitted which included tree and shrub planting. The ground levels at the front of the site are being raised significantly.

The planning application is supported by the following information:

Planning Statement - Highlight Planning;
 Preliminary Ecological Appraisal - Wildwood Ecology;
 Site Investigation Report - Integral Geotechnique;
 Flood Consequences Assessment - GRAYS;
 Drainage Design Statement - GRAYS;
 Tree Survey - Treescene;
 Tree Constraints Plan - Treescene; and
 Planting Plan - Catherine Etchell Associates Ltd.

2.0 RELEVANT PLANNING HISTOREY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/00484	Full planning application for the construction of 9 dwellings including means of access, drainage, landscaping, associated engineering and infrastructure works.	Pending Determination	
DC/1996/01103	Change Of Use To Licensed Premises.	Approved	24.02.1998
DC/2002/00325	Conversion Of Existing Buildings And Six Number New Build Residential Units With Garages And Associated Works.	Approved	14.10.2004

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
 SD3 LDP Flood Risk
 SD4 LDP Sustainable Drainage
 NE1 LDP Nature Conservation and Development
 MV1 LDP Proposed Developments and Highway Considerations
 MV3 LDP Public Rights of Way
 DES1 LDP General Design Considerations
 EP1 LDP Amenity and Environmental Protection

Supplementary Planning Guidance

Affordable Housing SPG July 2019:

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

Green Infrastructure April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf>

Domestic Garages SPG (January 2013):

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Domestic-Garage-SPG-Jan-2013.pdf>

Monmouthshire Parking Standards (January 2013)

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

National Planning Policies (If Any)

Technical Advice Note (TAN) 15: Development and Flood Risk (2004):

<http://gov.wales/topics/planning/policy/tans/tan15/?lang=en>

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Magor with Undy Community Council (August 2022) – the Council considered the content of this application and were aware of previous application for the same site. They were mindful of concerns raised by Network Rail regarding proximity, drainage, noise and lighting impact upon railway line infrastructure. The Council are further mindful of the matters raised by Monmouthshire CC Highways as there remains unanswered questions regarding the public right of way and encroachment onto

the highway. That the proposed application was an over-development and not considerate of the existing environment.

It is recommended that the application be declined because it does not satisfy the concerns of residents, consultees and the proposed application is considered to be an over-development which is inconsiderate of the existing environment.

MCC Highways - I can confirm that the overall layout issued by Grays is now satisfactory and addresses my previous concerns.

NRW - We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching conditions relating to flood risk and protected species.

MCC Housing Officer -

It is agreed that there would be provision for 2 x 4 person 2-bedroom affordable houses which meets the policy requirement for 25% on site affordable housing and meets an identified need in this location. The affordable units aren't clearly marked on the plans but I understand these to be units 5 and 6. The affordable homes need to be designed to meet WDQR 2021 Appendix A and B space requirements, this has been confirmed by the developer and is reflected in the floor plans provided. The affordable homes would need to be neutral tenure at this stage and will be transferred to the preferred RSL, in this instance Melin Homes. I can see that the plans have been amended so that the affordable homes now provide 2 parking spaces each and accessed from the adopted road rather than a private drive.

MCC Ecology - No objection subject to conditions.

Network Rail - No objection.

Dwr Cymru - Welsh Water - No objection subject to a condition requesting a drainage scheme.

GGAT - The proposal requires archaeological mitigation. I can confirm the submitted WSI is appropriate (our ref. MON1603).

SuDS Approving Body - Concerns with regards flood risk.

Surface Water Drainage

The application has demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer) and has submitted a pre-application for the SAB's approval therefore there are no objections to this site on a Surface Water Drainage Basis.

From the plans submitted the total construction area is above 100m² (building footprint, yard area, hardstanding and parking bays) if it is then SAB approval will be required prior to any works commencing on site. Please attach a SAB informative to the decision notice and draw the applicant's attention to this requirement. This does not however subtract from the need for the drainage statement highlighted above

Flooding

The FCA submitted by the applicant assesses the impacts of the flood risk on the site.

NOTE the flood maps used are the current flood maps. In December 2021 NRW released new maps alongside the TAN15 changes. These maps show significantly more flood risk to the site as there was a change in the classification in the NRW Flood Defences. We would request the applicant demonstrate/assess the flood risk against this new set of maps as it significantly increases the flood risk to the site.

MCC Environmental Health

The proposed development is in close proximity to the railway line and there is potential for disturbance of noise from the rail traffic on the use and enjoyment of the residential properties should be considered. Recommend that a noise assessment is undertaken. No dimensions or measurements shown on the plans.

MCC Tree Officer - No objection.

The applicant has submitted a BS5837: 2012 tree survey report and accompanying tree constraints plan. The five trees listed in the report are two Sycamore (T1, T5) and three False Acacia (T2, T3, T4). Trees 1 - 4 have been graded as category U (very poor condition / dead) and recommended for removal, and the offsite tree T5 listed as a category C low quality tree with a useful life expectancy of 10 - 20 years. It is very unlikely that trees 1 - 4 would significantly improve in condition, and I have no objection to their removal.

