

**Application Number:** DM/2019/01937

**Proposal:** Hybrid planning application - Outline planning application for up to 155 dwellings, associated open space and infrastructure with all matters excluding access reserved, of which full planning permission is sought for 72 dwellings, associated open space and infrastructure.

**Address:** Land at Vinegar Hill, Undy, Monmouthshire

**Applicant:** Vistry Homes Limited

**Plans:** All Proposed Plans EDP2927\_D099-E-305 - , Street Elevation EDP2927\_D120-D-200 - , All Proposed Plans EDP2927\_D122-B-311 - , All Proposed Plans EDP2927\_D123-B-312 - , All Proposed Plans EDP2927\_D134-B-325 - , All Proposed Plans EDP2927\_D135-C-326 - , All Proposed Plans EDP2927\_D136-B-327 - , All Proposed Plans EDP2927\_D137-C-328 - , All Proposed Plans EDP2927\_D138-B-312 - , All Proposed Plans EDP2927\_D139-B-319 - , All Proposed Plans EDP2927\_D141-B-317 - , All Proposed Plans EDP2927\_D142-B - , All Proposed Plans EDP2927\_D143-B-316 - , All Proposed Plans EDP2927\_D144-C-314 - , All Proposed Plans EDP2927\_D145-B-320 - , All Proposed Plans EDP2927\_D146-B-322 - , All Proposed Plans EDP2927\_D147-B-315 - , All Proposed Plans EDP2927\_D152-A-313 - , All Proposed Plans EDP2927\_D153-A-321 - , All Proposed Plans EDP2927\_D155-A-323 - , All Proposed Plans EDP2927\_D156-B-324 - , Other EDP2927\_R018-E - , Other EDP2927\_R025-A - , All Proposed Plans 10251-S278-03-1110 - , All Proposed Plans 10251-S278-03-1100 - , All Proposed Plans 10251-S278-03-200 - , All Proposed Plans 10251-S278-03-2600 - , All Proposed Plans 10251-S278-03-2610 - , All Proposed Plans 10251-S278-03-600 - , Site Layout EDP2927\_D037-AF - , Site Layout EDP2927\_D072-F - , Site Layout EDP2927\_D106-L-102 - , Site Layout EDP2927\_D105-N-101 - , Site Layout EDP2927\_D124-A-104 - , Site Layout 10251 - 100 - 02A - , Other 19.5142\_ENS1\_R1 - , Location Plan EDP2927\_D063C - , Other 15136 - , Other EDP2927\_R011-B - , Other EDP2927\_R019-B - , Other J3744 F2 - , Other UTIL-01\_V3 - , Other W18287-FTP-01 (VERSION 04) - , Other 18287-TA-01 - , Other CR0379 REVB - , Other Sustainability Statement - , Location Plan EDP2927\_D128 - , Site Layout 10251-S278-03-110 - ,

## **RECOMMENDATION: APPROVE subject to a Section 106 Legal Agreement**

Case Officer: Mrs Helen Hinton  
Date Valid: 04.12.2019

**This application is presented to Planning Committee as there have been five or more objections to the proposal**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The application comprises a greenfield site of four, irregularly-shaped fields with an area of approximately 5.37 ha, located on the northern edge of Undy. The site is located between a modern residential housing estate to the south and the M4 motorway to the north.

The Proposals Map of the Local Development Plan (LDP) identifies that the site is located within the settlement development boundary of Magor with Undy and forms part of a strategic residential

development site referred to under Policy S3, the table accompanying Policy S2 and strategic allocation Policy SAH6 of the LDP. The allocated site extends to a cumulative area of 7.8 ha with an anticipated provision of up to 226 dwellings. The preferred route for the Magor-Undy Bypass crosses through the site from west to east.

The application site is split either side of an adopted but unclassified highway known as Vinegar Hill. Parcel A is positioned on the western side of Vinegar Hill with Parcel B to the east.

Parcel A consists of two fields (approx. 2.7 ha) bisected by an interior hedgerow. To the west, the public right of way runs from Grange Road between a residential property and existing buildings before passing through a gap in the hedgerow boundary into the western part of the site. From here the public right of way runs along the hedgerow to the east. Residential properties on Quarry Rise form an urban edge along the southern boundary. To the east, Vinegar Hill provides a narrow minor route between the village centre of Undy and the hamlet of Knollbury to the north. Grange Road and hedge form the northern boundary to the site with the M4 located immediately north of Grange Road. The M4 is perceptible along this route despite being separated by a vegetated buffer and is set within a cutting lower than the application site. The northern extent of the whole site fell within the former safeguarding area for the M4 Relief Road (notice was sent in June 2021 removing this area given the decision not to proceed with the relief road), and an allocated minerals safeguarding area for Limestone.

