

Application Number: DM/2018/00374

Proposal: Construction of seven dwellings and associated works

Address: Land At Woodbine Field, Monmouth Road, Usk

Applicant: ButlerWall Homes

Plans: Site Plan SP01 - A, Drainage OCTOBER 2019 - , Site Plan 01 - A, Site Sections 02 - , All Drawings/Plans 03 - A, All Drawings/Plans 04 - A, All Drawings/Plans 05 - , All Drawings/Plans 06 - , Floor Plans - Proposed 10 - , Other 0457_R02C_JP_MM - , Landscaping Plan 10457_R01E_AW_MM - , Green Infrastructure Appraisal 10457_R03 - D, Elevations - Proposed 11 - , Elevations - Proposed 12 - A, Elevations - Proposed 13 - , Elevations - Proposed 14 - , Elevations - Proposed 15 - , Garage Plans 16 - , Elevations - Proposed 17 - A, All Drawings/Plans 3053_100C - , Landscaping Plan 823-03 - , Other 8951 - , Location Plan 8951 LP01 - A,

RECOMMENDATION: APPROVED SUBJECT TO S106 AGREEMENT

Case Officer: Mr Andrew Jones
Date Valid: 05.11.2018

This application is presented to Planning Committee as there have been objections received from at least five different households.

1.0 APPLICATION DETAILS

1.1 This application relates to a parcel of land allocated within the adopted Local Development Plan (LDP) under Policy SAH10(i) for small scale residential developments, 20 dwellings. The allocated site measures 0.66 hectares and is located on the North East edge of the town of Usk, to the South of Monmouth Road.

1.2 The application has been subject to significant amendment following its original submission in March 2018 for 18 dwellings. Following consultation and discussion with the Council's Flood Risk Management Team it was concluded that the lower portion of the site was not suitable for development. This was due to overriding concerns with regard to the level of flood risk. Accordingly the site boundary has been reduced to approximately 0.4 hectares and full permission is now sought for 7 dwellings, 2 of which would be affordable.

1.3 The proposal would see five detached dwellings and a pair of semi-detached properties, these would be accessed via four new entrances directly onto Monmouth Road. The detached properties would provide a third floor within the roof space, Plot 5 would feature 2 dormer windows to the front elevation whilst the others would feature roof lights. The semi-detached properties (Plots 1 and 2) would be two storey only. With regard to external finishes these would include both stone and render to the walls, artificial roof slate and grey uPVC doors/windows. All detached properties would also be served by a detached single storey garage. In respect of boundary treatment this would see hedgerow along the front boundary to Monmouth Road, 1.8m high close board fencing between rear gardens and existing hedgerows to remain to southern boundaries with post and rail fencing. The revised proposals require the removal of a single ash tree, part of a tree group and a hedgerow. The trees within the southern field parcel will now be retained.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00374	Construction of seven dwellings and associated works.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S2 LDP 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
SAH10 (I) Rural Secondary Settlements - Cwrt Burrium, Monmouth Road, Usk

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Original Proposal

Usk Town Council - Recommend the application is approved.

MCC Ecology - The proposed development for 18 dwellings appears to be unacceptable with parts of the southernmost dwellings being partially outside the LDP boundary and within the flood zone. Furthermore, the loss of habitat for dormice both at the northern boundary and the central tree/scrub belt cannot be adequately mitigated for on site, the proposed planting being within the flood zone is not a viable alternative for this species. A revised biodiversity mitigation strategy would need to be submitted to reflect site layout changes, please note that any works to the hedges/scrub on site will need to be subject to an EPS licence for dormice.