MCC Public Rights of Way Officer (PROW) – Objects.

Council Public Rights of Way (PROW) Team seek positive outcomes from development by pursuing the improvement of existing PROW, the application of good design principles to new routes and the provision of new or upgraded routes. Public path number 1 in the community of Magor with Undy runs through the site of the proposed development. The existing right of way is a footpath, and the width of this way is believed to be the full width of the bounded area which is around six metres for most of its length. The path is a proposed Active Travel route. The Active Travel (Wales) Act 2013 requires that highway authorities, local authorities and the Welsh Ministers must take reasonable steps to enhance the provision made for walkers and cyclists. Instead of enhancing and improving the path, this application seeks to diminish the size of the path and for this reason this planning application is objected to. Monmouthshire Public Rights of Way ask that the existing right of way is left at its full width, and the development is changed to accommodate this. If the applicant wishes to reduce the width of the way, then a path order application will need to be made and a successful path order will be required. Importantly, path orders are subject to legal tests and public consultation, path order applications are therefore not guaranteed to succeed.

5.2 Neighbour Notification

Letters of objection were received from seven addresses following re-consultation (updated 16/10/22). These can be read in full on the website but are summarised here for reference; comments, initial and post re-consultation, have been included.

- The updated plans show no significant change. They still show overdevelopment of the site with houses that are overbearing and not in keeping with the current street scene. The ridge levels of all the new houses will be well above the ridge levels of all surrounding properties. The site should be developed with bungalows or an older people's complex. Loss of light to neighbouring properties resulting from the raising of ground levels.
- Insufficient dimensions and information in relation to distances between properties. Details of existing properties not shown. The plan does not show the existing access track.
- Private shared driveways should be a minimum of 4.5m wide, the road is too narrow.
- Church Road cannot accommodate any more traffic. Highway danger due to increased traffic. No visitor parking, provided. Danger to pedestrians who use this area for daily walking. Additional traffic will compromise the use of a thriving community hall. There are no pavements on Church Road, so a danger for school children. Headlights from cars will shine into existing properties.
- Concerns over who will maintain the land between plots 9 and 14 Bridewell Gardens.
- Surface water run-off from the proposed raised levels may flood neighbouring and existing properties. Increase risk of flooding.
- Loss of privacy of garden due to raised ground levels, including rear garden of Camelot.
- Concerns over capacity of current pipework/drainage infrastructure to accommodate more development.
- Noise and pollution during construction and following the completion of the development

- MCC Estates Solicitor has confirmed that an historical "statement of truth" exists on at least one of the 1950s semi-detached properties adjacent to this land and backing on to the playing fields, which states that both vehicular and non-vehicular access to the rear garden of the said property exists via the PROW and via the field, now leased via a Community Asset Transfer by Undy AFC.
- Overbearing impacts and loss of light to dwellings and gardens.
- Will the wildflower/wildlife corridor that is adjacent to my property be above or below the low retaining wall and who will maintain it?
- Concerns over the width of the PROW and vehicular and pedestrian access through the existing.
- Adverse impact on the character of the area. However we welcome development of the site but the density is too high.
- Does not comply with the SPG on Infill Development.
- Previous applications on this site have been refused
- Public transport in the area is inadequate for this development
- I would like to see the person responsible for arranging for the old house and the even older barn to be demolished, prosecuted for doing so without either planning nor archaeological consideration
- TPO's on the site have been nullified.

5.3 Other Representations

None Received

5.4 Local Member Representations

Councillor Angela Sandles and Cllr John Crook.

The number of dwellings proposed is overdevelopment for the area in question. Nine homes on such a small plot of land seems excessive. There are clearly two pinch-points. Namely, plot one with regards to the PROW, and plot nine in regard to neighbouring property (14 Bridewell Gardens) noting there will possibly be problems with surface water drainage into this property from the new development. The ridge height of the proposed properties in comparison to the existing properties is not compatible due to the disparity in heights. I have reservations about the size/width of the proposed roads on this site, noting that large vehicles such as general deliveries and refuse collections needing access will be unable to turn which could be a health and safety issue.

Also raise concerns over the extent of Green Infrastructure on the site as part of the overall scheme.

Therefore, I strongly object to this development in its current format.

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

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

6.0 EVALUATION

6.1 Principle of Development

PPW 11 paragraph 4.2.23, states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. The site is located within the Magor with Undy development boundary within which there

is a presumption in favour of new residential development subject to detailed planning considerations. The plot is of sufficient size to accommodate nine residential dwellings of a similar size to existing dwellings in this area. Policy S1 and H1 allow for new residential development to be built inside the development boundaries of Severnside Settlements of which Undy is one. Therefore, the principle of new residential development in this location is acceptable.