Parcel B consists of two fields (approx. 2.7 ha) divided by a short hedgerow running north to south. The public right of way enters the western boundary and turns south to allow access to Breezy Bank Wood. The western field is bound on the north and south by fields which are outside of the application but do form part of the strategic allocation. The eastern field adjoins with the strategic site allocation at Rockfield Farm (LDP Policy SAH5). The southern boundary runs along the edge of Breezy Bank Wood which is recognised as a site of importance for nature conservation (SINC).

Whilst gently undulating in profile, with maintained hedgerows around the periphery, the land is raised relative to the properties in Vinegar Hill and the wider Undy and Magor settlements to the south.

The site is outside of any designated riparian Special Area of Conservation and any area identified as being phosphate sensitive. In line with the information provided as part of the pending Technical Advice Note (TAN) 15 - Development, Flooding and Coastal Erosion, the site is not affected by sea or river flooding although pockets of surface water flooding are noted.

### 1.2 Value Added

The site has been the subject of extensive pre-application discussions. During the processing of the planning application, amendments have been made to the property types; green infrastructure and ecological mitigation and provision; open space provision and landscape features which will be used to address surface water drainage requirements necessary for the proposal to achieve Sustainable Drainage Approval Body Consent (SAB).

As part of the initial submission, it was proposed that Vinegar Hill be closed to through traffic. Amended plans were received in July 2021 indicating that Vinegar Hill be kept open to through traffic. However, rather than passing along the full length of the lane to the existing junction with Grange Road, traffic will be required to turn east or west through the new development. Properties on the northern side of the M4 motorway will retain their existing access along Grange Road. A number of plans have been subsequently amended to reflect the above alterations.

### 1.3 Proposal Description

This proposal is a hybrid application, seeking both full and outline planning permission for up to 155 dwellings. Full planning permission is sought for 72 on the western side of Vinegar Hill (Parcel A) with outline consent for up to 83 dwellings on the eastern side (Parcel B). LDP Policy S3 sets out seven strategic sites that will meet a substantial part of the need for new housing indicated in the table accompanying Policy S2. This application forms part of one of these sites.

## Parcel A - full consent

The proposed site layout plan details the provision of 72 dwellings comprising a mix of one-bedroom flats up to four-bedroom dwellings. The buildings would be two storey in form, finished externally with a mix of render, brick and reconstituted stone and concrete roof tiles.

Eighteen of the dwellings proposed (25%) are allocated as affordable homes and comprise 4 No. one-bedroom flats; 9 No. two-bedroom houses; 4 No. three-bedroom houses and 1 No. four-bedroom house, spread out across the site. The open market houses consist of 15 No. two-bedroom houses, 15 No. three-bedroom houses and 24 No. four-bedroom houses.

The development would be principally accessed from Grange Road to the north. The primary road would descend in a southerly direction then travel eastward across the site to cross Vinegar Hill and access Parcel B. Secondary and shared access highways would lead from the primary road in a northern and easterly direction to serve the dwellings.

A swale with associated attenuation pond, including the diverted route of the public footpath and existing hedge, would be provided in the centre of the site.

The proposed layout plans also indicate the provision of a trim trail and area of public open space adjacent to the eastern and parts of the northern boundaries, with a community orchard provided adjacent to the western boundary.

The density of the development calculated on the net residential area (plus associated highway infrastructure, formal public open space and SuDS provision) would give an average provision 28.57 dwellings per hectare.

As specified in subsection 1.2, it was initially proposed that Vinegar Hill be closed to through vehicles. However, in response to the public objections received and to ensure that the development was more permeable, amended plans were received in July 2021 indicating that the extent of Vinegar Hill to the south of the development would remain open for two-way traffic, with the section of the lane between the two Parcels of land converted to a shared pedestrian/ cycle way. As a result of the alteration, traffic travelling north on Vinegar Hill would either turn left to pass through Parcel A and then join with Grange Road, or turn right to pass through Parcel B, the new development at Rockfield Farm and then down onto the B4245. The connective junction of the development sites with Vinegar Hill would be large enough to accommodate a refuse wagon.