MCC Landscape/Urban Design - Submitted a holding objection. Outlining the following points:

- Proposed loss of landscape character and setting to the approach to Usk from the east on the Monmouth road
- The proposed loss of hedge on Monmouth road due to additional footways and splays required for four access points on to Monmouth Road to a development of 18 dwellings.
- The density of the development impacting on the hedge lined ditch and Olway brook floodplain

MCC Flooding - The information we have at present indicates that the lower part of the site floods regularly. The modelling undertaken by the applicant to date does not accurately reflect conditions at the site. Unless the applicant provides compelling evidence that the lower part of the site is not affected by flooding or can be protected by an appropriate engineering solution, (taking account the role the site appears to currently provide within the flood plain) we would maintain our strong objection to application.

The upper part of the site does not appear to be affected by flooding. We would not object to construction within this area.

MCC Environmental Health - Recommend that in view of the close proximity of existing dwellings to the proposed site, that any grant of planning permission is subject to a condition ensuring construction work is undertaken during reasonable working hours e.g. between 7.30am to 6pm Mon to Fri and 8am to 1pm Saturdays with no work on Sundays / Bank Holidays or variation thereof agreed with applicant.

Wales And West Utilities - have no objections to these proposals; however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

Glamorgan Gwent Archaeological Trust - The proposal will require archaeological mitigation. We recommend a condition be added worded in a similar manner to model condition 24 in Welsh Government Circular 016/2014.

Welsh Water - The drainage strategy demonstrates that foul water is proposed to discharge to an adjacent public sewer; we are satisfied to see that the use of sustainable drainage systems has been exhausted and the communication of surface water to a nearby watercourse has been selected. Notwithstanding this please include recommended conditions and advisory notes if minded to grant consent.

Revised Proposal

Usk Town Council - Have not responded to date.

MCC Landscape/Urban Design - The proposed development layout, elevations alignment, materials and details are acceptable from an edge of settlement and urban design perspective following recent amendments.

There appears to be discrepancies regarding the retention of the northern boundary hedge i.e. the hedge to the Monmouth road. Clarification is required from the applicant including protection measures during development should the application be approved.

Our preference has been consistent for the northern hedge to remain enhanced and broken only where access is required with clarification on the extent of splay impact. This is for aesthetical, GI and ecological reasons.

A Green Infrastructure Management Plan of all areas within the developable and landownership red and blue lines shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.

I am relatively happy with the proposed landscape species for trees, hedgerows, buffer zones and ornamental planting from a landscape and GI perspective.

I am happy with the proposed species mix for the northern boundary hedge retention and enhancement and eastern boundary buffer. I would like to see the inclusion of dog rose (*Rosa canina*) if possible to add further diversity and winter food source.

I am happy with the proposed internal ornamental landscaping inclusive of shrubs, herbaceous, climbers and grasses.

MCC Biodiversity - The Updated walkover (Phase 1) is 2 years old, it is accepted that the site has not altered in the intermediate time and that further updates are not necessary to inform the application.

The secondary surveys are outdated based on the recommended CIEEM guidelines but are deemed acceptable based on the reduced extent of the proposals and the securing of the southern portion as a mitigation area as provided in the Biodiversity Mitigation Strategy.

Updated assessment was requested to inform the revised submission, an updated Tree survey of the Ash tree to be removed has been submitted. There is some low potential for bat roosting behind ivy on the tree and therefore a sensitive felling approach is recommended.

Request that a plan detailing biodiversity enhancements as above and including the recommendations provided within the submitted Biodiversity Mitigation Strategy, is provided prior to the commencement of development.

Requested that a lighting plan is sought via condition to ensure that any external lighting on the properties is controlled.

The submitted survey has confirmed presence of dormice on the site. The development will need to be subject to a licence from Natural Resources Wales before works can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species.

In order to compensate for the loss of habitats within the development site, the blue line area has been put forward as mitigation, we require a GI Management Plan for this area, and the Strategic GI areas within the red line but outside the property gardens.

MCC Highways - The original application submitted in early 2018 was for a development of 18 dwellings, the applicant has subsequently submitted a revised layout proposing the development of only 7 dwellings with individual and shared accesses / drives off Monmouth Road, the amendment will have significantly less impact on the immediate highway network

The proposed seven dwellings are located well within the 30mph speed limit.

