

DC/2014/01468

**RESIDENTIAL DEVELOPMENT TO PROVIDE 209 DWELLINGS,
RECONFIGURED ACCESS, PUBLIC OPEN SPACE AND OTHER ANCILLARY
WORKS**

SUDBROOK PAPERMILL SUDBROOK

RECOMMENDATION: REFUSE

Case Officer: Kate Young

Date Registered: 28/04/15

1.0 APPLICATION DETAILS

- 1.1 This full application, seeks the erection of 209 market houses (10, 2 bed houses, 110, 3 bed houses and 89, 4 bed houses). The houses would be a mix of detached, semi-detached and terraced properties. The site area extends to 10.7 hectares but only 7.1 hectares would be developed. The land to be developed roughly equates to the land previously developed as the former St Regis Papermill and is allocated in the adopted Local Development Plan (LDP) as a strategic housing site. The levels of the site would be re-profiled to protect the developed part of the site from flooding. The development would utilise the existing access from Sudbrook Road with altered priority. The layout would follow a looped roadway within the site with several cul-de sacs leading off this. A Local Area of Play (LAP) would be provided within the housing development with potentially a Local Equipped Area of Play (LEAP) on the public open space to the south. In addition there would be substantial public amenity space and planting at the entrance of the site and along the boundaries. There would be an area of public open space in the north east corner of the site from which there would be a pedestrian link into the existing settlement. The existing ephemeral pond would be retained near to the estuary in the south-east corner.
- 1.2 To the north of the site is the existing settlement of Sudbrook containing approximately 150 dwellings and to the south, beyond the Wales Coastal Footpath, is the Bristol Channel and the Second Severn Crossing. Immediately to the east of the site, is an Iron Age fort which has been designated as a Scheduled Ancient Monument (SAM). To the west of the site is a coniferous plantation within the applicant's ownership. The Severn Estuary has been designated as a Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR site and Site of Special Scientific Interest (SSSI).
- 1.3 An Environmental Statement was submitted with the application due to the site's proximity to the Severn Estuary. The Statement covers landscape and visual impact, biodiversity, transport and access. The other reports which accompanied the application are:
 - Flood Consequences Assessment
 - Transport Assessment
 - A Report on Ground Conditions
 - Archaeological Assessment
 - Noise Impact Assessment

- Design and Access Statement
- Information relating to the Viability of the site.

1.4 The applicants have lodged an appeal against non-determination of this application and the matter is now being considered by the Planning Inspectorate. Therefore this application is being presented to Members of Planning Committee for their formal resolution of the Council's position for the appeal, rather than to determine the application. It is expected that this proposal will be considered by a Planning Inspector at a Public Inquiry in spring 2016 and then referred to the Minister of Planning and Regeneration for the final decision.

2.0 RELEVANT PLANNING HISTORY

A534	Outline application for 30 dwellings	Refused 14/04/76
M/5964	Chemical storage facility for paper making	Approved 18/07/01
M/6782	Electrical switch room	Approved 15/07/02
M/9721	Training building	Approved 31/03/04
DC/2006/01587	Provision of hard standing	Approved 05/09/06
DC/2012/00307	Outline application for residential development for 340 dwellings	Refused, Dismissed on appeal 08/05/14
DC/2013/00487	Erection of Bat Building	Approved 18/12/14

Relevant History on Adjoining Sites

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

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

S14 - Waste
S16 - Transport
S17 - Place Making and Design

Development Management Policies

H1- Residential Development in Main towns, Severnside Settlements and Rural-Secondary Settlements

CRF2 – Outdoor Recreation/Public Open Space and Allotment standards and provision

SD2 – Sustainable Construction and Energy Efficiency

LC5- Protection and Enhancement of Landscape Character

G11 – Green Infrastructure

NE1 – Nature Conservation and Development

EP1 – Amenity and Environmental Protection

MV1 Proposed development and Highway Considerations

MV2 – Sustainable Transport Access

MV3- Public Rights of Way

MV4- Cycleways

DES1 – General Design Considerations

Site Allocations

SAH7 – Sudbrook Papermill

4.0 REPRESENTATIONS

4.1 Portskewett Community Council – Refuse

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

4.2 Caldicot Town Council – Refuse

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

4.3 Planning Policy Team

- 4.3.1 The site is allocated in the adopted LDP under Policies S3 and SAH7 as a strategic housing site for 190 dwellings on 6.6 hectares. There are, therefore, no objections in principle to the proposal. It is noted that in the application the area to be developed for housing has been increased to 7.1 hectares and the number of houses has been increased to 209 dwellings. Policy SAH7 refers to the site allocation as being for ‘around’ 190 dwellings. It is also noted that the Minister’s appeal decision discussed the interpretation of ‘around’ and considered that this could be taken as plus or minus 10%, in keeping with the flexibility allowance utilised in the LDP housing target. This view is agreed with and I can confirm that there are no policy objections to the increase in numbers from the allocated 190 dwellings to 209 dwellings. There are also no objections in principle to the slightly enlarged site area. It is noted that this helps to rationalise the site boundary to enable a more satisfactory layout to be provided and the extended area falls within the Development Boundary for Sudbrook, which the LDP Inspector agreed should be retained rather than drawn tightly to the boundary of

- the site allocation. This extended site area lies within C1 flood plain and it would be necessary to demonstrate satisfactorily compliance with TAN15 and LDP Policy SD3.
- 4.3.2 The applicant's Planning Statement generally covers the LDP policies relevant to this development. Some additional points are:
Policy S3 requires that any detailed application shall include a feasibility assessment for suitable renewable energy and low or zero carbon technologies that could be incorporated into the development proposals. This does not appear to have been carried out.
Policy CRF2 includes a requirement for provision for allotments at the standard of 0.25 hectares of allotment space per 1,000 population. It would seem, therefore, that around 0.14 hectares of allotment area would be required to comply with this requirement.
- 4.3.3 Of more significance, Policy S4 of the LDP states that "In the Severnside settlements identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 25% of the total number of dwellings on the site to be affordable." The application currently makes no provision for affordable housing. This is considered to be a sufficient reason for refusal unless compelling evidence can be provided to demonstrate that provision of affordable housing will make the site unviable and prevent it coming forward for development. In this respect, Policy S4 does allow for negotiation on the percentage affordable housing requirement to take account of viability issues, although it is understood that the Council's viability consultant considers that the development can meet the percentage requirement while also achieving the Council's S106 requirements.
- 4.3.4 On this latter point, LDP Policy S7 states that affordable housing provision should be given priority in S106 negotiation except for those infrastructure requirements necessary to bring the site forward. This should be borne in mind in any negotiations on S106/Affordable Housing. The application site contains a substantial amount of open space. If it is considered reasonable for the Council to adopt this amount of open space then there should be scope for trade-offs between finance for on-site provision and the normal requirement for contributions per dwelling for off-site adult recreation provision and maybe opportunities for the joint use of open space to meet any GI requirements in addition to the £34,200 already provided for the bat mitigation (e.g. links to the coastal walk, utilising the SAM and other large areas of open space for recreation, allotments, biodiversity etc.).
- 4.3.5 With regard to proposed Travel contributions, this would be a matter for Highways to consider how justified they are. It is an unsustainable location, likely to encourage car use, and this was a major objection to the scheme for 340 dwellings. The travel package put forward at the public inquiry into the refusal of the previous planning application was an attempt to overcome this objection. It is now a smaller scale of development, although there are still sustainability issues that need to be addressed within the context of a wider need to prioritise affordable housing provision.