6.2 Sustainability

The Local Development Plan (LDP) and PPW encourage sustainable development and promote making the most efficient use of brownfield land. This is a sustainable location for a new residential development as it is located within an existing residential area close to many facilities such as the playing fields and the primary school. The site is also within reasonable walking distance of the shops and other services provided in Magor Square. Magor with Undy is served by a local bus service linking it to the larger settlements of Caldicot, Chepstow and Newport. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

6.2.1 Good Design

Policy DES1 of the LDP requires that all development shall be of a high quality, sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. The adopted SPG on Infill Development says that the size of the infill proposal should reflect the prevailing character of the adjacent properties in terms of scale, mass and rhythm of the street scene. The proposed new dwellings will be set back approximately 20 metres from Church Road, and Green Infrastructure and a rain water garden will be set between the road and the new dwellings, providing a visual buffer and biodiversity enhancement. The public right of way will be open and visually linked to the development, providing open views through the site.

Planning officers have spent considerable time discussing the design of the house types with the developers and many changes have been made. Plots 7, 8 and 9 do follow the pattern of the street scene, facing onto Church Road although they are set slightly further back in the plot. The ground levels of this part of the site have to be raised to take the properties out of the flood zone; as a result the finished floor levels of these three units are above those of the adjoining properties. In order that the roof heights do not exceed the ridge heights of neighbouring properties, the roof pitches on these three new dwellings are shallow and the maximum ridge height is less than 7 metres.

Plots 5 and 6 are the proposed affordable units. They have a simple design but the central part of the front elevation protrudes forward slightly and there is a canopy over the front doors. The affordable units will be finished in the same materials as the rest of the development which helps them to assimilate. They have the same level of detailing as the other properties on the development with brick headers and concrete cills. Plots 3 and 4 are also a pair of semi-detached properties. They have quite a steep roof pitch with a maximum ridge height of 8.7 metres. They have high level windows serving the rear bedrooms. There are canopies over the front doors that are finished in grey hanging tiles. Plots 1 and 2 are a detached dwellings. They will appear to be three storey because of the large windows in the top gable in the roof space but will be 8.5 metres in height to the ridge. The principal windows of plot 1 and 2 are on the rear elevation, facing towards the playing fields and on the front elevation looking into the site.

The new development on this site will engage well with the existing properties on Church Road and will enhance the street scene. The massing and form of the new dwellings respect the character and form of the existing dwellings in the area. They are of a similar size, height and plot width when compared to other properties in this part of Church Road. All of the dwellings will be finished in white render with grey slate Stonewold tiles on the roof. The window frames will be charcoal grey upvc which will give a contemporary feel to the development. The finishing materials on the two affordable units on plots 3 and 4 match exactly those on the rest of the site and therefore there will be no visual distinction between the market housing and the affordable ones. The scale of the proposed dwellings and their finishing materials will respect those of the surrounding existing residential development and therefore the character of the area will be preserved in line with the objectives of Policy DES1 of the LDP.

6.2.2 Place Making

Policy DES1 of the LDP requires that the development contribute to a sense of place while its intensity is compatible with existing uses. PPW 11 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. Policy DES1 criterion i) of the adopted Local Development Plan says that Development proposals will be required to make the most efficient use of land, compatible with other criteria, including that the minimum net density of residential development should be 30 dwellings per hectare. In this case the developable site area is circa 0.3ha and 9 homes are proposed which provides a net density of 30 dwellings per hectare, thus complying with LDP Policy DES1. The density size and massing of the proposed new development would be similar to that of the adjoining housing development at Bridewell Garden. Planning officers consider that the prevailing character of this area is being reflected in the new proposal. It is accepted that the housing development to the south of this site, on the opposite side of Church Road, is predominantly bungalows set on large plots, and therefore their density is lower. The proposed new development, however, will be seen more in the context of Bridewell Gardens and the properties to the north of Church Road.

In this case the layout, form scale, visual appearance of the development does engage with its surroundings, providing new residential dwellings in an established residential area. The character of the area is respected in terms of massing, scale, form and materials. The development will contribute to a sense of place. An area of overgrown waste land will be used to provide nine contemporary houses which will visually enhance the area. The proposal therefore complies with one of the key objectives of PPW11.

6.2.3 Green Infrastructure and Landscape

There will be a substantial amount of green infrastructure to the front of the site in the form of rain gardens and swales, these will be planted with a wild flower mix. This will form part of the Sustainable Drainage System (Suds). There will be several shrub beds planted throughout the site. Five new trees will be planted at the front of the site with a further two, further back in the site. A ruderal vegetation strip will be retained at the northern end of the site, adjacent to the playing fields, this is to provide reptile habitat. The applicant has submitted a tree survey report and tree constraints plan. There are five trees subject to a Preservation order listed in the report, of which there are two Sycamore (T1, T5) and three False Acacia (T2, T3, T4). Trees 1 - 4 have been graded as category U (very poor condition / dead) and recommended for removal, and the offsite tree T5 listed as a category C low quality tree with a useful life expectancy of 10 - 20 years. It is very unlikely that trees 1 - 4 would significantly improve in condition, and the MCC Tree Officer has no objection to their removal. However following negotiations with planning officers the layout of the scheme has been amended and trees T1, T2, T3 and T5 are now being retained. The three False Alders will be retained in an area of Public Open Space and subject to a management company for maintenance purposes. An Arboricultural Method Statement (AMS) including details of how the adjacent large Sycamore tree (T5) to the North West of the site will have its Root Protection Area (RPA) protected during the proposed work will be required by condition.