The drives are proposed to be permeable.

Off street parking is provided in accordance with the councils adopted parking guidelines.

The highway authority offers no objection to the proposed development, the development would not be detrimental or lead to a deterioration to highway safety or capacity on the local highway network.

The applicant should be aware of the advisory note at the foot of the response, the applicant is required to apply to the highway authority for consent to construct the single and shared drives.

The highway authority acknowledge that the applicant will be required to construct a number of single and shared drives off Monmouth Road, the creation of the drives and the construction of the dwellings will require careful consideration and planning and carried out in a manner that ensures that Monmouth road is not adversely affected by the works. It is recommended that a suitably worded condition is applied to any decision notice.

MCC Environmental Health - Recommend that in view of the close proximity of existing dwellings to the proposed site, that any grant of planning permission is subject to a condition ensuring construction work is undertaken during reasonable working hours e.g. between 7.30am to 6pm Monday to Friday and 8am to 1pm Saturdays, with no work on Sundays / Bank Holidays or variation thereof agreed with applicant.

MCC Flooding - This team raised significant concerns regarding the previous proposal at this site (construction of eighteen dwellings and associated works under DM/2018/00374) on the basis of flood risk to the lower part of the site.

The revised proposals (December 2019) have addressed these concerns by limiting development to the northern, upper, section of the site. As a result, flooding from the ordinary watercourse to the south of the site is not considered a concern. We therefore have no objection to the proposed development on flooding grounds.

We recommend that entry points to the site from the highway are designed to avoid ingress of surface water flows from the highway. Significant surface water flows (originating from agricultural land to the north) have been recorded in recent years.

The proposed development will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage.

NRW - The revised redline boundary results in the proposed development site no longer being located within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Risk Map confirms the site to be within Zone A of the DAM.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the recommended conditions to the permission. Otherwise, we would object to this planning application.

Ecological surveys have identified that dormice are present on site, and bats are using the site for foraging and commuting.

Where bats or dormice are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation.

We do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, provided that the mitigation measures outlined and illustrated on the submitted documents are implemented.

Welsh Water - The proposed development will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage.

Notwithstanding this please include recommended conditions and advisory notes if minded to grant consent.

NATS Safeguarding - Does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

5.2 Neighbour Notification

Original Proposal

10 letters of objection were received raising the following areas of concern:

- Lack of parking
- Flooding and land drainage problems on site
- Do not support Greenfield development
- Existing traffic speeds in area excessive
- Overdevelopment of site
- No detail of lighting
- Should protect existing trees
- Would obstruct views
- Site is a flood plain
- Impact on TPOs and local biodiversity
- Surface water flooding risk
- Exceeds LDP site allocation
- Not integrated with sustainable transport links
- Air pollution
- Fails to meet fundamentals of sustainable development
- Is there adequate waste sewage provision
- No footpath adjacent to development

1 letter of support raising the following issue:

- Pleased to see smaller housing for younger persons.

Revised Proposal

9 letters of objection were received raising the following areas of concern:

- Affect local ecology/protected trees
- Close to adjoining properties
- Conflict with local plan
- Development too high
- Inadequate access
- Inadequate parking provision
- Increase danger of flooding
- Increase in traffic
- Information missing from plans
- More open space needed on development
- Out of keeping with character of area
- Over development
- Loss of light
- Increase of pollution
- A planning notice detailing the revised planning application has not been placed near the proposed development site for comment.
- House type design, including materials
- Street scene proportion and scale

1 letter providing general observations including the following:

- In order to improve local access provision to link with the existing footpath along the railway line through the tunnel, we would like to see the creation of a linking path from the development running west along the railway line to link with the path towards the tunnel.
- Consideration of further improved footpath / cycle track to the east of the site along the railway line should also be considered. Failure to improve and provide a cycle track / footpath along the railway line during this development may make it difficult in the future as housing alongside may not in the future support such a route being used.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Principle of Development

The Settlement of Usk is identified in Strategic Policy S1 of the Local Development Plan (LDP) as a Rural Secondary Settlement. Policy SAH10 asserts that such settlements are relatively sustainable and offer a range of community facilities and therefore considered that they are suitable for small scale residential developments. This application is identified by Policy SAH10(i) in its totality, 0.66 hectares, as suitable for 20 dwellings.