4.4 MCC Housing & Communities

- 4.4.1 Support the above planning application provided it delivers the policy compliant requirement for affordable housing. There is a high need for affordable housing in all

areas of the county and the Chepstow/Caldicot Housing Market Area (HMA), of which Portskewett Community Council area is a part, is no exception. There are currently 492 households on the Council's Housing Register wishing to live in the Portskewett Community Council area. 433 are under 60 years of age and 59 are 60+. Many households register for more than one area and there are a further 252 households wishing to live in Caldicot, which is in the HMA. The table below demonstrates that the majority of those households have very low earnings and therefore cannot hope to satisfy their housing need on the open market.

Earnings	Number of Households
Under £10,000	67
£10,000 - £15,000	66
£15,500 - £10,000	26
£20,500 - £24,000	25
£25,000 - £30,000	6
£30,000+	2
Retired	34
Not employed (medical reasons)	13
Unemployed	33

4.4.2 The remainder of the 492 households left the earnings section blank on their application forms.

4.4.3 Should the site go ahead the mix of affordable units we would require would be:

No. of Units	Unit Type	Size (m2)
12	2p1b flats (Walk up)	49 - 51
24	4p2b houses	79 - 83
10	5p3b houses	90 - 94
2	6p4b houses	106 - 110
4	3p2b bungalows	55 - 58

4.5 Cadw – The proposed development is located in the vicinity of three SAM's

- Harold's House (MM029)
- Sudbrook Camp and Chapel (MM048)
- St Mary's Churchyard Cross (MM315)
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4.5.1 Development on the site would have no impact on the setting of the Cross or Harold's House. With regards to Sudbrook Camp and Chapel the developers have proposed that a buffer zone should be provided to the North West of the Monument to protect its setting so that the development will not have a significant on the setting of Scheduled Monument (MM048). The applicants own the designated monument and there is a need to secure the long term future of this site in regards to its maintenance,

interpretation and public access. This can be secured by means of a planning obligation.

- 4.6 MCC Education - The catchment school for this development would be Archbishop Rowan Williams they currently only have 22 spare places within the school, therefore there would not be the capacity to take the anticipated number of pupils that could be generated from the development, the next nearest schools are also full within the area. There is also another development proposed in Portskewett which is within the same catchment area and will put additional pressure on the school.
- 4.7 Glamorgan Gwent Archaeological Trust (GGAT) – A revised desk based assessment was submitted with this application which concluded that there is potential to encounter archaeological remains of prehistoric to modern date within the application area and that archaeological features could be revealed during the construction work. Recommend a condition requiring the applicant to submit a detailed programme of investigation for the archaeological resource should be attached to any consent.
- 4.8 Natural Resources Wales (NRW) - No objection to the application as submitted providing
- i) Appropriately worded conditions in respect of flood risk and land potentially affected by contamination are included in any planning permission granted; and
 - ii) A section 106 agreement is obtained to secure the long-term management and maintenance of the bat house.
- N.B. NRW's detailed observations in relation to bats and EPS licencing, groundwater and potential land contamination, flood risk and pollution prevention advice are available in full to read on the Council's web site for this planning application.
- 4.9 MCC Highways
- 4.9.1 The site was subject to an earlier application DC/2012/00307 for the development of 340 residential properties, following a detailed review we offered no objections to the proposed development on traffic capacity / impact grounds and subject to specific and significant mitigation measures in respect of the means of access, improvements to sustainable transport by way of providing pedestrian and cycling improvements/ linkages and improvement / enhancement of public transport provision. The aforementioned was subject to detailed scrutiny and agreement by way of a statement of common ground and draft unilateral undertakings prepared and agreed during the subsequent planning appeal and Inspector's decision. Therefore Highways offer the following comments with particular reference to that previously agreed and the following documents and drawings;
- DC/2013/00307 – Draft Unilateral Undertakings.
 - DC/2013/00307 - Statement of Common Ground
 - Transport Assessment December 2014
 - Drawing No.1492-02 Planning Layout
 - Drawing No. PL-03 Engineering Layout Adoptable Roads
 - Surface Materials Plan
 - Drawing No. SP01 – Swept Path Analysis for Refuse vehicle

Existing Highway Network – Impact

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

Means of Access

- 4.9.3 The proposed means of access is agreed and the re-engineering of Sudbrook Road is welcomed. The proposal reflects the increased vehicle demand and movements to and from the proposed development over and above the movements to the village of Sudbrook, therefore giving priority to the greater traffic movements. The re-engineered junction creates an environment that reduces entry speeds into Sudbrook village whilst improving traffic flow and reducing vehicle conflicts. These works will be required to be carried out pursuant to a Section 278 Agreement Highways Act 1980 and the junction re-engineering will be required to be constructed and operational prior to the occupation of the 1st Dwelling. The Developer will be required to enter into the S278 Agreement Highways Act 1980 prior to the commencement of the development.

Link Footpaths

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

Sustainable Transport

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

Travel Plan

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

Estate Road layout

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

Car Parking

- 4.9.8 The applicant in there Transport Assessment, December 2014, Section 4.30 has indicated that the car parking is in accordance with the CSS Wales Parking Standards (2008). It should be noted that in 2012 Monmouthshire County Council adopted their own Parking Standards as Supplementary Planning Guidance and no longer rely upon the CSS parking Standards (2008). The applicant in Section 4.31 of the Transport Assessment dated December 2014 indicates 2 on plot parking spaces for 188 dwellings and 2 off plot parking spaces for the remaining 21 dwellings, Total 418 parking spaces as referenced in the Planning Application, Section 11 Vehicle Parking. However in accordance with the Council adopted SPG the development requires the following:

10 no. 2 bed dwellings @ 1 space per / bedroom	= 20 parking spaces
110 no. 3 bed dwellings @ 1 space per / bedroom	= 330 parking spaces
89 no. 4+ bed dwellings @ 1 space per / bedroom (max. 3)	= 267 parking spaces
Total	= 617 parking spaces

- 4.9.9 It would appear however that the applicant has not fully appreciated that garages (detached) are a parking space and should be included in the overall parking spaces per dwelling. It is recommended that the applicant provides a detailed schedule and layout indicating the number of eligible parking provision per dwelling taking into account the Council's adopted Supplementary Planning Guidance for Parking Standards 2012 & Domestic Garages 2012 for consideration and approval prior to any planning permission being granted.

