

Application Number: DM/2021/00528

Proposal: Proposed residential development of 2no. detached dwellings with private on-site parking

Address: Holly Bush, Vinegar Hill, Undy, Monmouthshire

Applicant: Mrs L Jones

Plans: Location Plan - ,
Other PEA REPORT REV 1 - GEN5819 1,
Other REPTILE REPORT Rev 1 - GEN5819 1,
Tree Survey TREE CONSTRAINTS - ,
Site Plan 1493 (PL) 01L –
Site Plan Proposed,
All Drawings/Plans 1493(PL) 04 B - Plans Plot 1,
All Drawings/Plans 1493 (PL) 05A - Plans Plot 2,
Site Sections 1493 (PL) 06 B - Cross Sections Proposed

RECOMMENDATION: Approve

Case Officer: Ms Kate Young
Date Valid: 24.03.2021

This application is presented to Planning Committee due to the number of unresolved objections received and at the request of the former local member

1.0 APPLICATION DETAILS

1.1 Site Description

Holly Bush is a traditional style cottage that occupies a very extensive plot in Vinegar Hill in Undy. At the rear of the property is an old outbuilding. The cottage has an existing vehicular access off Vinegar Hill with parking to the front. A second property was built on the site several years ago which has its own vehicular access off Vinegar Hill. Holly Bush has a large area of land to the rear, approximately 2.9 ha, which was previously used as a quarry. The land to the north-west rises up steeply. The land is surrounded by modern residential dwellings. To the north is Hunters Ridge which is elevated above the application site and accessed off Manor Chase. To the south is an unnamed cul-de-sac off Vinegar Hill that serves five dwellings. To the south of the site are residential properties which are at the end of Celtic Close. At the end of the plot to the north east is an area of public open space.

The site is located within the Magor and Undy Development Boundary of the LDP.

1.2 Value Added

Following negotiations with officers the proposed number of dwellings on the site has been reduced from four to two. There have also been alterations to the layout and design of the scheme.

1.3 Proposal Description

The current full application seeks the erection of two detached properties at the eastern end of this site. The dwellings would share the existing vehicular access with Delfryn and would be accessed by a private drive. The existing vehicular access into Holly Bush would not be altered but the

private drive within the site will be reconfigured. There would be new hedge and tree planting within the site.

Plot 1 would be a two storey dwelling accommodating four bedrooms. It would have a hipped roof and a front gable which would have a strong glazed emphasis. There would be a detached garage to the rear. Plot two would have five bedrooms, one contained in the roof space and an attached garage. The front elevation would be to the south west and would contain dormer windows and roof light. Both dwellings would be finished in render with a brick plinth and slate roof.

The application is supported by the following documents:

Tree Report
Preliminary Ecological Appraisal
Reptile Report

2.0 RELEVANT PLANNING HISTOREY (if any)

| Reference Number | Description | Decision | Decision Date |
|-------------------------|--|-----------------------|----------------------|
| DM/2021/00528 | Proposed residential development of 2no. detached dwellings with private on site parking. | Pending Determination | |
| DC/2010/00592 | Development of 2 no dwelling houses with associated access and works | Approved | 16.03.2011 |
| DC/2015/01548 | Discharge of conditions 2 and 4 from previous application DC/2014/00293 | Approved | 12.02.2016 |
| DC/2014/00315 | DC/2010/00592 - Removal of condition 2 in order to extend the life of the extant permission; this would enable the submission of reserved matters to be submitted within a further period of three years from the date this application is determined. | Approved | 04.09.2014 |
| DC/2014/00293 | Erection of a dwelling and garage. | Approved | 04.09.2014 |

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
GI1 LPP Green Infrastructure

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>

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>

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 – Objects.

The CC noted that there was no Design and Access Statement submitted as part of the development and made the following specific comments.

Highways – Impact on highways and traffic up and down Vinegar Hill, there are concerns over highway safety for all road users.

Scale, Layout, Design and Appearance – Concerns over the height of the proposed dwellings, Especially if ground levels change. This will be overbearing and overshadowing with overlooking issues to neighbouring properties.

Visual – the proposed dwellings are overly large and out of character with the surroundings.