6.4 Historic Environment

The site is not in a Conservation Area. St Mary's Church to the south east of the site is Grade II Listed. A Roman building was found at Undy Athletic Club and the finds of Roman and medieval date within the church yard of St Mary's Church, less than 30m away from the site, shows that there is the likelihood of evidence for previous human activity being located in the application area. Therefore GGAT have requested a condition for a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource via condition.

6.5 Biodiversity

Wildwood Ecology have undertaken a Preliminary Ecological Appraisal (PEA) of the Application Site. The ecological baseline conditions at the site and immediately adjacent areas were assessed in July 2020 and March 2022 through a combination of desk study and field Surveys which followed the standard Phase 1 Habitat Survey protocol. The Phase 1 Habitat Survey and desk top analysis found that the site was located a sufficient distance away from any designated sites. Accordingly,

there would be no impacts on designated features because of development on this site. No overriding constraints were identified in terms of particularly sensitive ecological succession on the site.

MCC Ecologists evaluated the PEA and found the site to include scattered trees, tall ruderal vegetation, dense bramble scrub, and poor semi-improved grassland as well as two metal shipping containers present at the eastern site boundary. No invasive species were identified within the site during the survey. Habitats within the site are considered to provide suitable commuting, foraging and nesting opportunities for bats, nesting birds, badger, hedgehog, invertebrates and low numbers of reptiles. The walkover surveys followed standard survey guidelines as set out in Joint Nature Conservation Committee (JNCC) (2010) Handbook for Phase I Habitat Survey. A technique for environmental audit.

Three trees within the site were assessed as having low potential for roosting bats. Surrounding habitats including the nearby railway corridor provide good foraging opportunities for bats. The shipping containers were assessed as having negligible potential for roosting bats. Precautionary methods have been recommended regarding the protected and priority species listed above within the ecology report. These measures are deemed acceptable for the works. The level of survey effort and assessment is considered proportionate to the nature and scale of the application. MCC Ecologists agree with the conclusions of the PEA. The ecology report also states that a dark corridor should be maintained around the boundary of the site. Any lighting to be installed as part of the development must be designed sensitively for biodiversity to minimise impacts to nocturnal species. This can be imposed by condition.

Biodiversity Net Benefit

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The PEA report includes details of proposed enhancement measures to include installation of five bat boxes, three house sparrow terraces, three starling boxes and two bird boxes. The report recommends box designs of suitable sturdy construction. Additionally, raingardens and wildflower grassland areas will be incorporated into the development design. These enhancement measures are considered acceptable for the proposals and locations are illustrated in 'Appendix II: Proposed Development Plans and Enhancement Plan 2022' of the PEA report. The proposal accords with the objectives of Policy NE1 of the LDP.

6.6 Impact on Amenity

The site is surrounded by residential properties, the dwellings on Church Road and Bridewell Gardens are immediately adjacent to the site and are all two storey in height. In addition there is a row of three bungalows to the south of the site on the opposite side of Church Road. Undy Community Hall and carpark are to the east of the site on the opposite side of Church Road.

To the north east of the site is a two storey dwelling named Camelot. It has its side elevation facing into the site. There are no windows on this side elevation. Plots 4 and 5 of the new development face the side elevation of Camelot at a distance of over 11 metres. Between the front elevation of these new dwellings and the side elevation of Camelot is the access road into the site and the public right of way. The existing boundary wall for Camelot adjacent to the public right of way (PROW) will not be altered as a result of this proposal. Plot 6 will look towards the front garden of Camelot and plot 3 will look towards the rear garden, again this it at a distance of over 11 metres. Plots 1 and 2 will face into the site with their principal windows facing into the playing fields at the rear. Plot 2 has no windows on the south west elevation and it is over 20 metres from the side elevation of 9A Bridewell Gardens and at least 10 metres from the rear elevation of Carolyn in Bridewell Gardens. The existing timber boundary fence along the common boundary will be retained and because of the distance between the existing and the proposed dwellings and their orientation there will be no significant loss of privacy.

Plots 7,8 and 9 all face towards the rear elevation and garden of Darlea. In 2021 planning permission was granted for a single storey extension to the rear of Darlea, that will protrude 3.5 metres from the rear elevation and run the whole width of the house. It extends to approximately 7 metres of the boundary. There is a close boarded fence along the common boundary. The separation distance from the rear elevation of Darlea (minus the first floor extension) to the rear elevation of plot 9 of the new development would be 21 metres which complies with the standards outlined in the adopted SPG. The approved single storey extension to Darlea, if built, would be protected from overlooking by the close boarded fence along the common boundary. When originally submitted plots 7, 8 and 9 all had large first floor balconies proposed on the rear elevations overlooking Darlea, but all of the balconies have now been removed in order to protect residential amenity.