Emergency Access

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

Surface Water

- 4.9.11 With reference to the Flood Consequence Assessment Rev: F dated 2/2/14 and in particular section 4.0 Outline Drainage Assessment, Outline Surface Water Assessment, the proposed means of managing the impact of the development is deemed acceptable in principle by way of;
- Discharging to the 5 mile 4 chain outfall

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

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

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

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

- 4.10 Welsh Water - Outlines conditions relating to surface water. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharge from the site.
- 4.11 MCC Biodiversity – Objects to the application based on the level of information that has been made available in relation to protected species considerations, SINC and overall post development site management.

4.11.1 **Protected Species**

Initial objection made by MCC Biodiversity is withdrawn on the basis of information submitted in July 2015, detailing the reptile mitigation strategy which addresses concerns.

4.11.2 **Bats**

According to the information provided, no updated bat survey has been undertaken at the site (with the exception of the paper mill building) since 2010. It is considered that this should have been updated to inform the scheme and to ensure that we have sufficient ecological information. This concern relates to both the buildings with bat roost potential (which will be demolished) and trees (the fate of which are unknown). Again, with reference to TAN 5; The presence of a protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

- 4.11.3 It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the ‘Three Tests’ for EPS.

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

4.11.5 LDP policy NE1 - SINC

Part of the application site was identified as being of County Importance during the LDP process and it has been recognised as a Key Ecological Receptor in the EIA. An area will be lost at the south east of the site due to housing however, it is not considered to be the most valuable part of the site and the ecological connection will be maintained. There is concern over the avoidance, mitigation and compensation proposals for the SINC. The ES states (Vol. II – Main Text, Table 6-6 Sudbrook Paper Mill SINC) that 3.6ha of green space will be created to compensate for the scrub habitat loss. It only indicates what habitat types this ‘may’ include. It has not been identified on plan (the whole ‘ecology area’ measures approx. 1.9ha). This mitigation also refers to creation of habitat between the development and the wales coast path but this already exists (i.e. the SINC which includes this land). We have very little information about retained habitats at the site and no information relating to the long term management aims of the SINC or indeed any of the other non-housing land within the application site. It is therefore difficult to assess whether the application has taken full account of the requirements of policy NE1. I would expect to see more information in this regard before a positive decision could be made on the application.

4.11.6 Invasive non-native species

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

4.11.7 Protected Sites

A Habitats Regulations Assessment is currently being prepared for this scheme. Conclusions are anticipated to relate to the previous scheme when no adverse effects on the SPA, SAC or Ramsar site were expected.

MCC Environmental Health

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

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

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

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

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

Working Group “The Development of Potentially Contaminated Land” which is available from Monmouthshire County Council’s Website.

I also attach the guidance document ‘Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems’ which should be followed when importing material.

Should the Planning Authority considered it appropriate to grant planning approval prior to a contaminated land site investigation I would recommend that the following conditions (EH01 and EH03) be attached to ensure that the site is fully investigated and remediated to ensure the protection of public health.

MCC Public Rights of Way – Without prejudice to unrecorded rights of which the council is unaware and maybe proven to exist under the Wildlife and Countryside Act, Section 53

The applicant’s attention should be drawn to Footpath No. 13 in the community of Portskewett which runs along the southern edge of the proposed development site and carries the nationally important Wales Coast Path.

There is no recorded public path running along the eastern site of the development area between the proposed new houses and the scheduled ancient monument as shown on the site layout plan. The Wales Coast Path follows instead Footpath No. 13 along the coast before looping to the end of Camp Road. The informal links detailed in the Design and Access Statement 5.6 providing east-west pedestrian/cycle permeability to the site although welcome do not therefore connect to a path with any recorded public rights. The only three remaining links out of the site are the main vehicular access, the emergency access onto Camp Road and the link at the southern end of the site onto Footpath No 13, the Wales Coast Path. Countryside Access would like this shortfall addressed and to see these informal links and path made up to at least restrictive standards, secured for the public and maintained.

Because of the proximity of Caldicot, consistent with the Wales Active Travel Bill, Countryside Access would like more be done to encourage pedestrian and cycle access to the town which is within walking distance and very comfortably within cycling distance for most people. Cycling along Footpath 13, is currently permitted adjacent to the site by agreement but Public Rights of Way would like to see this formalised with a Cycle Track Order as it is already well used as such.

Additionally because of the coast’s attraction and peoples’ preference for circular walking routes Countryside Access would also like to see at least one other access point formed onto the Wales Coast Path at the western end of the development south of the proposed LEAP. Not only would this be consistent with National and Monmouthshire County Council policy on improving access to the coast but it would also serve to provide better links to Caldicot also compliant with the requirements of the Wales Active Travel Bill.

Countryside Access are also concerned about the lack of community feel and incentive to walk/cycle generated by the lack of permeability through the site. Countryside Access see scope for this to be significantly improved. The current site layout requires some residents sharing a common boundary to travel a distance of nearly 400m to their neighbours’ front doors.

Countryside Access also see scope to maximise the site's connectivity potential by forming links to the disused rail line running along the northern edge of the site should this become available in the future.

All cycle/pedestrian links should be made up to suitable standard and given a formal status by either being adopted as Highway or dedicated as Public Footpaths and/or upgraded by Cycle Track Order as appropriate. Alternatively they should be secured for the public and maintained under agreement by some other mechanism.

The Wales Coastal Path must be kept open and free for use by the public at all times, alternatively, a legal closure must be obtained and an alternative path put in place prior to any development affecting the path taking place.

MCC Recreation -

The following contributions would normally be sought:

Off Site Recreation Contribution £654,588 (209 units x £3,132)

On site LAP provision Capital cost of circa £36,000 to provide one LAP plus a commuted sum for future maintenance (£30,904)

Off Site LEAP contribution £184,338 (209 units x £882)

It is understood that there are potential viability negotiations associated with the development. The following items are considered to be essential:

The on-site LAP plus a commuted sum is essential. The off-site play contribution could be reduced to £50,000. The offsite recreation contribution could be negotiated. There is also the proposal for the developer to upgrade a section of the Wales Coastal Path immediately adjacent to the site to be factored in to any financial considerations.