## Parcel B - Outline consent

The illustrative masterplan indicates that vehicular access to Parcel B would either be served by the principal access leading from Parcel A or via Vinegar Hill. The highway would run in an easterly direction with a connection to the allocated strategic mixed use site of Rockfield Farm (SAH5) to the east, parts of which are currently the subject of a reserved matters application.

Indicatively the site would provide up to 83 dwellings, predominantly positioned in the south-eastern corner and to the north of the principal access. Sustainable urban drainage features and an enhanced area of landscaping are indicated as being provided adjacent to the south-eastern and southern boundaries and would be used to provide a buffer between the urban development and the Breezy Bank SINC. The residential area would also deliver 25% affordable housing units (up to 21 units). The density of the development calculated on the net residential area (plus associated highway infrastructure and formal public open space) would give an average provision of 31.92 dwellings per hectare. It is indicated that the development would be comprised of a mixture of 2 and 3 storey buildings accommodating 1-bedroom flats and 2-4 bedroom dwellings.

The route of the public right of way would be maintained through the site with connections maintained to the woodland and pastures to the south.

The application is supported by the following documents:

Pre-application Consultation Report  
 Design and Access Statement  
 Pre-application SAB Report  
 Planning Statement  
 Environmental Noise Assessment  
 Geophysical survey  
 Air quality assessment  
 Flood risk assessment  
 Utilities assessment  
 Arboricultural Impact Assessment  
 Landscape Visual Impact Assessment  
 Ecological Appraisal report  
 Green Infrastructure Management Plan  
 Archaeological and Heritage Assessment  
 Framework travel plan  
 Transport assessment  
 Sustainability Statement.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
None			

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision  
 S2 LDP Housing Provision  
 S3 LDP Strategic Housing Sites  
 S4 LDP Affordable Housing Provision  
 S5 LDP Community and Recreation Facilities  
 S12 LDP Efficient Resource Use and Flood Risk  
 S13 LDP Landscape, Green Infrastructure and the Natural Environment  
 S15 LDP Minerals  
 S16 LDP Transport  
 S17 LDP Place Making and Design  
 SAH6 LDP Land at Vinegar Hill, Undy

### Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
 CRF2 LDP Outdoor Recreation/Public Open Space/Allotment Standards and Provision  
 SD2 LDP Sustainable Construction and Energy Efficiency  
 SD4 LDP Sustainable Drainage  
 LC5 LDP Protection and Enhancement of Landscape Character  
 GI1 LDP Green Infrastructure  
 NE1 LDP Nature Conservation and Development  
 EP1 LDP Amenity and Environmental Protection  
 EP5 LDP Foul Sewage Disposal  
 M2 LDP Minerals Safeguarding Areas  
 MV1 LDP Proposed Developments and Highway Considerations  
 MV2 LDP Sustainable Transport Access  
 MV3 LDP Public Rights of Way

## **Supplementary Planning Guidance**

Affordable Housing SPG July 2019

Renewable Energy and Energy Efficiency SPG March 2016

Green Infrastructure April 2015

Domestic Garages SPG (January 2013)

Monmouthshire Parking Standards (January 2013)

## **4.0 NATIONAL PLANNING POLICY**

### **Future Wales - The National Plan 2040**

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

### **Planning Policy Wales (PPW) Edition 11**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

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

### **Technical Advice Notes**

Technical advice note (TAN) 2: planning and affordable housing

Technical advice note (TAN) 5: nature conservation and planning

Technical advice note (TAN) 11: noise

Technical advice note (TAN) 12: design

Technical advice note (TAN) 24: the historic environment

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Magor and Undy Community Council** – Representation to original submission:

Application should be declined

- The development only allows for one access/egress point to site from Grange Road. Council presume, that upon development a connection will be made with Rockfield and subsequently to the B4245.
- Will the developers be seeking to implement a one-way system once all developments are complete? Or is the only access/ egress from the Bovis sites to the east of Vinegar Hill to be from/via Grange Road?
- Clarification regarding the storage of household waste.