No 14 Bridewell gardens faces onto Church Road. Plot number 9 will be adjacent; there will be a separation distance of 4.264m between Plot 9 and 14 Bridewell Gardens. The existing floor level of No14 Bridewell Gardens sits at circa 8m and the FFL of Plot 9 will sit at 9.3m. No 9 will be built on a retaining wall and there will be a strip of wildflower planting between the two. Plot no 9 is set much further back in the plot so that the front elevation of plot 9 lines up with the rear elevation of no 14 Bridewell Gardens. However, given the distance between the two properties, the 45 degree rule, as referred to in the Infill Development SPG. Plot no 9 has a side window on the first floor facing towards no 14 Bridewell Gardens, this will serve an en-suite and will be of obscure glazing. No 14 Bridewell Gardens also has a first floor window on the side elevation but the two properties are staggered so that the windows will not overlap.

To the south of the site is a row of three bungalows. These are set at a lower level and approximately 18 metres back from the road. Given this arrangement there will be no unacceptable levels of overlooking and overdominance as the front elevations of the new dwellings are over 40 metres from the front elevations of the bungalows.

The proposal accords with the Council's normal privacy standards for new development. 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. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development.

6.7 Highways

6.7.1 Sustainable Transport Hierarchy

PPW11 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 the Severnside Settlement of Magor with Undy. The Square in Magor, which is less than one mile from the site contains a Post Office, supermarket and other facilities. There are two primary schools within walking distance of the site, There are also Churches and public Houses within the Village. There is a public bus service that runs from Newport to Chepstow and this gives easy access for the range of facilities in the nearby settlement of Caldicot. The site is in a relatively sustainable location so that the occupiers of these dwellings will be less reliant on the car to go about their daily business.

6.7.2 Access / Highway Safety

At the request of the Highway Authority the layout of the site has been altered to ensure that there is no development on highway land and to ensure adequate turning provision within the site. The additional pavement along Church road is to be welcomed. The proposal is now acceptable having regards to access and accords with Policy MV1 of the LDP.

6.7.3 Parking

The adopted Monmouthshire Parking Guidelines require one car parking space per bedroom for new dwellings up to a maximum of three per dwelling. In this case, three car parking spaces are being provided for each dwelling except for units 3 and 4 which will have two car parking spaces each as they are two bedroom properties. The proposal therefore accords with the adopted parking

standards and complies with the objectives of Policy MV1 of the LDP. A condition will be imposed ensuring that the car parking provision is provided prior to occupation of the dwellings.

6.8 Affordable Housing

Policy S4 of the Local Development Plan requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. The policy says that within the Severnside Settlements, developments sites with a capacity of five or more dwellings will make provision for 25% of the total number of dwellings on the site to be affordable. In this case two affordable units are being provided on the site, these are both 2 bed units and are compliant with DQR standards. The provision of two bedroom units is in line with the need demonstrated on the local housing register. The affordable units will be constructed by the developer and then passed onto a social housing provider, Melin Homes. This will be secured via a s106 Legal Agreement.

6.9 Flooding

The southern half of the site is within a C1 Flood Zone as defined in the Development Advice Map (DAM) contained in TAN15. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Paragraph 6.2 of TAN 15 says that new development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.

In this case the site is not in a C2 Zone. The new housing will be built on previously developed land (this site used to be occupied by a two-storey dwelling, a stone barn and various outbuildings). A Flood Consequences Assessment (FCA) was submitted as part of the application. It is proposed to raise the ground levels in the southern part of the site by 1.3 metres so that the Finished Floor Levels will all be above 9.3m AOD. The private drive for plot 9 will be at 9.1m AOD. NRW have evaluated the FCA and concluded that, "Subject to the development being carried out in accordance with the FCA, the development meets with the requirements of A1.14." They recommend that a condition be imposed that the planning permission shall only be carried out in accordance with the approved Flood Consequence Assessment.

The Planning Authority believe that the location of this development in a C1 Zone is justified and that all of the criteria set out in the tests in paragraph 6.2 of the TAN are satisfied.

6.10 Drainage

6.10.1 Foul Drainage

The application site is in an area served by mains drains and in such areas the foul drainage must discharge to mains. The applicant has indicated that this is the case. Welsh Water have offered no objection to the application but refer us to the condition requesting that surface water does not enter the mains drains.

6.10.2 Surface Water Drainage

Grays have prepared a drainage strategy to support the planning application. The application will be subject to the SuDS legislation. The applicants intended to run consultation with the SuDS Approving Body (SAB) in parallel with the planning process. A series of SuDS features including swales, raingardens and permeable paving are proposed to serve the development site. The dwellings will drain to individual permeable paving and raingardens at plot level which will be retained under private ownership. The swale/raingarden features running parallel to the access road(s) and the main raingarden/bioretention feature near the site's access will be offered for adoption.

The SAB approving body confirms that the application has demonstrated a means of surface water discharge. A pre-application submission for the SAB's approval has been made and therefore there are no objections to this site from a surface water drainage perspective.