MCC Green Infrastructure

The GI response has sought to flag up some of the key opportunities which as a team we consider are available to the development to embrace. It is noted that supporting ES documents and the DAS have provided information in relation to GI as originally requested, however it is considered that the assets and opportunities have not been fully realised Landscape Strategy Drwg 878.01.

The site has many positives/opportunities:

- There are significant GI assets in this location including the SINC, the Wales Coastal Path, the Severn Estuary, SAM, football field and the wider landholdings of the Harrow Estates. Access to these GI assets should be strengthened in ways which will connect the community of Sudbrook.
- The location and its assets offer the opportunity for educational opportunities – through interpretation and interpretive design and management.
- The location offers great opportunities for a strong and defined new settlement utilising the views and vistas to offer a strong sense of place.
- There is acknowledgement in the ES of the need for habitat creation to contribute to local targets.
- Ecological appraisals have been undertaken and the SINC is recognised as a Key Receptor in the ES.
- The Landscape Strategy indicates an area which incorporates an area of the existing ephemeral pond labelled 'area of ecological interest' – this offers opportunities which have not been picked up.

- Potential damage on designated/sensitive sites and mitigation has been considered - though not fully embraced in an integrated scheme.
- Wales Coast path runs along the southern boundary of the site offering opportunities to create improved links to the coast consistent with Welsh Government and MCC Policy. The site presents opportunities to provide good circular routes taking in the coast, the ancient monument and other local points of interest.
- The proximity of Caldicot makes walking and cycling to its services and employment a real possibility and the site presents a good opportunity to encourage this.

GI Concerns (Comments are made with reference to the GI SPG design checklist)

The site doesn't reflect the character and context of Sudbrook in either – layout, design or setting. In particular there is a distinct lack of sense of place with little connection to either the settlement of Sudbrook or its natural environment for example;

- This is illustrated by the proposed house types and the confusion of materials, which have little relevance to Sudbrook and even the names attributed to the designs.
- There is little reflection of Sudbrook's existing form, scale, sitting, massing and materials i.e. the traditional red brick terracing – the proposed scheme has very limited terraced areas much of the scheme is a mixture of detached and semi-detached dwellings.
- The whole scheme has its back turned away from the settlement of Sudbrook. The allocation is large compared to the existing settlement. This is emphasised by poor design and layout unreflective of the character of the existing settlement. Limited effort has been made to seek engagement through green spaces or green corridors that either the occupants of the development or surrounding community can benefit from.
- The public open space is too small. There is a distinct lack of interconnected green spaces which could connect with the public open space and informal play provision throughout the site. This approach would also have benefits for biodiversity and visually help define views as well as provide a series of green connections to the larger open space.
- To help integrate the scheme tree avenues were discussed to form part of the GI / landscape infrastructure – this again has not been integrated.
- Structural planting should not fall within private ownership – in the reliance upon trees to provide the avenue within private ownership is not appropriate.
- The proposal to let a large proportion of the site naturally colonise is not acceptable for a housing scheme of this scale. A scheme which combines an element of this habitat with more accessible habitats including created species rich grassland and tree planting would be more acceptable.
- No detail of Landscaping to illustrate that native species of local provenance shall be included in planting and what the aims of the management shall be.
- No natural play has been included in accordance with the GI SPG.
- No robust management/maintenance or conservation plans have been included (this is also relevant in relation to the bat mitigation). As part of the GI provision a GI Management Plan will also be required.
- No detail of habitat connectivity and management of the bat house and core surrounding habitat. It is acknowledged that there is reference to a hedgerow link but the long-term management and maintenance of this is unknown.
- Screen planting should be more significant and more dispersed throughout the whole site to help break up the density of development overlooked by the houses along

Sudbrook road and also to the south of the site to limit residual effects on the Severn estuary. Structure planting along all boundaries is insufficient to offset the impacts and defined parameters should be provided.

- ES states (Vol. II – Main Text, Table 6-6 Sudbrook Paper Mill SINC) that 3.6ha of green space will be created to compensate for the scrub habitat loss. This has not been identified on plan (whole ‘ecology area’ measures approx. 1.9ha). This mitigation also refers to creation of habitat between the development and the wales coast path but this already exists (i.e. the SINC includes this land).
- A blanket TPO was placed on the on the whole site, the effect of which was not only to preserve any trees that may have had value in respect of the Green Infrastructure provision but also to ensure that trees, which an ecological survey suggested were important to Bats, were fully considered – there are been little evidence of this having been integrated into the scheme.
- The Tree survey submitted is dated 23rd February 2007 and was subsequently submitted with application No. DC/2012/00307 by Harrow Estates PLC in May 2012. Given that eight years have now passed since the Tree Survey was authored it is considered that it is now out of date and should at least be updated to reflect the current position at the site, this would also help to inform the GI mitigation for the site.
- The current application DC/2014/01468 contains a Landscape Strategy (Plan 878.01.A) which, whilst it gives indications of locations of tree and shrub planting it is lacking in detail as to species and sizes of trees/shrubs at the planting stage – contrary to the Planning Inspectors appeal report for DC/2012/00307 on this site.
- The Planning Layout drawing and Landscape Strategy drawing do not clearly show which of the existing trees are to remain and which are to be removed. This is particularly applicable to the existing trees and shrubs adjacent to the railway track at the northern boundary of the site where the retention of trees to form a buffer between the development and the existing settlement is desirable. This lack of detail should be addressed by the submission of a new Tree Survey in accordance with BS5837 and must contain the following information:
 - a. A Tree Retention/Removal Plan for the whole site.
 - b. Scaled plan of retained trees and their root protection areas (RPAs) shown on the proposed layout.
 - c. An arboricultural impact assessment.
 - d. An Arboricultural Method Statement where construction activity within the RPA of any retained tree is unavoidable.
 - e. Strategic hard and soft landscape design, including species and location of new tree and shrub planting.
- There should be more connected informal open space and play throughout the site which could be part of a series of interconnected green corridors which is required for the landscape mitigation. There is no detail associated with the formal play (LEAP area) and it relies entirely on one focused primary access, offers no informal overlooking for security and is isolated and unconnected. There is no connection with the existing formal play area off site and no rationalisation of these features.
- Lack of pedestrian/cycle permeability through the site not conducive to encouraging walking and cycling – green corridors should seek to incorporate these opportunities.
- Lack of connection points onto the Wales Coast Path. At the moment the path at the east boundary of the site carries no public rights. Additional links onto the Wales

Coast Path at the western end of the site would both create pleasant circular walks and form better connection with Caldicot.