As detailed, this application has seen the extent of the site as well as the number of dwellings significantly reduced due to flooding concerns. The Council's Flood Risk Management Team have been engaged with during negotiations with the applicant, with a clear conclusion that the lower portion of the site is simply not suitable for residential development. Accordingly whilst the site will ultimately deliver less than the intended LDP target, given the overriding technical constraint on site the number now proposed is acceptable. Consideration of density in compliance with Policy DES1 is to be considered in Section 6.1.2 below.

Finally with regard to affordable housing, Policy S4 states that in Rural Secondary Settlements, sites with a capacity of 5 or more dwellings will make provision for 35% of the total number of dwellings on the site to be affordable. In this instance 35%, 2 units, would be affordable and would be secured through a Section 106 Agreement.

6.1.2 Good Design/ Place making

As detailed previously within this report the application has been subject to considerable negotiation and amendment; this has also included the individual dwellings. In terms of context the site sits opposite Burrium Gate which is a modern residential development characterised by a mix of house sizes finished with stone, brick and render. Immediately to the west are large detached stone/render dwellings that were granted permission in 2012. The site is located on the very eastern edge of the settlement and adjoins open countryside, and immediately to an allotment site. Whilst the dwellings themselves are of good size, they are certainly comparable to the those in the immediate context and as such would not disrupt the street scene in terms of scale or mass. Criterion i) of Policy DES1 states that to "make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare". On this basis this would equate to 12 dwellings to be erected, however given the edge of settlement location it is considered that this would have resulted in a cramped form of development. The edge of settlements are typically characterised by less dense development as the built form carries through into open countryside.

The external finishes are appropriate to the context, and whilst samples of materials would need to be managed through the planning condition, the dwellings are considered to be well detailed. The layout follows the linear form of buildings along Monmouth Road, whilst slight differences in the building line are considered to add depth and visual interest. The porch and bay window detailing are well proportioned, whilst the addition of modest dormer windows to Plot 5 is welcome to the roofscape.

All detached garages are of modest scale and proportion, they would read clearly as secondary to the main dwellings which would be further distinguished by being set well into the site. The roofs have been orientated to align with those of the main dwellings which is considered to be appropriate for the street scene.

6.1.3 Impact on Amenity

As a result of the revised plans no dwelling would now sit adjacent to No 6 Cwrt Bryn Derwen, the only third party property that would now adjoin the site is Dan-y-Coed to the west. Plot 1, which is closest to this property, would be set slightly further back from Monmouth Road however would feature no windows (either ground or first floor) or other openings on the west elevation. Therefore existing levels of residential privacy would be maintained. Plot 1 would also be sited a reasonable distance from Dan-y-Coed, and therefore would not have a harmful overbearing impact.

Accordingly it is considered that the proposed development would maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties and therefore accord with Policies DES1 (d) and EP1 of the adopted LDP.

Third party concerns in respect of flooding, drainage and highway safety are to be addressed in the following sections of this report.

6.2 Active and Social Places

6.2.1 Transport (Sustainable Transport Hierarchy)

PPW10 makes it clear that the Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. The Policy moves on to require "the use of a sustainable transport hierarchy in relation to new development, which prioritises walking, cycling and public transport ahead of the private motor vehicles."

The site as stated previously is allocated within the LDP for residential development, however it is noted that this allocation predates the adoption of PPW10 in late 2019. With regard to travel by foot and cycling, the site is within reasonable walking distance to the Primary School (400m) and is 0.77km from Twyn Square (taken as a central point in the town). Whilst no new footway is proposed on the application site side of Monmouth Road, this is due to the fact that there is no footway on this side of the road to link to. The land in question is outside of the ownership and control of the applicant. Therefore occupiers of the proposed dwellings would, as do existing residents to the south of Monmouth Road, have to cross the carriageway to join the existing footway into town.