Biodiversity – Concerns over a lack of a full assessment of the impact on biodiversity. Concerns over the loss of hedgerow and lack of suitable replacement. A Landscaping scheme should be provided.

Drainage – Concerns over a lack of information in relation to surface water drainage. Lack of clarification as to whether SuDS are required. Concerns over the capacity of DCWW drainage system to accommodate the proposals.

Archaeology – Concerns over the lack of consideration for the impact on archaeology in the area given the presence of local finds on neighbouring sites. An Archaeological Watching Brief should be undertaken.

Welsh Water - Recommends a condition.

The record of public sewers indicates that the system is designated to receive foul water only and therefore we would not permit the communication of any surface water.

Glamorgan Gwent Archaeological Trust (GGAT) - No objection.

The Historic Environment Record notes no features or finds within the application site itself, however, a Roman stone sarcophagus and human remains were found nearby during works for development. We have therefore considered the likelihood of archaeological deposits being encountered by the proposed development.

The area has been disturbed by historic quarrying since the 19th Century, and the creation of the nearby existing buildings. Given our understanding of the current information, it is unlikely that any archaeological features would be encountered and therefore we do not propose any archaeological mitigation.

Highway Authority - No objection

The Highway Authority have received a re-consultation for the application in relation to revised site layout drawing '1493 [PL] 01K. The highway authority acknowledges the amendments on the revised drawing, namely the reduction in the number of proposed dwellings from 4 to 2 and the re-engineering of the private drive serving Delfryn and the retention of the existing drive serving Holly Bush. The amendments as detailed reduce the traffic movements to and from the site for a total of 4 dwellings. The re-engineered private drive and existing means of access off Vinegar Hill is considered appropriate to accommodate the access and egress requirements for Holly Bush and the proposed 2 dwellings. The highway authority therefore withdraws its objection to the application. The highway authority considers they would be unable to sustain an objection on highway safety and capacity grounds as the impact of the amended development, 2 additional dwellings, is reduced and is not considered detrimental to the safety and capacity of Vinegar Hill.

Natural Resources Wales - We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation.

Environmental Health – No Objection. Have considered the further details and have no objections on EH grounds

SAB Approval Body – SuDS will be required. No objection.

MCC Ecology - No objection subject to conditions.

MCC Landscape and GI Officer - No objection subject to conditions.

The applicant has subsequently reduced the scheme from four dwellings to two. The scheme has addressed some of the previous concerns by retaining areas for amenity, GI and ecological enhancements previously earmarked for two dwellings and associated access. The layout is generally acceptable from a GI and Landscape perspective being set back from the Vinegar Hill corridor, retaining and enhancing vegetation and trees to reduce intervisibility. The proposal seeks to make use of backland space and the proposed architectural design of the dwellings broadly responds to the context and character of the wider area in terms of built form. A GI Bond is requested.

MCC Public Rights of Way – Objects.

The Active Travel Act (Wales) 2013 requires local authorities to continuously improve facilities and routes for pedestrians and cyclists and to consider their needs at design stage. Additionally, under its Transport Strategy, the Welsh Government supports interventions that support walking and cycling, public transport and ultra-low emissions vehicles over other private motor vehicles. Because of the way the site spans the area between the junction into Hunters Ridge and Vinegar Hill it offers excellent potential to increase Active Travel options thereby encouraging walking and cycling. I understand that there might be concerns about introducing walkers onto Vinegar Hill because of its narrow character, lack of walkways and lack of scope to upgrade it.

MCC Building Control

From the Site Plan the vehicle access for a pump appliance appears to be within 60m of all points within the dwellinghouse (assumed to be provided with an Automatic Fire Suppression System).

5.2 Neighbour Notification

Letters of objection received from 26 addresses; the objections have been summarised below but can be found in full on the Council's website.

Inaccurate Plans and missing information

The proposals constitute over development, the proposed gardens are too small. There will be overcrowding issues.

The proposed houses are too large/tall and out of character with the area, the proposal does not fit well with the street scene. No context of topography is provided to truly understand the effect of massing.

The proposed dwellings are overbearing, will cause overshadowing and overlooking and be out of keeping with the existing properties. They will result in a loss of privacy, with specific reference to Hunters Ridge. None of the plots provide detail of 45 degree or 25 degree rule for windows facing existing structures as SPG; the development does not comply with the privacy distances outlined in the SPG. Contrary to LDP Policy DES1.