- Lack of provision to hook into the disused rail line should this become available in the future as a potential access route.
- There is limited connection from the development to the green space – all access is channelled through one point past the LEAP.
- Lack of connectivity between the new development and the existing settlement.

On the basis of the above issues it is considered that the proposal has not satisfactorily addressed Policy S13 or development management policies GI 1, NE1, LC5 and DES1.

Gwent Police – Only reviewed the application in relation to traffic management implications. A second access may be made at a later date and this may have some conflict with the current parking arrangements.

An additional 2000 traffic movements over the traffic controlled bridge may cause considerable congestion and possible shunt collisions due to the topography of the approach roads. Consideration must be given to this access road especially if further development is to be considered.

The site will need to have speed reduction measures in place as there may be many cyclist and pedestrian movements. Engineering measures should be considered for the site roads that would restrict vehicular speeds to 20 mph and the road network treated as a shared space for all highway users.

Network Rail – Holding Objection

The opening up of the All Wales Coastal Path for recreational purposes could increase the numbers of people using the Caldicot and Mathern Level Crossings. Suggests that the developers meet directly with Network Rail to try to resolve this matter.

Gwent Wild Life Trust – No objection to the proposed footprint of the housing but have major concerns regarding the open space to the west.

The plans are very vague for the open space on the western part of the site. A development of this nature and size should offer long term security to the SINC and provide an adequate area of suitably managed publicly owned open space. Contrary to policy S13 of the LDP. The area of open space within which is a designated SINC should be passed into public ownership. And a significant sum should be provided as part of a 106 agreement to fund the ongoing management and appropriate monitoring. The landscaping plans provided are not detailed enough to inform our opinion. A more thorough ecological management plan is needed to ensure appropriate management takes place. We support the planting of wildflower seed mix along the overtopping bank. We recommend that the seeds should be British native and preferably of local origin. The River Severn SAC, SPA and Ramsar is located to the south of the development area and is protected under international legislation. It is essential that the runoff and waste are managed correctly during construction and post construction to ensure that no effluent reaches the mudflats or enters any water course. We agree with the comments made by NRW with regards to the bat house. The bat survey is now out of date and we recommend that the buildings are surveyed for roosting bats prior to any works taking place. A precautionary approach will also need to be taken. Should any bats be found work on site must stop. We note that reptile translocation took place in 2012 due to the presence of scrub on site, we recommend that as a precautionary approach is taken when clearing any vegetation and that individuals be translocated off site.

4.2 Neighbour Notification

One letter of support on the basis that progressing this development will clear up an eyesore on the Severn and will also clarify the traffic impact that needs to be addressed by other proposed developments in Severnside.

5.0 EVALUATION

1. Strategic principle of development
2. Changes in Policy since the appeal was dismissed in May 2014
3. Affordable Housing
4. Development on Brownfield Sites
5. Impact on the Existing Settlement
6. Access and Highway Safety
7. Layout and Parking Provision
8. Sustainability & Public Transport
9. Flooding
10. Contamination of the Site
11. Layout and Design
12. Recreational Provision
13. Biodiversity
14. Green Infrastructure and Landscaping
15. Footpaths and Cycle Ways
16. Impact on Local Services
17. Impact on Local Residents
18. Archaeology
19. Sewage and Water Supply

5.1 Strategic Principle of Development

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

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

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

C1 flood plain and it would be necessary to demonstrate satisfactorily compliance with TAN15 and LDP Policy SD3.

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

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

1. The proposal is contrary to the overall Housing Strategy for Monmouthshire set out in the adopted Unitary Development Plan (UDP), which directs large scale housing developments to locations that are within or on the edge of main urban areas in order to deliver sustainable development which exploits or improves existing infrastructure and services and is well served by public transport. The proposed development would result in large scale housing development being located in an unsustainable location, remote from any services which would lead to an over dependence on car journeys.
2. The application is contrary to the objectives of Policy H3 of the Monmouthshire UDP and its supporting paragraph 4.6.3, as it seeks large scale housing development in a small village which has few facilities and services. This would result in an excessive level of commuting.
3. A development of this scale would have an adverse impact on the historical form and character of the village of Sudbrook and is therefore contrary to Policy H3 of the UDP and its supporting paragraph.
4. Having regard to paragraph 2.6.3 of Planning Policy Wales (Edition 4, February 2011), it is considered that it would be inappropriate to make a decision on the future development of this site outside of the development plan process. Given the scale of the proposed residential development, to grant planning permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the Local Development Plan context and would have significant implications for the strategy of the emerging Monmouthshire Local Development Plan, the next stage of which is Submission to the Welsh Government for Examination.
5. The proposed development would introduce highly vulnerable development in an area liable to flooding that does not meet the criteria of Policy ENV9 of the Monmouthshire Unitary Development Plan and is not justified by Section 6 of Planning Policy Wales Technical Advice Note 15 - Development and Flood Risk. The proposal is contrary to Policy ENV9 of the UDP and TAN 15 - Development and Flood Risk.

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

1. The scale of the proposal would be unacceptable and inappropriate given the existing size of Sudbrook

2. No justification for building highly vulnerable development on an area liable to flooding

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

5.3 Affordable Housing

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

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

LDP policies make provision for the consideration of viability with the potential to agree a lower level of affordable housing. However, this should be done in the context of the objective to create sustainable, balanced communities.

The current full application makes no provision for affordable housing on the site, i.e. 0% affordable housing. The applicants maintain that the site would not be viable if any affordable housing were to be provided. As part of the submission the applicant has provided details of the projected development costs. These costs have been analysed by an independent valuer on behalf of the Council. The conclusion of this viability assessment is that, the development is viable if 25% of the housing being provided on the site is affordable. If 25% of the housing on the site was allocated as affordable housing and there was an agreed level of 106 contribution from the development, the scheme would still be able to provide the developer and the landowner with competitive returns. The Council maintain that unless it can be demonstrated by the applicant, that the site would not be viable with 25% affordable housing, then 25% of the housing should be provided in accordance with Policy H4 of the LDP and unless this is done the Council is unable to support the application. Council officers have been in detailed discussions with the applicants over the viability of the site and are convinced that the site can be developed, with affordable housing and still return a profit. The lack of any affordable housing on the site is contrary to the provisions of Policy S4 of the LDP and a compelling reason for refusing this application.

Unfortunately on-going negotiations on this topic came to an end because the applicant decided to lodge an appeal against non-determination. However, the applicant has lodged another application for exactly the same scheme, allowing negotiations to continue under that

application. To clarify, for the application now before Committee, an appeal against non-determination has been lodged, negotiations have had to stop, and the scheme before the Council features 0% affordable housing. This is considered to be an unacceptable form of development, failing to provide a balanced, cohesive and sustainable community and failing to meet the housing needs of our communities.