- Roads do not appear wide enough for refuse wagons or emergency vehicles to manoeuvre and turn.
- A new opening in the northern boundary hedge will be provided; rather use the existing gate opening.
- A construction traffic management plan is needed to mitigate any accident and congestion on Dancing Hill and Grange Road, particularly at the narrow corner adjacent to Rock House and Hillcrest, which is already a hazard area.
- A Post construction traffic management plan is required to mitigate for the considerable increase in traffic from the B4245, accidents and congestion on the corner at Rock House/Hillcrest, and at the juncture of Dancing Hill with Grange Road. Dancing Hill is already a very busy road, experiencing high on-street parking demand.
- Measures to deal with seasonal flooding of Parcel B?
- Concerns regarding capacity of public sewerage system
- Will the developer be providing children's play facilities on the site in addition to their contribution towards the play area planned for the Rockfield site? Concerns with regards to lack of natural surveillance
- Concerns about converting Vinegar Hill it to a 'greenway' for pedestrians and cyclists. Vinegar Hill has always been a thoroughfare.
- Vinegar Hill is a narrow road with no footways and a combination of restricted visibility, substandard accesses and volume of traffic giving rise to potentially hazardous conditions for road uses. Due to the make-up of Vinegar Hill it is essential that access to it be available from both the top and bottom ends.
- Concerns for maintenance vehicles being able to access to the 'tele-communication' masts at Gurn Hill. Due to the size/length of the vehicles they are unable to traverse the lane from the bottom of Vinegar Hill (B4245 at Undy Crossroads) around the various bends (particularly at Hillcrest and Treetops). Access is required from the top of Grange Road. The proposed closure would prevent access.
- Some emergency service vehicles also have difficulty travelling the bottom section of the hill, finding it easier to access from Grange Road end.
- What traffic management plan does the developer propose to put in place to mitigate the issues caused by the proposed closure of the top section of the lane into a 'greenway'.
- The partial closure of Vinegar Hill lane will have a detrimental environmental and economic impact on the existing residents of Vinegar Hill.
- Care should be taken to ensure the developer only plants native species and not any invasive species such as Sycamore or fir related species. Consideration should also be given to the type of hedging planted to provide cover and food for birds, mammals etc.
- The west - east green corridor is a flight path for bats and for hunting raptors and barn owls. No allowance has been made in any of the dwellings for bats or nesting birds.
- The Ashley Godfrey Report commissioned by the County Council has already identified that there is a short fall in recreational open spaces.
- Magor with Undy lacks a major shopping centre. Residents have to travel to Caldicot for many services, including major food shopping, adding to carbon emissions.
- There is limited capacity in both primary schools, with secondary education based at Caldicot. No community facilities exist for further education.
- The provision of burial space, within the community is nearing closure, which will result in residents being buried outside their area.
- The Doctor's surgery and dental practices need to be consulted on whether they are able to accommodate an increase in patients.
- Whilst the developer plans to encourage sustainable transport, realistically most residents will drive down off the hill to the village and attempt to park in what are inadequate and somewhat already crowded and busy car parks.

**Magor and Undy Community Council** – Representation to amended highway plans:  
Application should be declined.

#### Layout of the Site and Traffic Management

Council note that the scheme is only now planning to partially close off the northern end of Vinegar Hill, and will be allowing access through the new development for the properties at the northern end

of Vinegar Hill. The site plan, during the early stages of development only allows for one main access/egress point to site from Grange Road. Council understand, that upon development of the sites to the east of Vinegar Hill, that the proposed road through the development will connect with the development at Rockfield and subsequently to the B4245 at Rockfield. Will all the sites connect? Is it the developer's intention to seek a one-way system once all developments are complete? Or is the only access/ egress from the Bovis sites to the east of Vinegar Hill to be from/via Grange Road?

It is noted that allowances are now made on the drawings for dedicated communal areas for householder waste to be stored for collection by the local authority's waste wagons. The proposed road system within the site does not appear to be wide enough to allow for easy access of these wagons, or emergency services vehicles to manoeuvre and turn. There is already experience of this type of problem at other sites developed locally in recent years.

What Traffic Management plan is to be put in place for construction traffic, whilst the site construction takes place, to mitigate any accident and congestion on Dancing Hill and Grange Road, particularly at the narrow corner adjacent to Rock House and Hillcrest, which is already a hazard area?

What traffic Management plan is to be put in place once the development is complete, again to mitigate accident and congestion on the corner at Rock House/Hillcrest, and at the juncture of Dancing Hill with Grange Road? Dancing Hill is already a very busy road, feeding the existing housing estate, with one side practically lined with parked cars at all times of day and night.