With regard to travel by bus, the town of Usk is served by five bus services (60, 61, 63, 66 and 68) which includes direct links to employment and services in larger towns including Monmouth,

Newport and Cwmbran. Indeed, there are stops for the No 60 service to Newport in very close proximity to the site.

With regard to trains, whilst there is no rail station within the town as noted, the bus service does provide direct links to Cwmbran and Newport, both of which provide rail stations.

PPW10 and the transport hierarchy "recognises that Ultra Low Emission Vehicles (ULEV) also have an important role to play in the decarbonisation of transport, particularly in rural areas with limited public transport services." However, the requirement to provide ULEV charging points on a site such as this is not a mandatory requirement, none are proposed as part of this application. It is therefore considered on balance that the application site is within close walking/cycling distance to the town and its various amenities/services including a primary school, medical surgery and shops. In addition the town is reasonably served by bus with a number of onward journeys possible.

For these reasons, whilst it is noted the site cannot achieve complete compliance with the aims of the transport hierarchy it is considered that the allocated site within a Rural Secondary Settlement does have appropriate access to sustainable forms of transport.

6.2.2 Access / Highway Safety

The revised proposal would see the seven dwellings served by four points of vehicular access onto Monmouth Road. In addition, the two bedroom affordable dwelling would be served by two parking spaces whilst all (five) open market dwellings would be served by three parking spaces. This would fully accord with the off street parking requirements as set out in the Council's adopted parking guidelines. Each plot would have the ability to turn within the site and enter onto the carriageway in a forward gear.

A number of concerns have been expressed from local residents with regards to existing traffic speeds in the area being excessive. To confirm the site is located within a 30mph zone which increases to the National Speed Limit approximately 100 metres to the east. There are existing traffic calming features in place within the vicinity of the site to seek to enforce the 30mph speed limit comprising of 'SLOW' road markings as well as sections of red surfacing.

The submitted Transport Statement confirms that at its time of writing (March 2018) that having reviewed Personal Injury Collision (PIC) data and accident no incidents had been recorded. Given the scale of the reduced proposal it is not considered that the allocated housing site would cause an unacceptable increase in vehicular trips in the peak hours and that the development proposals will therefore not have a material impact on the safety and operation of the local highway network. The Council's Highways Engineer offers no objection to the proposed development, the development would not be detrimental or lead to a deterioration to highway safety or capacity on the local highway network.

It is therefore considered that in light of the above the proposed development for seven dwellings would not create significant and unacceptable additional traffic growth in relation to the capacity of the existing road network and would provide a safe and easy access for road users. It therefore complies with the requirements of Policy MV1 of the adopted LDP.

6.3 Distinctive & Natural Places

6.3.1 Landscape Impact

A Landscape and Visual Appraisal Report has been submitted in support of the application, which has been considered by the Council's Landscape and Green Infrastructure Officer. No objections have been received from this Officer, subject to planning conditions, and it is acknowledged that that the proposed development layout, elevational alignment, materials and details are acceptable from an edge of settlement and urban design perspective following recent amendments.

Indeed the wider landscape impact is considered to be much reduced given the significant reduction in units that now feature just a single row of properties. Additional landscaping is proposed to reinforce the hedgerow along the eastern boundary which will form a suitable soft edge to the site. In addition, earlier proposals saw the loss of the existing hedgerow fronting onto Monmouth Road and to be replaced by sections of stone wall. It is now proposed to retain the hedgerow with new openings introduced to provide vehicular access points. Given the site location on the fringe of town this amendment is welcomed and better reflects the adjoining rural environment.