Increase in traffic on Vinegar Hill will cause highway traffic congestion and safety issues for cars and pedestrians. Vinegar Hill is also too narrow for Construction Traffic. There are no designated passing places in Vinegar Hill. Emergency vehicles will not be able to access the site. The access and egress should be onto St Mellons Close to mitigate evident health and safety concerns on Vinegar Hill.

The application cannot refer to a Capita Symonds traffic survey in 2002 that is irrelevant as this was 20 years ago. Inadequate visibility at the access, this does not comply with WG guidance in TAN18. The proposals conflict with LDP Policy MV1.

Inadequate drainage, the sewers are at capacity.

Questions over the boundary fences and vegetation as to whether they are remaining.

Biodiversity issues have not been addressed; concerns over loss of wildlife habitat.

May lead to flooding.

The foundation works likely cause damage to neighbouring properties.

Consideration should also be made to the applicant's desire to convert a barn to residential thus increasing the traffic volume further.

Degradation to the environment and safety hazards resulting from continued infill developments.

There is a footpath between the site and Hunters Ridge, some vegetation has been removed. The PROW will be affected by the development

Increase in noise, pollution disruption. The properties have chimneys. Smoke from these properties would be blown directly into my property at ground level.

Given this and the likely high cost of these properties it cannot be the case that there is a legitimate 'need'. The houses should be affordable. According to Policy S3 Strategic Housing Sites the target set out in Policy S2, will be met by a single, strategic site in the County's larger settlements (i.e. Rockfield Farm Development), in accordance with the spatial strategy set out in Policy S1.

There is no need for back garden development.

Letter of support

Most people in this area need 4-bedroom houses. These houses would fit nicely into the area and provide homes without over developing. I think they'd make a nice addition and the applicant has planned how to use the land without disrupting Vinegar Hill.

5.3 Other Representations

None Received

5.4 Local Member Representations

Former local Member, Councillor Dymock:

Please can I request for this application to go to planning committee due to it being such a contentious application. I would also wish to attend and speak when this is discussed.

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 and Undy Development Boundary and forms part of the Severnside sub-region. Policies S1 and H1 of the Local Development Plan presume in favour of new residential development within development boundaries, subject to the relevant detailed planning considerations.

This application needs to be considered against the Infill Development Supplementary Planning Guidance which was adopted in November 2019.

6.2 Infill Development

Character

The Infill Development Supplementary Planning Guidance (SPG) states that the proposed dwelling must respect the scale, form and massing of existing development in the area. In this area of Undy there is a mix of housing types, but the majority are two storey detached dwellings, except for Delfryn, a bungalow that is adjacent to the two proposed dwellings. Holly Bush itself is a two-storey cottage. The properties fronting onto Vinegar Hill tend to be larger and located on more spacious plots than those properties further east of the site. The two proposed dwellings would have a similar footprint, if slightly smaller, to Delfryn with which they share the site and also to those properties immediately to the south of the site. The application site has no discernible road frontage as it is set away from the road, thus the proposed plots will not be visible within the street scene. The topography of the site slopes up steeply from south to north and so the ridge heights of existing dwellings vary considerably. The ridge height of proposed Plot 2 is 8.3 metres to the ridge, and because the dwelling will be constructed in the former quarry the ridge height of Plot 2 would be considerably lower than the ridge height of the properties on either side. Plot 1 will be seen in the context of the existing property Delfryn which is a single-storey property. Plot 1 would have an overall footprint of 13m by 10.7m, the hipped roof would have a maximum ridge height of 8.4m which is higher than the adjoining property Delfryn.