6.11 Phosphates

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.12 Contaminated Land

A Site Investigation Report prepared by GHR Developments was submitted as part of the planning application. They contracted a contaminated land consultancy to undertake a site investigation and risk assessment. MCC Environmental Health Officers have reviewed the submitted site investigation report by Integral Geotechnique (12700/RAH/20/SI) dated September 2020. This report is a desk top study and intrusive site investigation.

It appears that Tythe House, which was present on the earliest historical maps, was demolished in around 2014 and the trail pits dug at the site, and a site walk-over identified made ground on site. This made ground consisted of brick, concrete, plastic, clay pipes, scrap metal and timber. In addition asbestos containing material was identified on site. Two stockpiles were present containing pipe fragments, plastic, bricks, wood chippings, and asbestos containing tile fragments. Laboratory testing of the 4 samples taken from the made ground identified exceedances above the assessment criteria, for lead and several PAHs. No samples were taken from the natural ground, or from the stockpiled materials, however the asbestos containing tile found in one of the stockpiles was sampled and found to be chrysotile hard cement material. The site investigation identified that end users would need to be protected from the elevated concentrations of PAH and lead.

The recommendation to achieve this is to use a capping layer of at least 600mm of clean imported subsoil and topsoil over a geotextile membrane in all gardens and area of soft landscaping. Prior to placement of the clean cover, all exposed formations should be inspected and any identified asbestos containing materials handpicked under an appropriate risk assessment and managed in accordance with the Control of Asbestos Regulations 2021, and then disposed off-site at a licensed facility by licenced contractors. An alternative is to remove made ground from garden and landscaped areas and use a 300mm clean cover capping system. If this is chosen all exposed formations would require inspection and sampling and analysis of soils to confirm acceptability of the underlying materials, prior to placement of the capping layer. The decision on which will be chosen is likely dependent on the proposed site levels chosen.

The site investigation also identified construction workers to be at risk from the contaminated material, and thus proposed requirements for working practices, which include the use of dust suppression techniques to minimise inhalation of dust and gases. In addition a system would need to be established to identify additional contamination during work, and reported so appropriate action

can be taken. A licensed contractor would be required to deal with any asbestos materials, and routine visual checks made for its presence on site.

Ground gas from offsite or onsite sources (the made ground was not considered to be thick enough at 0.9 metres to create gas) was not considered to be a risk, however the site is in an area with a probability that between 3%-5% of properties are above the radon action level, and therefore basic radon protective measures are necessary. Water supply pipes will need to be protected from contamination (e.g. PE or PVC pipes to protect against PAHs) if they are in contact with the made ground. The Council's Environmental Health Officer recommends that based on the findings of the site investigation, and the identification of elevated lead and PAHs in the made ground, along with asbestos fibre in one of the two stockpiles, that conditions are needed requiring a Remediation Strategy, including Method statement and full Risk Assessment to be submitted to and approved in writing by the LPA.

There is a small amount of contamination on the site resulting from the demolition of the buildings on the site in about 2014. If undeveloped the contamination will remain in its current form. As part of the proposed development a Remediation Strategy will be implemented which will improve the situation and the contamination will be managed effectively thus improving the situation for existing neighbouring properties and future occupiers of the site.

6.13 Public Right Of Way

There is a Public Right Of Way (PROW) which runs along the north eastern boundary of the application site, linking Church Road with the playing fields and is hard surfaced to a width of approximately 1.3metres. (although this varies along its length). The path is a proposed Active Travel Route. The Active Travel (Wales) Act 2013 requires that highway authorities, local authorities and the Welsh Ministers must take reasonable steps to enhance the provision made for walkers and cyclists. The PROW officer says that the existing right of way is a footpath, and the width of this way is believed to be the full width of the bounded area which is around six metres for most of its length.

The current application seeks to retain the footpath in its current position but to increase the width of the path to three metres for its entire length and to resurface it with tarmac. Planning officers believe that a three metre wide path would be sufficient. This will enhance the current provision and allow for a shared path to be used by pedestrians and cyclists. The three metre width of the path is consistent with other housing developments that have recently been approved in the county including Fairfield Mabey, Sudbrook and Caldicot all of which contain paths that are three metres wide. The applicants may have to apply under the Town and Country Planning Act to reduce the width of the Right of Way.

6.14 Noise

The site is approximately 75 metres from the main South Wales railway line. The railway line is set at the bottom of an embankment and between the site and the railway line is the playing fields. Environmental Health has concerns that the proposed development is in close proximity to the railway line and therefore in their view there is the potential for disturbance of noise from the rail traffic on the use and enjoyment of the residential properties. It is recommended that a noise assessment is undertaken to assess which Noise Exposure Category the proposed site falls within as provided in Planning Guidance Wales Technical Advice Note (Wales) 11: Noise.' Planning Officers do not consider that a noise assessment is required in this case given the distance to the railway line (over 75 metres), its location within an embankment and the fact that there are many existing houses in Undy that are far closer to the railway line. The applicants are proposing that triple glazing would be installed to the windows in the rear elevations of Plots 1 and 2 and that this will be maintained as such thereafter. That matter can be secured by condition.