What plans are to be put in place to mitigate the seasonal flooding of land to the East of Vinegar Hill where the plans show the east-west green corridor and footpath 372/15/1 and access road?

Council note from the application form, that the developers propose to connect the dwellings to the existing main sewer system. The community of Magor with Undy have always had problems with the volume of foul sewage entering the system, despite a new rising main installed some time ago to alleviate the problem. We noted Dwr Cymru Welsh Water's response to the pre-planning application concluding that the local public sewerage system is unlikely to have sufficient capacity to accommodate the development without having a detriment to the existing services they provide to the area and on the protection of the environment. Dwr Cymru Welsh Water recommended that a Hydraulic Modelling Assessment of the local public sewerage network is commissioned by the developer. Council trust that the developer will undertake whatever actions are necessary to ensure that the existing community is not to be disadvantaged by the introduction of the 155 dwellings onto the existing sewerage system.

Council as well as having concerns regarding the disposal of foul sewage entering the current system, have extreme concerns regarding the dispersal of hard surface run-off. What provision has been made for SUDS? Has an agreement been reached yet with SAB? Council are already aware of the fact that the SUDS system provided by the developer at the nearby Greystone Meadows development at Rockfield Farm is totally insufficient, causing extreme flooding to the Community Council's Allotment site simply because the attenuation ponds and system installed is inadequate, and cannot take the amount of run-off water. This problem, will exacerbate with the on-set of climate change and Council can foresee a similar problem with the newly proposed development on Vinegar Hill unless a robust and overly enthusiastic system of drainage and storage is agreed and put in place.

#### Recreation Provision

Council note that footpath 372/16/1 which connects with footpath 372/15/1 is to be retained, albeit re-routed/re-aligned (subject to consultation with the community), and forms part of an east-west green corridor through the development.

The Planning Statement stated that a Section 106 Agreement had been signed that includes provision for making an enhanced financial contribution to community facilities in the Magor/Undy area.

Council note that a small piece of land is annotated as a Public Open Space in the bottom South East corner of the development to the West of Vinegar Hill, but cannot find any reference as to whether the developer will be providing children's play facilities, or will this be covered by the standard requirements of the s.106 agreement?

If the developer is to site play equipment at this point, Council would like to draw their attention to the fact that the area is tucked away on the edge of the development, it is not in clear view of dwellings and the general public and is therefore a potential child safeguarding issue. Safety of children is paramount, and the Council would therefore suggest that if the developer is planning to site play equipment in this area then they reconsider siting play equipment in full view to mitigate any potential safeguarding issues/dangers to young children. If the developer is not proposing to site children's play equipment on site, then Council would ask why provision is not to be made?

#### Proposed Road Closure

Council are disturbed to note that it is the developer's intention to seek partial closure of the Vinegar Hill lane, converting part of it to a 'greenway' for pedestrians and cyclists. Vinegar Hill is one of the oldest highways in the community dating back to roman times, when it linked to 'Old Stone Road' as a thoroughfare.

The Planning Inspectorate described Vinegar Hill as a 'narrow tortuous road – with no footways and a combination of restricted visibility, substandard accesses and volume of traffic giving rise to potentially hazardous conditions for road uses.' Due to the make-up of Vinegar Hill it is essential that

access to it be available from both the top and bottom ends. Whilst the changes to the original consultation plans improve the access to Vinegar Hill for existing residents, it is still not an ideal solution, and Council still has concerns.

Council have particular concern for the maintenance vehicles requiring access to the 'telecommunication' masts at Gurn Hill. Due to the size/length of the vehicles they are unable to traverse the lane from the bottom of Vinegar Hill (B4245 at Undy Crossroads) around the various bends (particularly at Hillcrest and Treetops) to their access/entrance at Gurn Hill Lodge. Due to the size and make-up of these vehicles access is required from the top of Grange Road, along the top section of Vinegar Hill to Gurn Hill – the proposed 'partial' closure would prevent them access, or certainly cause problems for new residents with the contractors having to access their site via the proposed new development.

What traffic management plan does the developer propose to put in place to mitigate the issues caused by the proposed closure of the top section of the lane into a 'greenway'.

The partial closure of Vinegar Hill lane will have a detrimental, environmental and economic impact on the existing residents of Vinegar Hill.