Distance between buildings

The SPG says that all proposals need to provide sufficient gaps between buildings to minimise any overbearing and overshadowing impact on the residential amenity of neighbouring properties. Part 7.1 looks at Privacy and Amenity. The key considerations relating to privacy and amenity for small scale infill residential development are:

- a. whether the plot would have adequate privacy to habitable rooms and private garden space
- b. whether a new house(s) on the plot would affect the privacy of neighbours
- c. whether a new house(s) on the plot would affect the host dwelling

In this case the plot is of sufficient size to accommodate two new dwellings with sufficient parking provision and private amenity space. Plot 1 has been designed to have its principal elevation facing south west, it will have a large glazing element at the front which faces the garden of Holly Bush and then the rear elevation of the Brambles, which is over 60 metres away. The north west elevation of Plot 1 faces towards the side elevation of Delfryn; this elevation contains two windows on the ground floor (one serving a WC) and a large landing window as well as well as one first floor window serving a WC. There is approximately 5 - 8.6 metres between the two dwellings. Delfryn contains two windows on the side elevation, one serving a sitting room. It is considered appropriate to condition that the windows on the side elevation of Plot 1 are obscure glazed to protect the privacy of existing and future occupants.

The rear elevation of Plot 1 faces towards the rock face of the quarry beyond then is the corner of no 1 Hunters Ridge which is set at a higher level and approximately 16 metres to the north east. The rear elevation of Plot 1 will contain habitable room windows at both ground and first floor level and would face the side elevation of no 1 Hunters Ridge. There would be no unacceptable levels of overlooking due to the difference in levels, distance, orientation and intervening vegetation. The south east elevation of Plot 1 faces towards the rear gardens of Green Acres and Magnolia House, there is one first floor bedroom window on this elevation as well as a small en-suite window and three ground floor windows. In addition, the intervening distances are over 20m at the minimum which is ample to safeguard privacy.

Plot no 2 will be set further back in the plot, with its principal elevation facing south west towards the rear of Plot 1 and its rear elevation facing into the public open space of St Mellons Close. Plot 2 would have an attached garage to the side with dressing room and ensuite above; it would be approximately 8.4m to the ridge and contain no windows on the side elevations. The side elevation of the garage would be approximately 16 metres from the rear elevation of no 25 Celtic Close and there is a mature hedge along the common boundary. To the north of Plot 2 is the front garden of 1 Hunters Ridge, which is set at a higher level. There will be no window or door openings on the north west elevation of the proposed dwelling. The proposed new dwellings will not adversely impact on the host dwelling as they are a considerable distance away. The SPG outlines specific privacy distances that would normally be expected.

A. Back to back distances

There should be a minimum of 21m between directly facing elevations containing main habitable windows. In this case there are no directly facing elevations because of the orientation of the new dwellings and their relationship with existing dwellings.

B. Distance to side elevations

The adopted SPG on Infill development makes reference to distances between the rear elevation of one property and the side elevation of another. It states that, "To avoid over-dominant development and overshadowing of neighbouring properties, there should be at least 15m between principal elevations with main habitable windows and side gable walls without windows (unless these are minor windows such as the landing, WC or utility room windows). This is applicable to the new dwelling as well as the host dwelling. This will ensure adequate amenity is provided for future occupiers as well as the existing residents. In this current application it is the south (side) elevation of Plot 2 which faces the rear elevation, of no 25 Celtic Close. No 25 Celtic Close has a rear garden of approximately 13 metres long, in between the two properties there is a raised bank and a dense hedge. The side elevation of the proposed dwelling will be over 15 metres from the rear elevation of no 25 Celtic Close. The situation is further mitigated by the mature hedge between the two properties and the fact that the one and half storey side elevation of Plot 2 will not contain any windows. The rear elevation of Plot 1 looks at an oblique angle towards the side elevation of no 1 Hunters Ridge, there is 16m between the two properties as well as a significant difference in ground levels. Given the orientation of the new and existing properties as well as the existing vegetation and difference in ground levels there will be no significant loss of privacy or overbearing impact as a result of this proposal to warrant refusal.

C. Distance from the rear and side boundary of the neighbours

The SPG states "Where the proposed rear principal elevation (with habitable windows) is not aligned with the side elevations of the neighbouring property, it is normally required that there should be at least 10m from the rear principal elevation of the infill development to the side boundary of the neighbouring property." In this case the principal elevations for Plot 2, the elevations that contain the main windows, face forward into the site (10m from the front of Plot 2 to the rear of the garage of Plot 1) and backwards toward the recreational area (17m to the rear of Plot 2 to the boundary). The principal elevations for Plot 1, face forward to the rear garden of Holly Bush (10m front garden) and backwards towards the rock face and no 1 Hunters Ridge (16m) so that there is sufficient distance between the respective dwellings.