5.4 Development on Brownfield Sites

National Policy Guidance supports the principle of new development on brownfield sites and the Council as a Planning Authority subscribes to this view. The redevelopment of brownfield sites reduces the need for development on greenfield sites on the edge of settlements. It is recognised that there are additional costs to developers, however, including the costs of clearance, remediation and asbestos removal. These additional costs have been included in the development costs submitted by the applicant and run through the Tree Dragons Tool Kit to establish viability. These additional costs are not so great as to preclude the provision of affordable housing and still provide the applicants with a profit. These additional costs are not so great such to justify ignoring a major policy objective of the Council to provide affordable housing.

5.5 Impact on the Existing Settlement

Sudbrook is a small village of approximately 150 dwellings. It contains a hairdressers (in the premises vacated by the post office) and a social club. All other facilities would have to be accessed in other settlements such as Caldicot, Chepstow or Newport. As part of this application an enhanced bus service is being proposed which would be secured via a S106 agreement. It has been identified that there is insufficient capacity in the existing schools, but this will be addressed in detail elsewhere in this report. Sudbrook has a very distinctive character derived from the fact that that it was almost exclusively constructed to house the workers building the Severn Railway Tunnel. The proposed development would more than double the size of Sudbrook and would provide a housing development quite separate from the existing settlement. However, it must be remembered that this site has been allocated in the LDP for 190 dwellings +/- 10%, so the proposed 209 dwellings would be in accordance with the LDP allocation.

The comments made by the Green Infrastructure Team regarding the site layout and its relationship with the existing settlement are noted. However, many of the points are not agreed with. The site is physically separated from the existing settlement by a linear former railway line which is not within the applicant's ownership. Much of this belt contains mature landscaping (trees) and another section contains a community garden. It would not be feasible to design a scheme to front onto the existing road into Sudbrook due to the intervening land ownership and the desire to retain the existing trees and landscaping. These competing objectives cannot be reconciled and it is considered that the proposed layout is acceptable in planning terms. The distances between the proposed dwellings and the existing homes, together with the intervening landscaping, mean that there would not be any unacceptable privacy or amenity impacts. There would be a pedestrian link between the two settlements near Post Office Row, and the proposed LAP is located alongside this making it accessible to both the existing properties and the proposed homes.

5.6 Access and Highway Safety

The Environmental Statement submitted with the application contains a Traffic and Transport section in which it is evidenced that there is sufficient capacity within the highway network to accommodate the increase in traffic resulting from an additional 209 dwellings. Until 2006 this was the site of a functioning paper mill with a high volume of commercial traffic especially HGVs bringing timber into the site and the finished material from the site, using Sudbrook Road and the traffic light controlled bridge.

When considering the previous application for 340 dwellings in 2012 (DC/2012/00307), the Council did not put forward any objections on highway grounds when refusing the application and similarly when dismissing the appeal the Minister and Inspector did not put forward any highway grounds for the dismissal. Given that there were no highway grounds for refusing the application for 340 dwellings in 2012 or dismissing the appeal in 2014 and that there has been no change in circumstance since then, there can be no objections to the current proposal on grounds of the capacity of the local highway network or the safety at the road junctions. The highway engineer, having reviewed the current application and the supporting documentation (Transport Assessment December 2014) and offer no proposal for the 209 houses on highway capacity grounds.

It is proposed that there would be one vehicular access into the site via Sudbrook Road, over the existing level crossing point. The priority at the existing Papermill access will be changed so that westbound traffic from Sudbrook Road will give way to eastbound traffic into the site. This should help reduce the speed of traffic through Sudbrook and will give priority to the large proportion of traffic movements. The access on the north –east corner of the site adjacent to Post Office Row is intended as a pedestrian and cycle link to the existing village. It could be used by emergency vehicles but a method of controlling the access would have to be agreed. This could be resolved via a condition were the Council minded to grant planning permission. The highway engineer has agreed the means of access and welcomes the re-engineering of Sudbrook Road. The proposal reflects the increased vehicle demand and movements to and from the proposed development over and above the movements to the village of Sudbrook, therefore giving priority to the greater volume of traffic movements. The re-engineered junction creates an environment that reduces entry speeds into Sudbrook Village whilst improving traffic flows and avoiding vehicular conflicts. The developer would have been required to enter into the S278 Agreement prior to the commencement of the development.

The Highways Officer also requires improvements to the footpaths alongside the existing Sudbrook Road to increase the width of the path to improve pedestrian access and safety. Again, were permission to be granted, this could be secured via a S106 legal agreement. The absence of this agreement is a reason for refusal, although it is accepted that this matter can be easily resolved during the appeal proceedings via the submission of the necessary legal undertaking.

In general the proposal does accord with the objectives of policy MV1 as the development resulting from this application will not create significant and unacceptable additional traffic growth in relation to the capacity of the existing road network.

5.7 Layout and Parking Provision

There would be a single access into the site in the north-west corner, close to the existing access into the site. From there, there would be a circular distributor road. This would allow for circulation of public service bus within the site. Leading from the distribution road there

would be several adopted cul-de-sacs, and several private shared drives for up to 5 dwellings. The layout is considered a traditional layout adopting in broad terms, current residential estate road design. The provision of a loop assists in promoting permeability and connectivity and provides for the future introduction of a bus service. The layout in particular the introduction of raised junction plateaus, individual raised promenades and shared surface cul-de-sacs creates an environment that promotes and encourages vehicle speeds of 20mph or less. There is scope to improve the site layout by including boulevard planting within the highway along the main site road. However, it is not considered that this constitutes a reason for refusal: the scheme is acceptable as proposed in this regard, however it could be better.

There would be standard footpath width on either side of the distributor road. The development provides a total of 418 car parking spaces within the site (this accords with the 2008 Wales Parking standards). In 2012 Monmouthshire County Council adopted their own parking standards and under these standards a total of 617 car parking spaces would be required. This shortage of parking spaces is contrary to the advice given in the adopted parking guidelines and is especially programmatic given that most of the residents will be dependent on their cars to day to day activity. This shortfall of parking would be detrimental to highway safety and the amenity of future residents and is a reason for refusal. Had the appeal not been lodged, there would have been scope to resolve this objection via slight amendments to the site layout.