#### Biodiversity

Council are pleased to note the proposal to maintain a west – east green corridor through the developments (both parcels A & B). They note the developer's proposal to plant additional trees including small orchard areas and to maintain where possible existing hedgerows. They note also that the proposed wildflower meadow in the pre-planning application is no longer part of the plan. Council also note the area of permanent water (attenuation pond) which will be planted with aquatic and marginal planting. All of which will help maintain the biodiversity of the area if executed correctly and with planned maintenance.

Council would respectfully request that the developer plant only native species and not any invasive species such as Sycamore, and that serious consideration be given before planting any fir related species (such as Leylandii, which should be avoided) across the site. Consideration should also be given to the type of hedging planted – it should provide not only cover, but food for birds, mammals etc.

The west – east green corridor is currently a flight path for bats and for hunting raptors and barn owls. Council cannot see that the developer has made any allowance in any of the dwellings for bats. Are any of the dwellings to offer artificial or integrated bat boxes? Similarly, are the developers going to make any allowance in any of the dwellings for nesting birds such as house martin nest boxes (nest cups) or artificial nests for cavity nesting birds such as house-sparrows.

### Post Development Sustainability

Whilst it is not potentially anything to do with the physical construction and development of the site, the Community Council would like to draw to the developer's and Planning Authority's attention to several factors that will impact on the immediate community (that in close proximity to the site) and to the wider community (that of the villages of Magor and Undy, and the B4245 corridor), and may require the developer to negotiate further with the Planning and Unitary Authority.

- Following the construction and habitation of the new dwellings the amount of traffic from the B4245 up Dancing Hill and along Grange Road will increase considerably. As previously identified above, sections of Dancing Hill and Grange Road already have areas for concern.
- The Ashley Godfrey Report commissioned by Monmouthshire County Council has already identified that there is a short fall in recreational open spaces.
- Magor with Undy lacks a major shopping centre, with residents having to travel to Caldicot for many services, including major food shopping, which adds to carbon emissions.
- There is limited capacity in both primary schools, with secondary education based at Caldicot. No community facilities exist for further education.
- The provision of burial space, within the community is nearing closure, which will result in residents being buried outside their area.
- The Doctor's surgery and dental practices need to be consulted on whether they are able to accommodate an increase in patients. Both are already of great concern for current villagers.
- Whilst the developer plans to encourage sustainable transport, realistically most residents will drive down off the hill to the village and attempt to park in what are inadequate and somewhat already crowded and busy car parks

**MCC Environmental Health Officer**- Concerns regarding the potential impact of noise from road traffic on the proposed properties at the northern boundary of the site. However, conditions are recommended to address and overcome these matters.

**MCC Specialist Environmental Health Officer** - Comments provided principally with regards to air quality.

**MCC Public Rights of Way** - The applicant's attention is drawn to public paths 15 and 16 in the community of Magor with Undy which run through the sites of the proposed developments. A diversion order will be required.

**MCC Tree Officer** - The arboricultural information is satisfactory. No adverse comments are provided.

**MCC Biodiversity** - The application has been the subject of extensive discussions and consultation responses. Although a holding objection is maintained with regards to impact on the Breezy Bank SINC; priority habitats - hedgerows, lighting; protected species and biodiversity net benefit, it is considered that the concerns raised could be overcome by the imposition of conditions recommended

**MCC Green Infrastructure and Landscaping** - Although concerns remain with regards to the position of the public open space; the provision attenuation and swales creating narrow linear

features within the public open space; the use of Hoggin paths; compromised amenity to plot 26 as a result of the potential access to Quarry Rise being provided in the future and linking of footways; the need to provide greater green infrastructure between tertiary and secondary connectivity corridors and additional information being required with regards to boundary treatments and green infrastructure management plans, it is considered that the concerns raised could be overcome by the imposition of conditions recommended.

**MCC Highways** - No objection subject to conditions and the applicant entering into a Section 106 agreement to secure a Section 278 Highways Act agreement for engineering operations on Vinegar Hill and Grange Road.

Comments provided with regards to highway safety; public transport including rail, cycling and walking; traffic impact/ traffic distribution; means of access; off-site improvements and internal layout.

**MCC Highways** - Representation to amended highway plans: No objection

**MCC Sustainable Drainage Approving Body (SAB)**- The development will require SAB consent. The applicant has sought and received pre-application advice. Parcel A will be served by an infiltration basin and soakaways and which is considered to be acceptable. Concerns have been raised with regards to the indicated surface water disposal of Parcel B.