D. The '25° rule' for windows facing other structures

A reference line is taken at 2m above ground level on the existing building. This is the assumed position of the top of ground floor windows in the existing building. A 25° line is then drawn towards the proposed building. If the proposed development falls beneath the line drawn at 25°, there is unlikely to be a detrimental effect to daylight on the existing property. In this case there are no properties that could be affected by the 25 degree rule.

As described the proposed dwellings do comply with the guidance set out in the adopted SPG on Infill Development and will not result in a significant loss of outlook or privacy to the occupiers of the existing neighbouring properties. The new dwellings will not have an overbearing impact on the existing neighbours. The proposal accords with the advice given in the SPG on infill development and also with the objectives of policies DES1 and EP1 of the LDP which requires that new development should have regard to the privacy, amenity and health of the occupiers of neighbouring properties.

6.3 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 PPW11 providing residential accommodation in a sustainable location.

6.4 Good Design

The application seeks the erection of 2 no. two-storey detached dwellings, one with accommodation in the roof space. The new dwellings will not be visually prominent as they are set well back in the plot and will have no presence in the street scene. The design and finishing materials of the proposal are acceptable and respect the character of the area. Policy DES1 of the LDP requires that new dwellings contribute to a sense of place while their 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, this means that there is no uniform ridge height. The development site is not visually prominent from any public vantage point. The form, scale and massing of the new dwellings would be acceptable and the proposal would respect the character of the area and the surrounding properties. It therefore accords with the objectives of Policy DES1 of the LDP.

6.5 Place Making

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. In this case the proposed new dwellings will not be visually prominent within the street scene of Vinegar Hill or the surrounding roads but would be seen from neighbouring properties to some degree. The proposal will contribute in a limited sense to creating a sense of place and its scale and appearance are compatible with development in the adjacent area.

6.6 Landscape

The existing vegetation around the periphery of the site will be retained. There will be new hedge and wildflower planting within the site. The application has been amended reducing the number of dwellings from four to two and this has addressed some of the previous concerns from the Council's Landscape Officer by retaining areas for amenity, green infrastructure (GI) and ecological enhancements. The layout is generally acceptable from a GI and Landscape perspective being set back from the Vinegar Hill corridor, retaining and enhancing vegetation and trees to reduce intervisibility. The proposal seeks to make use of backland space and the proposed architectural design of the dwellings broadly responds to the context and character of the wider area in terms of built form. There are appropriate vegetation buffers between the existing and proposed residential properties. A landscape plan informed by GI, ecological and SuDS assessments will be required by condition. The Landscape Officer offers no objection and concludes that, "Overall from a landscape and GI perspective the proposed development will not have a significant detrimental impact on the character and appearance of the urban setting, localised streetscape and amenity and provisions of PPW (Edition 11) and policies S1, DES1 and NE1 of the LDP."

The Landscape Officer has suggested that the applicant pay a GI Bond through a 106 agreement for offsite recreation per dwelling to contribute to improvements to recreation and associated green infrastructure provision within Magor and Undy. Given the very small scale of the development and that this policy approach is yet to be adopted, planning officers consider that there is no justification for requesting it at this stage.

6.7 Impact on Amenity

The impact on residential amenity has been considered in detail at the start of this report, in connection with compliance with the adopted Infill Development SPG.

6.8 Highways

6.8.1 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 an existing village within walking distance to facilities such as schools and smaller convenience stores. There is also a public bus service that runs through the village providing access to larger settlements such as Caldicot, Chepstow and Newport.

6.8.2 Access / Highway Safety

It is proposed that the new dwellings will be served off the existing access that serves Delfryn. There are no proposals to alter this access although the private drive within the site will be reconfigured. The Highway Authority considers they would be unable to sustain an objection on highway safety and capacity grounds as the impact of the amended development, two additional dwellings, is limited and is not considered detrimental to the safety and capacity of Vinegar Hill. It is considered that the existing access has operated for a considerable number of years without concern and is not dissimilar to several other existing accesses along Vinegar Hill that accommodate more than 3 dwellings. They note that traffic speeds on Vinegar Hill are naturally suppressed due to alignment, width and topography. Therefore a relaxation in current visibility standards now and in the past has been considered appropriate and not detrimental to the safety and capacity of Vinegar Hill. The inability of the existing access to accord with current visibility standards is therefore not considered substantial enough to support refusal of the application.