The revised proposals require the removal of a single ash tree, part of a tree group and a hedgerow. The trees within the southern field parcel will now be retained. A new soft-landscaping scheme has been submitted which includes new tree planting to compensate for the required tree removals. It is recognised that the site forms an important gateway into the town of Usk and therefore requires sensitive consideration. Subject to conditions, including the requirement for an Arboricultural Method Statement, it is not considered that the proposal would have an adverse impact on the wider rural landscape. Further consideration of Green Infrastructure issues are offered in Section 6.3.3 of this report.

6.3.2 Historic Environment

The application site is not located within the Usk Conservation Area (Policy HE1), the boundary of which is located approximately 0.4 miles to the south east. In addition there are no listed buildings within the immediate vicinity of the site, the nearest Scheduled Ancient Monument (Usk Castle) is also approximately 0.4 miles from the application site.

The Council's professional advisors in respect of archaeology, Glamorgan Gwent Archaeological Trust, have however advised that mitigation will be required. The Historic Environment Record shows that no designated or non-designated historic assets are recorded within the development area itself. However, historic OS mapping from 1901 shows evidence of a timber yard and saw mills. Accordingly GGAT have requested a condition requiring the applicant to submit and implement a programme of archaeological work in accordance with a written scheme of investigation.

PPW 10 is clear that in paragraph 6.1.7 that it "is important that the planning system looks to protect, conserve and enhance the significance of historic assets". It is considered here that subject to the condition the impact on any archaeological resource can be mitigated, whilst given the distance to other historic designations the proposed seven dwellings would not adversely impact their significance or setting. The proposal is therefore considered to be in accordance with section 6.1 of PPW 10.

6.3.3 Green Infrastructure

Policy GI1 of the LDP seeks that development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure (GI) network. A GI Strategy Statement has been submitted in support of the application. In order to compensate for the loss of habitats within the development site, the blue line area has been put forward as mitigation. As such, a GI Management Plan condition is necessary to ensure the protection, enhancement and long term management of the GI assets at the site.

The applicant has confirmed in response to queries raised by the Council's Biodiversity and Landscape Officers that the existing hedge along the northern boundary will be retained, with new openings created to facilitate access to driveways.

In addition the wider field parcel, will be retained in the ownership and management of ButlerWall Homes. They envisage that the ownership of each property will run up to the red-line, albeit there will be a rear garden fence and a new native hedge planted along the rear site boundary. The rear hedge will be accessed from each individual property and can be maintained from each garden. For this development, the applicant had advised that they do not consider it necessary to create a management company, as all this will do is add cost to the individual homeowners and the RSL, when in reality, there is little on-going maintenance required, aside from occasional trimming of the hedgerow.

Therefore subject to the detailed GI Management Plan condition, see Section 7.0, the development is considered to comply with the requirements of Policy GI1 of the adopted LDP.

6.3.4 Biodiversity

The Council's Biodiversity Officer has confirmed that the survey and assessment work undertaken is acceptable to inform the planning decision. The secondary surveys are outdated based on the recommended CIEEM guidelines but are deemed acceptable based on the reduced extent of the proposals and the securing of the southern portion as a mitigation area as provided in the Biodiversity Mitigation Strategy. The survey work undertaken has considered bats, great crested

newts, dormice and reptiles. Subject to conditions that would manage a plan for biodiversity enhancement, GI Management Plan, lighting and landscaping plans no objection is offered.

The development will be subject to a licence from Natural Resources Wales before works can commence at the site. As a licence is required, the Local Planning Authority are required to consider the 'Three Tests' for European Protected Species.

6.3.5 European Protected Species - Three Tests

In consideration of this application, European Protected Species (bats / otters / dormice / great crested newts) will be affected by the development and it has been established that a derogation licence from Natural Resources Wales will be required to implement the consent. Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests have been considered in consultation with NRW / Council Biodiversity and Ecology Officers as follows:

(i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Development Management Comment: The proposed development would provide seven new homes in total, two of which would be secured as affordable housing through a Section 106 Agreement. These units are welcomed as they are much needed with considerable local demand for affordable housing. The provision of such housing will provide social and economic benefits within the area.