**MCC School and Student Access Manager** - Although Undy Primary School has capacity, these have been allocated to the pupils arising from the Rockfield Farm development. A commuted sum to provide additional places at Undy is therefore requested.

**Natural Resources Wales** - Advice provided to modify the intended surface water drainage scheme for Parcel B to avoid the use of a deep infiltration system.

**Welsh Government Highways** - No direction is issued.

Any mitigation deemed necessary to overcome any perceived noise or light nuisance from the M4 motorway is the responsibility of the developer and not Welsh Government as motorway highway authority.

**Welsh Water/ Dwr Cymru** - Advice provided and conditions recommended with regards to the disposal of foul and surface water.

**National Health Service** - The original consultation letter was circulated to both Caldicot and Underwood GP practices with the request to respond directly to the LPA if they had any objections to, or concerns about, the application. Neither practice has responded.

GP practices are reimbursed for their service provision on a patient capitation basis and would only object to a planning application or seek support funding where the additional patients will cause them difficulties, either because the facilities are inadequate, or they are unable to recruit additional staff to cater for the additional patients.

**South Wales Fires and Rescue** - No objections raised. Advice provided with regards to the need to provide adequate water supply and access by emergency appliances.

**South Wales Fire and Rescue** – Representation to amended highway plans. No objections raised. Advice provided with regards to the need to provide adequate water supply and access by emergency appliances.

**Glamorgan Gwent Archaeological Trust**- The site has an archaeological restraint. The Written Scheme of Investigation (WSI) submitted proposes a suitable programme for excavation at Vinegar Hill and we are content for archaeological work to proceed in accordance with the details of this document.

**SEWBRc Search Results** - A number of red and priority species recorded 152m from the site.

## 5.2 Neighbour Notification

The application has been advertised by direct neighbour notification, the erection of site notices and publication of a press notice.

In excess of 70 representations have been received and are summarised as follows:

- Inadequate public transport provisions
- Increase in traffic
- Increase in pollution
- More open space needed on development
- Noise nuisance
- Over development
- Strain on existing community facilities
- Increased traffic and poor access
- Information missing from submission
- Residential Amenity
- Affect local ecology
- Development too high
- Information missing from plans
- Loss of parking
- Conflict with local plan
- Out of keeping with character of area
- Increased danger of flooding
- Loss of light
- Loss of privacy.

### Principle

The application is a greenfield site.

The MCC LDP site allocation does not border Grange road. The provision of houses and an access road in the area outside of the application would not comply with the allocation boundary. This Parcel of land states that it is safeguarded for limestone mineral protection.

### Highway safety

Vinegar Hill is narrow (mostly single carriageway) and winding, creating reduced forward visibility for all users but especially pedestrians.

There are 60 plus households whose only mean of ingress and egress is via Vinegar Hill. Vehicular and pedestrian traffic is two way which results in conflict between vehicles as well as hazards to pedestrians (including school children) and horse riders – there are no footways; people's driveways are used as informal passing places in the absence of sufficient and formal passing places.

The closure would result in increased volumes, movement and conflict between vehicles going up and down the hill. This will result in increased vehicle reversing movements to the detriment of safety.

The junction of Vinegar Hill with the B4245 is already substandard, failing to comply with current visibility requirements. Nothing can be done to improve this.

People on Vinegar Hill use Grange Road / Dancing Hill route, as the visibility is much better, roads are wider and therefore safer meaning traffic conflicts are avoided.

Due to lack of visibility residents have to poke their cars out into the carriageway before accessing the hill.

Vinegar Hill is not a priority route for gritting. When the weather is adverse, the steep, narrow, winding lane can cause loss of traction. This, in conjunction with increased traffic movements, will generate increased collisions.

Traffic on Vinegar Hill is currently confined to those with residential properties on the incline, and deliveries to these properties. Residents of properties further up the hill, including Old Stone Road and Broadlands Court, tend to access their properties via the top of the road. This proposal will significantly increase traffic going down the hill to access the Main Road, as all properties on Vinegar Hill, Old Stone Road, and Broadlands Court will need to travel up and down the single-track narrow hill to access their properties.

The greenway proposal will remove the circular route opportunity that currently reduces the number of vehicle reversing movements.