6.15 Planning Obligations

That the two affordable dwellings to be built on plots 5 and 6 that would be handed over to a registered social housing provider within a certain time period secured by a s106 agreement.

6.16 Response to the Representations of Third Parties and/or Community/Town Council

Councillor Sandles considers that the proposed development of 9 new dwellings on this site constitutes overdevelopment. Policy DES1 criterion i) of the adopted LDP sets out that development proposals will be required to make the most efficient use of land, compatible with other criteria, including that the minimum net density of residential development should be 30 dwellings per hectare. In this case the developable site area is circa 0.3ha and 9 homes are proposed which provides a net density of 30 dwellings per hectare, thus complying with LDP Policy DES1. The density size and massing of the proposed new development would be similar to that of the adjoining housing development at Bridewell Garden, planning officers consider that the prevailing character of this area is being reflected in the new proposal.

The Councillor also considers that plot 1 is too close to the proposed Right of Way, and while planning officers can see that rotating the dwelling in plot 1 so it was similar to plot 2 would allow for more "breathing space" for the PROW the applicant maintains that this would have an adverse impact on the street scene. Planning officers do not consider that the proximity of plot 1 to the footpath is a justification for refusing the application as it will not adversely affect users of the footpath.

Councillor Sandles considers that plot 9 is too close to the existing property at 14 Bridewell Gardens. The plans show that there will be over 2 metres between the side elevations of these two properties, and this is significantly more than is often allowed between two properties side by side; there will however be a significant difference in the slab levels of each house with Plot 9 being higher than No 14 Bridewell Gardens. The difference in ridge height has been addressed in the main body of the report and is shown on the sectional drawing , Section C-C on plan no. T2326 1 PA 36.

The width of the new road and private shared drive has the approval of the Highway Authority and complies with their standards.

The surface water drainage will be the subject of a separate SAB application and will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The application has demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer) and has submitted a pre-application for the SAB's approval; therefore there are no objections from the approving body with regards to surface water drainage.

Most of the issues raised by the neighbours have been addressed in the main body of the report. The Highway Authority have no objection to the proposed 9 dwellings on the site and consider that Church Road has sufficient capacity to accommodate this level of development. There will be a footway provided along Church Road which will benefit the local community as, residents correctly say there is no footpath along this part of Church Road at the present time.

The amenity space, wildflower gardens and rainwater gardens will all be maintained by a management company, as is now usual with this type of development.

Whilst it may have been possible to develop this site with bungalows, the application before us is for two storey dwellings, some with accommodation in the roof space and we must consider the application before us.

Planning officers are aware of the single storey extension to Darlea and the bay window to the front of Camelot.

Previously the sewers in this area were at capacity and new dwellings were only allowed where alternative foul drainage discharge was provided. The capacity of the sewers has since been upgraded by DC-WW and this is no longer an issue.

There will inevitably be some noise and disruption resulting from the construction phase of the development; a construction management plan will be imposed to limit the hours of construction operations and deliveries to the site.

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

6.17.1 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.

6.18 Conclusion

The site is located within the Magor with Undy development boundary within which there is a presumption in favour of new residential development subject to detailed planning considerations. The plot is of sufficient size to accommodate nine residential dwellings of a similar size to existing dwellings in this area. Policy S1 and H1 allow for new residential development to be built inside the development boundaries of Severnside Settlements of which Undy is one. Therefore, the principle of new residential development in this location is acceptable. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

The new development on this site will engage well with the existing properties on Church Road and will enhance the street scene. The massing and form of the new dwellings respect the character and form of the existing dwellings in the area. They are of a similar size, height and plot width when compared to other properties in this part of Church Road. The finishing materials on the two affordable units on plots 3 and 4 match exactly those on the rest of the site and therefore there will be no visual distinction between the market housing and the affordable ones. The scale of the proposed dwellings and their finishing materials will respect those of the surrounding existing residential development and therefore the character of the area will be preserved in line with the objectives of policy DES1 of the LDP. The development will contribute to a sense of place. An Area of overgrown waste land will be used to provide 9 contemporary houses which will visually enhance the area. The proposal therefore complies with one of the key objectives of PPW11.

There will be a substantial amount of green infrastructure to the front of the site in the form of rain gardens and swales, these will be planted with a wild flower mix and trees. Three of the existing trees on the site will be retained. MCC Ecologists agree with the conclusions of the Preliminary Ecological Survey. Biodiversity enhancements are being provided so the proposal complies with the objectives of policy NE1.

The proposal accords with the Council's normal privacy standard for new development. The layout of the proposed development accords with the objectives of policy DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development. The road and footway layout has been designed on the advice of the Highway Authority who offer no objections and the parking provision accords with the adopted standards therefore the proposal accords with policy MV1. The current application seeks to retain the footpath in its current position but to increase the width of the path to three metres for its entire length and to resurface it with tarmac. Planning officer believe that a three metre wide path is sufficient. This will enhance the current provision and allow for a shared path to be used by pedestrians and cyclists.