(ii) There is no satisfactory alternative

Development Management Comment: The application site is allocated within the adopted LDP for residential development. During the LDP process other candidate sites for the town of Usk would have been considered by the Local Planning Authority. It is therefore considered that site has been through the appropriate rigorous site selection process in the plan-led system and therefore there are no satisfactory alternatives.

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Development Management Comment: This test is to be considered by NRW.

In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard for the advice of Natural Resources Wales and the Council's own Biodiversity Officers, it is recommended that planning conditions are applied to any permission as detailed in Section 7.0 of this report.

6.3.6 Flooding

The original site boundary included land within Flood Zone C2 which in itself raised significant concern to the Local Planning Authority. A Flood Consequence Assessment (FCA) submitted in support of the application provided modelling which asserted that the land was not actually in Flood Zone C2. This was challenged by the Council's Flood Risk Management Team who noted that the modelling had not been ground-proofed. Indeed the FCA did not take account of a watercourse entering the western corner of the site. In addition the potential for blockage of the masonry culvert, at the southern end of the site, was also not considered by the FCA. Third party representations, including submission of photographs, also confirmed that the lower portion of the site was subject to regular flooding.

In light of the significant amendments to the proposal the Flood Risk Management team have confirmed that the changes have addressed original concerns by limiting development to the northern, upper section of the site. As a result, flooding from the ordinary watercourse to the south of the site is no longer considered a concern.

6.3.7 Drainage

The site is served by an existing public sewer network which is located in the existing highway to the north west of the site and a small watercourse running on the western and southern boundary. It is proposed that the development be served by a gravity foul water system, draining to the adopted sewer in the public highway to the north west of the site. This would be offered to Dwr Cymru Welsh Water for adoption under an appropriate Section 104 Agreement.

With regard to surface water drainage it is proposed that the development be served by a mix of soakaways and permeable surfaces. The submitted Drainage Strategy notes that where the proximity of existing and proposed structures prevents the use of soakaways permeable surfaces and drainage blankets beneath the proposed drive areas will be employed to dispose of the surface water.

As of 7th January 2019, all construction work in Wales with drainage implications, of 100m² or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water. However, notwithstanding the observation submitted by the Flood Risk Management Team as this planning application was validated prior to the aforementioned date the proposal is exempt from approval by the SuDS Approving Body (SAB).

6.4 Response to the Representations of Third Parties

6.4.1 A number of the objections received have already been addressed in the preceding sections of this report and therefore shall not be repeated.

Whilst concerns raised regarding the site being overdeveloped, as detailed in Section 6.1.2 the proposal is below the density of 30 dwellings per hectare as set out in the LDP and therefore this objection is not considered to be founded.

With regards to increased pollution it is acknowledged that Bridge Street in the centre of the town of Usk is an Air Quality Management Area (AQMA). However, given the scale of the proposed development which is now for seven dwellings only and its distance from the AQMA, it is not considered that a formal AQ Assessment is warranted in order to inform the planning decision. The Council's Environmental Health Officer (EHO) has been consulted and had not requested such a report to be commissioned. The development is therefore considered to be compliant with Policy EP1.

In respect of loss of light, as detailed in Section 6.1.3 of this report the proposal is not considered to cause harm to third party residential amenity. The orientation of the dwellings is such that they would not be overbearing or cause unacceptable obstruction to natural light.

It is noted in some correspondence that more open space should be provided, however as detailed elsewhere in this report the dwellings are set in generous plots and the retention of the southern parcel of land as open space is considered to be sufficient with regard to open space. The original proposal for 18 dwellings on a site in excess of 0.5 hectares was a major planning application and was advertised as such via site notice and local press. The revised scheme is on a site of less than 0.5 and for less than 10 dwellings and is therefore no longer within the definition of major development. Accordingly re-consultation of the revised scheme was done via neighbour letters only to immediately adjoining properties and those who had provided comment on the original proposal (in addition to all statutory consultees). It is therefore noted that the correct consultation procedure has been followed.