5.8 Sustainability and Public Transport

When considering the allocation of this site for housing in the LDP, the issue of sustainability and infrastructure provision was paramount. There are two bus stops within Sudbrook with a service running 5 times daily between Chepstow and Newport. The nearest railway stations are located in Caldicot and Severn Tunnel Junction. Caldicot Station provides hourly services to Maesteg and Cheltenham Spa, as well several services per day to Fishguard Harbour. Severn Tunnel Junction Station provides half-hourly services to Cardiff and hourly services to Taunton and Bristol Temple Meads. As part of this planning application a Travel Plan was submitted which included:

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

In order to ensure that the new housing development meets with sustainability criteria it was recommended that the developer make a financial contribution, though the 106 legal agreement, to pump prime a new bus service serving Sudbrook. The cost of providing this service is £200,000 for three years and the developers have agreed to this. At present the site is located in what is considered to be an unsustainable location and alternative modes of transport should be encouraged and promoted. The pump priming of the bus service with a financial contribution from the developer is necessary to comply with the LDP strategic objective for sustainable development.

Therefore, were the Council minded to grant planning permission, this contribution could be secured via a S106 agreement. In the absence of this S106 contribution, this forms a reason for refusal, although it is acknowledged that this matter is easily resolved (via the submission of a unilateral undertaking should the Inspector be minded to allow this appeal).

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

Network Rail has expressed concern regarding the proximity of the development to the Wales Coastal Path on the basis that the extra residents are likely to use the Coastal Path, increasing the level of use of level crossings where the Coastal Path crosses the mainline railway. Irrespective of the proposed development, the purpose of the Wales Coastal Path is to provide a recreation facility and tourism facility and its use is encouraged and aligns with the principles of the Active Travel Act and Well-being of Future Generations Act. The safety of the path was clearly considered when it was designated, and it is not considered that the additional proposed homes on this site would create an unacceptable safety risk. All residents and visitors must behave responsibly when using railway crossings, and it is not considered that a refusal on this basis could be justified or sustained at appeal.

5.9 Flooding

The application site lies within Flood Zones A, C1 (defended flood plain) and C2 (undefended flood plain). However, the proposed dwellings would be located on Zone A or, to a much lesser extent, on Zone C1. The latter area would be raised and the applicants have submitted a Flood Consequences Assessment (FCA) to demonstrate that the risks of flooding are acceptable.

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

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

5.10 Contamination of the Site

A site investigation study was submitted as part of the application. The report details desk studies and intrusive site investigation programmes undertaken between 2001 and 2007 and between 2011 and 2012. The investigation has identified the presence of contamination that could give risk to harm to human health. The Phase II report proposes some remediation options and outlines a remediation strategy for the protection of human health. It is now recommended that the developer confirms which option they wish to take. Subject to normal planning conditions imposed on brownfield sites, there is no objection to the development of this site in terms of human health or the impact on controlled waters from ground disturbing works.

5.11 Layout and Design

The general layout of the site is acceptable with a mix of house types including some smaller two bed units and some terraced properties. The boundaries of the site will be substantially landscaped with buffer zones and tree planting. To the centre of the site is an oversized LAP with an area of open space and a footpath link which will provide an interesting focal point.

The areas of public open space will be overlooked by the proposed dwellings thereby providing a safe environment. The northern boundary of the site is adjacent to the existing railway track which contains some semi mature vegetation, there is a natural stone wall before reaching the main road through Sudbrook. The majority of the existing houses in Sudbrook face into the development site. It is very important that the new development relates well to the existing properties. In order to achieve this the existing vegetation along this boundary will be retained as will the natural stone wall. There will be a mix of finishing materials to match those finishing material in the existing village and would feature red and brown brick, render with stone detailing, window sills on both front and rear elevations and overhanging eaves. The general design considerations comply with the objectives of policy DES1 of the LDP

5.12 Recreational Provision

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

Public Recreation and open space:

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

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

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

In terms of public open space provision, there would be several areas of recreational open space and at least one would feature a children’s play area (one of which would be in the very large area of open space that includes the area of ecological importance and is also in Flood Zone C1 to the south-west of the proposed houses). The proposed development provides more play space and public open space than is required by the standards and complies with policy CRF2. The Council requires that a LAP be provided in the centre of the site and that a commuted sum be provided by the developer for its maintenance. In addition the Council will be requiring a financial contribution to improve the play equipment on the existing play area adjoining (east of) the site. No allotment space is being proposed given that Sudbrook already provides an area of allotments within the village. The proposal does comply with the objectives of policy CFR2 of the LDP.

However, in the absence of a S106 agreement to ensure provision of the on-site open spaces, a commuted sum towards its future maintenance, and a financial contribution to the improvement of the adjacent existing LEAP, the development fails to provide adequate open space and recreation infrastructure for future residents, contrary to policy CRF2. This constitutes a reason for refusal, although it is accepted that this matter can be easily addressed at appeal by the submission of a unilateral undertaking.

It is worth noting that, had the appeal not been lodged, the on-going officer negotiations about viability were likely to suggest that if the site viability does not stack up, some of the recreation proposals could be reduced, for example the proposed new LEAP could be deleted. These discussions can continue as part of the existing application.

It should also be noted that the applicant owns a significant area of adjacent land containing a Scheduled Ancient Monument and that the developer has offered to commit a substantial sum of S106 monies towards enhancing that area. While the improvements would be welcomed, it is considered that those works are not essential to make the development acceptable in planning terms. Consequently, such a S106 clause would not meet the requirements of the regulations. Moreover, if viability is an issue, the money would be better spent on providing affordable housing.

5.13 Biodiversity

The Council's Biodiversity Officer objects to the application based on the level of information that has been made available in relation to protected species considerations, the SINC and overall post development site management. NRW welcome the biodiversity information submitted with the application.

The application site supports a small roost of male or non-breeding female lesser horseshoe bats and a non-breeding roost of common pipistrelle bats. A bat house has been constructed as mitigation for the loss of these roosts. NRW considers that, providing the applicant enters into a S106 planning agreement to secure the long-term management and monitoring of the bat house (roost), there will not be a detrimental impact to the maintenance of the favourable conservation status of the bats. A bat house has already been constructed as mitigation for the loss of these roosts: this was done prior to the demolition of the derelict paper mill buildings. Given the tight budgetary constraints of the development, the Planning Authority does not consider it feasible or necessary to require financial contributions for the long term maintenance and monitoring of the bat house. Alternative bat accommodation has been provided via the erection of the bat house, which was approved by MCC to mitigate for the lost habitat when the derelict buildings were removed. That mitigation is in place as per the approval. Monitoring of the bats would be of interest to conservation groups, but it is unclear how this is justified as necessary to safeguard the population of the protected species.