Two affordable units are being provided on the site, these are both 2 bed units and are compliant with DQR standards. The provision of two bed units is in line with the need demonstrated on the local housing register and complies with policy H4 of the LDP. The Planning Authority believe that the location of this development in a C1 Zone is justified and that all of the criteria set out in the tests in paragraph 6.2 of the TAN are satisfied. NRW have no objection to the proposal provided that the development being carried out in accordance with the FCA. The SAB approving body confirms that

the application has demonstrated a means of surface water discharge and has submitted a pre-application for the SAB's approval therefore there are no objections to this site on a Surface Water Drainage Basis.

There is a small amount of contamination on the site resulting from the demolition of the buildings on the site in about 2014. If undeveloped the contamination will remain in its current form. As part of the proposed development a Remediation Strategy will be implemented which will improve the situation and the contamination will be managed effectively thus improving the situation for existing neighbouring properties and future occupiers of the site. Planning Officers do not consider that a noise assessment is required in this case given the distance to the railway line (over 75 metres), its location in an embankment and the fact that there are many existing houses in Undy that are far closer to the railway line.

The proposal is policy compliant in all respects and is therefore recommended for approval.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

1 Affordable Housing

25%, DQR, Tenure Neutral.

Triggers: The Landowner covenants not to occupy or permit first occupation of more than 80% of the market housing until all of the affordable units have been constructed and are ready for occupation.

Maintenance for GI and Biodiversity.

Management Company

Area of Land to adopted by MCC for public open space to be shown on a plan and 20 years of Maintenance cost added.

Net Developable £233,152.61 inclusive of inflation. Maintenance for 20 years

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 The development shall be carried out in strict accordance with Section 5 (Conclusions and Recommendations) of the approved 'Preliminary Ecological Appraisal Report - Former Tythe House, Church Road, Undy by Wildwood Ecology dated 25 March 2022' report.

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

4 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 which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA.

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

5 The 'Appendix II: Proposed Development Plans and Enhancement Plan 2022' of the PEA report which illustrates the design and location of bat and bird box provision shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the development.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.

6 The development permitted by this planning permission shall only be carried out in accordance with the approved Written Scheme of Investigation for an archaeological watching brief PN 2821 dated October 2022 by Archaeology Wales.

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

7 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

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

8 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequence Assessment FCA undertaken by Grays (Consulting Engineers) Limited, Reference 9766-REP01-R1-FCA (Revision - R1) dated 24 March 2022 and the following mitigation measures detailed within the FCA:

Development Levels - Finished Floor Levels must be set at or above 9.3 m AOD (metres Above Ordnance Datum) and private drive set at or above 9.1m AOD.

Reason To reduce the risk and impacts of flooding to the proposed properties and their owners/occupiers.

9 Contamination EH0.

Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

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.

Reason: 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.

10 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.

Reason: 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.

11 Contamination - Imported Material EH03

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. No other fill material shall be imported onto the site.

Reason: 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.

12 1) PRIOR to the commencement of any works associated with the development (including site vegetation clearance, demolition, tree felling, tree pruning, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), the following shall be undertaken by a competent arboriculturalist and submitted and agreed in writing by the local planning authority:

a) An Arboricultural Method Statement (AMS) including details of how the adjacent large Sycamore tree (T5) to the North West of the site will have its Root Protection Area (RPA) protected during the proposed works.

b) The AMS must be accompanied by an up to date tree retention and protection plan (TRPP) in accordance with 'BS5837: 2012 - Trees in relation to design, demolition and construction - Recommendation'.

c) The TRPP must clearly show the proposed site layout, including boundary treatments, the crown spread of T5 and its RPA given as a figure on the plan, where tree protection fencing will be located, and what the tree protection fencing will be.

2) During construction

a) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

b) No fires shall be lit within 15 metres of the nearest point of the canopy of any retained tree.

c) No equipment, machinery or structure shall be attached to or supported by a retained tree.

d) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

e) No alterations or variations to the approved works or tree protection scheme shall be made without prior written consent of the local planning authority.

REASON: to ensure trees are managed responsibly.

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 in compliance with LDP policies LC5, DES1, S13, and G11.

14 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 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 ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

15 No dwelling shall be occupied until the relevant and associated car parking and service vehicle provision have been provided in accordance with the approved plan and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure provision is made for the parking of vehicles and to ensure compliance with LDP Policy MV1.

16 No development other than ground 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 street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

REASON: In the interests of the highway safety and free flow of traffic in compliance with LDP policies S16 and MV1.

17 No development shall commence, including any works of demolition, 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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In the interests of amenity, in compliance with LDP policies S13 and EP1 and in the interests of the highway safety and free flow of traffic, in compliance with LDP policies S16 and MV1.

18 Triple glazing shall be installed to the windows in the rear elevations of Plots 1 and 2 and shall be maintained as such thereafter.

REASON: In the interests of amenity, in compliance with LDP policies S13 and EP1.