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

6.5.1 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.

6.6 Conclusion

6.6.1 This application has been subject to considerable negotiation and amendment between the local planning authority and the applicant. Unfortunately whilst the LDP allocation of 20 units,

including a significant number of affordable units, cannot be achieved this is a result of a detailed assessment of the technical constraints affecting the site in relation to flooding. The matter has been thoroughly reviewed with the Council's Flood Team and it is concluded that the site boundary now proposed is the maximum deliverable envelope for residential development.

Whilst some GI assets are to be lost including an ash tree and the 'puncturing' of the front field hedge, additional planting and mitigation are considered acceptable and proportionate.

The dwellings themselves, while providing two much needed affordable units, are considered responsive to the surrounding built context and appropriate in scale and design given the gateway location into the town of Usk.

It is therefore concluded that having regard to national and local planning policy, as well as all relevant material planning considerations that the application is acceptable subject to a S106 Agreement and the conditions detailed in Section 7.0 below.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

Two dwellings (shown as Plots 1 and 2) on the proposed site plan shall be secured as Affordable Housing.

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

Conditions:

- 1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

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

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

- 4 No development shall take place until the applicant or his agent or successor in title has secured a written scheme of historic environment mitigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

REASON:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Planning Policy Wales (Edition 10, December 2018).

5 Prior to installation of lighting, a "lighting design strategy for biodiversity" for the scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and dormice and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent light sensitive species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To safeguard protected species in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2017.

6 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 cultivation and other operations associated with wildflowers and grass inclusive of tree planting details, northern hedge enhancements
- Hard surfacing materials.
- A landscape management plan to inform a 5 year landscape establishment period to include a gant chart or similar schedule interpretation to include annual establishment inspection visits.

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

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

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

8 The felling of the tree identified as T1 in the submitted "Arboricultural Impact Assessment Land at Woodbine Field, Monmouth Road, Usk dated 17th December 2019" shall be carried out in strict accordance with section 9 & 10 of the approved "Tree Survey - Land off Monmouth Road, Usk, produced by Ecological Services Wales dated December 2019 V1.0"

REASON: To ensure adequate safeguards for species of principle importance for conservation

9 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 managed.

The following ecological features should be identified and protected in the GI Management Plan

- Pond
- Landscape buffer areas - dormice mitigation,
- Boundary hedgerows
- Management of grassland for botanical species diversity and/or protected species including reptiles
- Provision of hibernacula suitable for reptiles/amphibians
- Maintain habitat connectivity through site for species such as hedgehogs
- Integrated Bird and Bat Provision
- A detailed Plan of Biodiversity Enhancements providing specification, location and type to be based upon the recommendations of the submitted "Tree Survey - Land off Monmouth Road, Usk, produced by Ecological Services Wales dated December 2019 V1.0" & "Woodbine Field, Usk - Biodiversity Mitigation Strategy dated January 2020 produced by Aecom"

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

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

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

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

h) Ongoing monitoring and remedial measures.

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. 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).

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

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

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.

NOTE: See BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.

REASON: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

11 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1.

12 No construction work shall be undertaken between 7.30am to 6pm Monday to Friday and 8am to 1pm Saturdays with no construction work on Sundays / Bank Holidays.

REASON: To safeguard local residential amenity in accordance with LDP Policy EP1.

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

REASON: In the interests of highways safety in accordance with LDP Policy MV1.

14 The new vehicular accesses shall be laid out and constructed strictly in accordance with Drawing No. 3053/100/C Engineering Schematic, and shall be completed in accordance with the approved details before each individual dwelling is brought into beneficial use. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

REASON: In the interests of highways safety in accordance with LDP Policy MV1.

INFORMATIVES

1 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

2 This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits->

and-permissions/protected-specieslicensing/european-protected-species-licensing/information-on-european-protectedspecies-licensing/?lang=en.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application. We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to Natural Resources Wales.

3 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

4 It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.