The applicants have failed to supply sufficient information relating to protected species, information on the SINC and overall post development site management. Further information is required in relation to the clearance of the site and its impact on reptile species. These are material considerations which need to be taken prior to the determination of the application, however it is hoped that these matters can be resolved prior to the public inquiry in the spring of 2016. There is also a designated SINC on the site and some of this will be lost as a result of the housing development although the most valuable part of the SINC is being retained. The EIA submitted as part of the application does refer to mitigation for the loss of part of the SINC but insufficient details have been provided so that it is difficult to assess the proposal in relation to Policy NE1 of the LDP. Again it is hoped that this information will be provided before the application is considered by the planning inspector and that the matter can be resolved.

5.14 Green Infrastructure and Landscaping

The supporting ES documents and the DAS have provided information in relation to GI, however the Council's Landscape Officer does not consider that the assets and opportunities

have been fully realised in the Landscape Strategy. However, bearing in mind the land raising and site remediation requirements, as much existing landscaping is being retained as possible. The site layout is considered to be acceptable as set out above. The layout provides green connections through the site to the public open space, as far as is possible and reasonable. A GI Management Plan is needed and that would need to be requested as a condition if the Appeal Inspector is minded to allow the appeal.

5.15 Footpaths and Cycle Ways

The All Wales Coastal Path runs along the southern boundary of the site and there is also an informal footpath linking Camp right of way to the playground to the east of the site. As part of the proposal the development would include several footpaths linking Sudbrook Village with the All Wales Coastal Path. The Council's Countryside Section would like to see all of these routes made up to suitable standards and given formal status. They would also like to see Footpath 13 formalised with a Cycle Track Order and the All Wales Path include a bridle route. In addition the developers have agreed to improve the public footpath between the site and the railway bridge.

5.16 Impact on Local Services

The Council's Education Department has confirmed that there are 22 spaces in the nearby primary schools, but because the development generates a greater demand than 22 spaces, a S106 contribution of £3.3k per dwelling is required (£627k for the whole site). A request was also made for a contribution towards secondary school capacity, however the nearest secondary school is Caldicot Comprehensive. The Council is just replacing this school as a 21st Century Schools project. The Project Manager has confirmed that the capacity of the replacement secondary schools fully accounted for projected population growth and the allocated LDP sites. As such, a contribution towards secondary education is not considered to be justified.

5.17 Impact on Local Residents

The proposal will inevitably impact on local residents in terms of increase in traffic and because it will effectively double the size of the village. We have received no objections from local residents and the general feeling is that the new housing development will be an improvement in visual terms over the existing derelict site. Many of the dwellings along Sudbrook Road face towards the site but their privacy will not be adversely affected due to the intervening road and railway line. Many of the proposed two storey dwellings will have their rear elevations facing towards the existing dwellings. These are all above the minimum guideline distances and are considered acceptable. Plot 42 would be 18.8 metres from the front elevation of no.27 Church Row but this is also considered acceptable given that it is the side elevation of plot 42 which is closer. These relative distances are such that the residential amenity of the existing occupiers will not be significantly compromised. The proposed layout of the new development does comply with the objectives of Policy DES1 of the LDP.

5.18 Archaeology

Glamorgan Gwent Archaeological Trust has no objection to the application but requests a condition requiring a detailed programme of investigation for the archaeological resource. A buffer zone has been provided between the proposed development and the Scheduled Ancient

Monument (SAM) of Sudbrook Camp and Chapel and Cadw are satisfied with this. The SAM is on land which is owned by the applicant and it is considered that the best way of preserving it is to leave it in situ.

5.19 Sewage and Water Supply.

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharge from the site.

The site is located within the Source Protection Zone (SPZ1) for the Great Spring. The site is also adjacent to the River Severn Special Area of Conservation (SAC). NRW consider the site to be highly sensitive with respect to controlled waters. Following the works recommended in the Outline Remediation Strategy, the applicant should then submit a verification report. This could be secured by condition if the application was to be approved.

The All Wales Coastal Path has been open for several years and the increase in pedestrians as a result of this development will not have a significant impact on its usage or upon people using the Caldicot and Mathern Level Crossings.

5.20 Other issues raised by the Community Councils and Gwent Police

The increase in traffic movements generated by this proposal are not sufficient to justify a roundabout being constructed at the entrance to the site. The Highway Engineers are satisfied that the proposed altered priority at the entrance to the site is sufficient to ensure highway safety. The submitted Traffic Assessment has found that the increase in vehicular movements, over and above that which could be generated by the Papermill if it was still operational is not so great as to justify improvements to the controlled crossing over the railway. There will be only one vehicular access into the site. This topic has already been considered at appeal for a larger development and was not found to be a problem. The access into Camp Row will be for pedestrians and cyclists only. The Highway Engineer is opposed to speed restriction within the site itself and the proposed layout will help to control traffic speeds. The impact on local services has been addressed above.

6.0 RECOMMENDATION: Refuse

Reasons:

1. The application is contrary to the provisions of Policy S4 of the adopted Monmouthshire Local Development Plan (MLDP) as it makes no provision for affordable housing and the applicants have not demonstrated that it is not financially viable to do so. Policy S4 requires that in Severnside settlements sites, with a capacity of 5 or more dwellings, provision will be made for 25% of the total number of the dwellings on the site to be affordable (subject to appropriate viability assessment) and the 25% provision is referred to in Table 7 of Appendix 1 Schedule of Infrastructure Provision for Strategic Sites of the MLDP.
2. The development layout submitted shows a significant shortfall of off-street parking that fails to comply with the Council's adopted guidance for parking in the form of the Monmouthshire Parking Standards 2013 and would be detrimental to highway safety and the amenity of future residents, contrary to Policies S16, MV1 and EP1 of the MDLP.
3. In the absence of a S106 agreement to secure highway improvements to footpaths and improved bus services, the proposal is unacceptable and fails to accord with Policies

S7, S16, MV1 and MV2 of the MLD; sustainable transport contributions are referred to in Table 7 of Appendix 1 Schedule of Infrastructure Provision for Strategic Sites of the MLDP.

4. In the absence of a S106 agreement to secure the provision of on-site recreation facilities, their long-term maintenance and a contribution towards off-site recreation improvements to the nearby LEAP, the proposal is unacceptable and fails to accord with Policies S7 and CRF2 of the MLDP, and such site specific requirements are referred to in Table 7 of Appendix 1 Schedule of Infrastructure Provision for Strategic Sites of the MLDP.
5. In the absence of a S106 agreement for the provision of education infrastructure, the proposal would put unsustainable pressure on in local primary school facilities, and would be contrary to Policy S7 of the MLDP.
6. The application as submitted has provided insufficient information in relation to nature conservation interests, with reference to protected species particularly bats, information on the Site of Interest for Nature Conservation (SINC) and overall post development site management; further information is required in relation bats and the buildings to be demolished on the site (excluding the paper mill). As such, the proposal as submitted would be contrary to Policies S13 and NE1 of the MLDP.