The access arrangements are therefore considered to be compliant with LDP Policy MV1.

6.8.3 Parking

The adopted Monmouthshire Parking Standards require one off street parking space per bedroom up to a maximum of three for each dwelling. Integral garages are not considered to be adequate parking spaces as they are often converted into habitable rooms. In this case two car parking spaces and a *detached* double garage (which can be considered as a parking space) are being provided for plot 1 and three parking spaces for plot 2. Therefore, the parking provision within the site complies with the adopted Monmouthshire Parking Standards 2013.

6.9 Affordable Housing

LDP Policy S4 requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is 5 or more units in Severnside, then a financial contribution is appropriate. The financial contribution is based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019). The amount of affordable housing proposed may be based on a viability assessment.

Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%.

In Severnside the CS rate is 80

Plot 1 Floor area 210m² x 80 x.58 = £9,744.00

Plot 2 Floor area 204m² x 80 x.58 = £ 9,465.00

The applicant has confirmed they accept the payment and are willing to enter into a Section 106 agreement. Therefore, the proposal accords with Policy S4.

6.10 Flooding

The site is not in a designated flood zone identified in the DAM maps of TAN 15 or the Flood Maps for Planning in the emerging TAN 15 and therefore the site is at no risk of flooding from surface water or main rivers.

6.11 Drainage

6.11.1 Foul Drainage

The foul water will connect to the mains sewer. This complies with the advice from NRW that in a sewered area the preference is to connect into a mains sewer. Welsh Water have offered no objection to the proposal but request a condition requiring that a drainage scheme for the site be submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water and shall indicate that no surface water enters the public sewer i) to prevent hydraulic overloading of the public sewerage system, ii) to protect the health and safety of existing residents and iii) ensure no pollution of or detriment to the environment.

6.11.2 Surface Water Drainage

The applicant has indicated that surface water discharge will be by way of a soakaway, and the site appears of sufficient size to accommodate this. The application has now demonstrated a means of surface water discharge. The SAB approving body has no objection to the proposal. The scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage and approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

6.12 Biodiversity

A Preliminary Ecological Appraisal report (Just Mammals Consultancy, March 2020) and an Ecological Survey Report relating to reptiles (Just Mammals Consultancy, June 2020) have been submitted. The reports are welcomed and detail the findings of a Preliminary Ecological Appraisal and reptile presence/absence survey in 2020. A low population of slow worm was found in the garden, mostly close to the barn, and detailed mitigation proposals including the location of an on-site receptor area have been provided. There is also potential for nesting birds and hedgehog to be present. Boundary habitats including trees and hedgerows will mostly be retained. Protection measures can be secured by a condition for a Construction Environmental Management Plan as well as a condition to secure the recommendations in the ecological reports.

Although it is standard practice for ecological survey reports to remain valid to within 18 months to 2 years of submission, the mitigation proposals should still take account of species likely to be present. The reptile mitigation measures would be unlikely to change based on any update survey even if habitat has become more suitable; the measures proposed are sufficient robust. Therefore, update surveys are not required in this instance.

The barn on the wider site is no longer included in the application. Use by lesser horseshoe and at least one other bat species were recorded. If works to the barn are proposed as part of any other application, an update survey will need to be provided. Vegetation along the boundaries will be retained, which should maintain potential flightlines. Lighting will need to be very carefully designed in the vicinity of the barn and retained vegetation as lesser horseshoe bats have been found to avoid light spill above 0.5 lux. A detailed sensitive lighting specification will need to be secured by condition if consent is granted. Lighting will need to be designed in accordance with ILP 2018 Guidance. Lighting must only be used where absolutely necessary. Floodlighting or indiscriminate security lighting would not be appropriate in this location. Lighting should be low-level, downward-facing and away from vegetated boundaries. PIR sensors and short-duration timers should be used.

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). As recommended in the Landscape and Green Infrastructure comments, a Green Infrastructure Management Plan should be provided before determination and secured by condition. Areas of wildflower grassland, new native tree and hedgerow planting and installation of bat and bird boxes is welcomed as shown on the site plan Drawing 1493[PL] 01L. Hedgehog connectivity measures and integrated bat and bird boxes e.g. bat/bird bricks on the

dwellings should also be considered. Full details of management will be required to demonstrate that habitats will be maintained in favourable ecological condition. The Biodiversity Enhancements have been included on the site plan and these are commensurate with the scale of the proposal. This will ensure that the provisions of Policy NE1 of the LDP are met with regards to providing biodiversity enhancements.

6.13 Active Travel

The Active Travel Act (Wales) 2013 requires local authorities to continuously improve facilities and routes for pedestrians and cyclists and to consider their needs at design stage. Additionally, under its Transport Strategy, the Welsh Government supports interventions that support walking and cycling, public transport and ultra-low emissions vehicles over other private motor vehicles.

MCC Active Travel Officers have suggested that a footpath link be incorporated into the layout of the site to run between Hunters Ridge, St Melons Close and Vinegar Hill, in fact the applicants did submit a layout plan showing such a footpath line. However, the Highway Authority and planning officers consider that a footpath link through this site linking it to Hunters Ridge would pose an unsatisfactory safety risk to pedestrians. MCC Public Rights of Way, do not believe that this is a valid reason to oppose the addition of a public access link through the proposed site and maintains its objection to the proposed development until it contains a route linking the play area off St Melons Close to Vinegar Hill. MCC Public Rights of Way Officers believe that Vinegar Hill is already well used by pedestrians and this use is only likely to increase with frequent approvals for more housing at the northern end of the lane and that Crashmap, an online resource detailing road traffic incidents is not indicating any incidents on Vinegar Hill as far back as its records go, 23 years.

Planning officers do not consider that this footpath link is justified or safe for pedestrians.

6.14 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 SACs. 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.

6.15 Planning Obligations

If the application is to be approved then a financial contribution for affordable housing in the local area will be required

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

Several local residents have written in to say that they object to the proposed scheme.

The main concern over residential amenity has been discussed in the main body of the report. The position of the two new dwellings complies with the advice given in the SPG on Infill Development. There is also concern that the dwellings are too big for the plot and that they are out of character with the area. The two new plots are of a commensurate size to surrounding properties. The proposed new dwellings are of a similar footprint to other dwellings to the south of the plot and their form and massing are comparable with other dwellings in this area. The proposal will not have an adverse impact on the street scene as they are set back in the plot and will not be visually prominent from public vantage points. Planning officers consider that the design of the two new dwellings does accord with Policy DES1 of the LDP as the proposal does respect the character of the area.

In relation to water. Provided that only foul water enters the public sewerage system Dwr Cymru Welsh Water has offered no objection. The surface water will not enter the public sewer as it will be the subject of a separate SAB application. There is no indication that the development of this site would lead to an increase in flooding elsewhere.

In relation to highways, the impact of the increase in traffic generated by two additional dwellings, on the surrounding road network has been addressed and the Highway Authority offer no objection. The proposal is for vehicular access via an existing access off Vinegar Hill and we must consider the proposal before us; it would not be practical to bring the access in from St Mellons Close as then the access would have to cross the amenity space. The proposed access is considered acceptable by Highways Officers.

In relation to noise, there would inevitably be some noise and disturbance during the construction phase but this is only temporary; there is no reason why this development would result in damage to other properties.

In relation to other buildings, there is an old stone barn close to the rear of Holly Bush Cottage, but there is no proposal to convert that outbuilding to residential use; it does not form part of the application and is outside of the application site.

In respect of public right of ways, there is no designated footpath between Hollybush and Hunters Ridge.

In relation to affordable housing, the two houses proposed are not affordable units but they will be required to make a financial contribution to affordable housing through the usual S106 process.

As regards ecology, MCC Ecologists and NRW have no objection to the proposal on grounds of loss of habitat provided that the proposed mitigation is implemented.

The objectors raise concerns that the slab levels are not clear from the submission; the submitted drawing 1493 (PL) 01L shows that the finished floor level for Plot 1 will be at 54.5m AOD and the finished floor level for Plot 2 will be 55.5m AOD.

In relation to the proposal placing a strain on community facilities, planning officers do not consider that the proposal for two new dwellings will have any significant effect on existing facilities.

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

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

6.18 Conclusion

The site is located within the Magor and Undy Development Boundary and forms part of the Severnside sub-region. Policies S1 and H1 of the Local Development Plan presume in favour of new residential development within development boundaries. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location. The proposed dwellings will respect the scale, form and massing of existing development in the area. The proposed dwellings do comply with the guidance set out in the adopted SPG on Infill Development and will not result in a significant loss of outlook or privacy to the occupiers of the existing neighbouring properties in accordance with the objectives of policy DES1 and EP1 of the LDP.

The layout is considered acceptable from a GI and Landscape perspective, the proposed development will not have a significant detrimental impact on the character and appearance of the

urban setting, localised streetscape and amenity and provisions of PPW and policies S1, DES1 and NE1 of the LDP.

The Highway Authority consider that they would be unable to sustain an objection on highway safety and capacity grounds as the impact of the amended development for two additional dwellings is very limited and is not considered detrimental to the safety and capacity of Vinegar Hill in accordance with Policy MV1 of the LDP.

The proposal accords with Policy S4 of the LDP by providing a financial contribution for affordable housing in the area.

The scheme will provide adequate biodiversity enhancements in accordance with Policy NE1 of the LDP.

In conclusion, the application is considered to be policy compliant in all respects and is presented to Committee Members with a recommendation for approval

7.0 RECOMMENDATION: Approve

Subject to a 106 Legal Agreement requiring the following:

Formula: Financial Contribution to provide affordable housing in the locality = Internal Floor Area (m²) x CS Rate x 58%.

In Severnside the CS rate is 80

Plot 1 Floor area 210m² x 80 x.58 = £9,744.00

Plot 2 Floor area 204m² x 80 x.58 = £ 9,465.00

S106 Heads of Terms

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

Conditions:

5 YEARS

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.

COMPLIANCE WITH PLANS

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.

DRAINAGE SCHEME

3 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, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage 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.

ECOLOGICAL ENHANCEMENT

4 Ecological Mitigation and Enhancement

The development shall be carried out in strict accordance with the approach detailed in Section 10 of the Preliminary Ecological Appraisal report (Just Mammals Consultancy, March 2020) and Section 9 of An Ecological Survey Report relating to reptiles (Just Mammals Consultancy, June 2020) Should the development not be carried out in strict accordance with the approved mitigation and enhancement strategy all works shall cease immediately until alternative means of mitigation have been submitted to and approved in writing by the Local Planning Authority. The agreed alternative scheme shall be carried out in accordance with the timescale approved within that alternative mitigation scheme.

Reason: To comply with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 regarding the requirement to protect bats and their roosts, and to ensure compliance with LDP Policy NE1.

5. CEMP

Construction Environmental Management Plan

No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority.

The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes.
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan.
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended)

LIGHTING

6 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 scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:

- a) lighting type, positioning and specification
- b) measures to minimise light spill from glazed areas

The strategy must demonstrate that bat mitigation entrances are not illuminated and allows dark corridors for bats. The scheme shall be agreed in writing with the LPA and implemented in full.

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

7 LANDSCAPE CONDITION

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:

- Detailed scaled plans, showing existing and proposed levels.
- Proposed and existing utilities/services above and below ground.
- Soft landscape details shall include: means of protection, planting plan, specifications including species, size, density and number, cultivation and other operations associated with planting and seeding establishment.
- Hard surfacing materials.
- Minor artefacts and structures (e.g. Refuse or other storage units, fencing , signs and lighting).

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

LANDSCAPING COMPLIANCE

8 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.

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.

LANDSCAPE MAINTENANCE

9 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing 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.

10 GI MANAGEMENT CONDITION

A 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.
 - a. Boundary buffers
 - b. Green corridors
 - c. Strategic landscaping and SUDs features that include soft landscaping
 - d. Ecological enhancements

- b) Opportunities for enhancement to be incorporated
 - a).Management of treed and planted boundaries for amenity benefits, GI and biodiversity
 - b).Maintain habitat connectivity through 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)

11. OBSCURE GLAZING

The windows to Plot 1 NW elevation at first floor shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.