The closure would create a cul-de-sac of 79 houses and one business.

Vinegar Hill cannot be the sole means of access for a community of this size as emergency, waste and delivery vehicles cannot easily access or use this lane, and often get stuck. Delivery, larger vehicles and refuse wagons only go down the hill.

Road signs indicate that the hill is unsuitable for HGV's. Would a fire engine be able to access the higher part of Vinegar Hill in the event of an emergency? A fire engine called to a dwelling on the Hill could only access the property via Dancing Hill and the part of the lane to be closed.

If Vinegar Hill is closed to traffic at the top end, the distance, and time, it takes emergency vehicles to reach the houses at the top end will increase due to the inability of a large vehicle to progress up the hill.

A temporary closure of the top of Vinegar Hill prevented rubbish being collected. Residents were unable to access driveways due to the limited width of the hill preventing access from a different direction. This led to increased on-street parking.

A number of the properties on the top of Vinegar Hill do not have access to mains sewerage and use septic tanks. Service vehicles use Dancing Hill because the road up from the bottom of Vinegar Hill is too narrow for the truck. These properties are serviced on a regular basis. If road access is denied this could potentially be an unhealthy situation to the immediate householders. With no way of emptying the tanks homes may become uninhabitable.

Concerns as to whether the turnaround at the top of the hill is large enough to accommodate refuse vehicles and large delivery lorries.

Inappropriate data has been used to model traffic flow using low estimates for number of journeys at peak times and optimistic assumptions on number of householders who will walk or cycle to the village. These give a low impact versus the reality of the traffic problems this development will cause.

Parcels A and B will not be constructed simultaneously. Parcel A could be constructed before the closure of Vinegar Hill and until Parcel B is completed there is no compulsion on the developer to construct the closure, greenway and turning facility. Until the closure is made Vinegar Hill is an access route for construction traffic to and from the B4245 to the development.

Concerns that if Vinegar Hill is not closed, traffic from the new development will use it to gain access to the B4245. Perhaps a partial solution would be to provide an electronic barrier rather than permanent bollards and issue permits / number plate recognition technology to open the barrier to current Vinegar Hill residents / emergency services / refuse vehicles etc., (although there would still be a problem with transient delivery vehicles / visitors).

There are 30 houses on Vinegar Hill north of Jubilee Cottage (including Old Stone Road). Could bollards be placed near the sharp bend by Jubilee Cottage so that the residents, delivery vehicles

etc. to the northern side dwelling could gain access via the B4245 via Dancing Hill, as many already do?

The closure of Vinegar Hill appears to be in the sole interest of the developer to provide access to the Rockfield development site, and not to benefit residents and the community by pedestrianisation. In the event of an accident, residents have agreed that legal action against the Council would be taken on a collective basis as the Council has been warned about the over-development of Vinegar Hill and the significant detrimental impact on all existing residents who already need to use this road for access to their properties.

The road from Dancing Hill to the site access at Grange Road in many parts cannot accommodate two cars passing together. There are very limited or no pavements along the route. There is no scope to extend the road or add pavements due to existing houses.

The safety of pedestrians and cyclists will be compromised due to the significant increase of traffic to the development. The increased volume of traffic along this road will isolate older members of the community.

It states in the LDP that access from Dancing Hill to Grange Road 'will require improvement'. The Monmouthshire County Council LDP Inspector Report 2014 also states that 'Whilst Vinegar Hill itself would not provide safe access the site would be accessible either through the Rockfield Farm site or via Grange Road and Dancing Hill'. These statements by MCC demonstrate that access either by Grange Road or by Vinegar Hill are not suitable and are unsafe for a housing development.

The traffic calming planned on Grange Road onto Dancing Hill will prevent the access and parking of family/friends and deliveries to properties.

Dancing Hill is already a busy road which will become overloaded and dangerous. Access to the eastern development should be from the Rockfield Farm site.

The bulk of traffic will use Dancing Hill, leading to extensive queues and resulting pollution, by those turning onto the main road at peak times for the M4. This will necessitate the installation of traffic lights at the junction of the B4245. This would be exacerbated by the lower section of Dancing Hill having cars and at times HGVs parked on either side (double yellow lines are required), in addition to the school bus pickup points blocking the road at several points or attempting to turn around on the hill.

Concerns with regards to traffic turning right onto Dancing Hill from Grange Rd due to the excessive speed of traffic coming down from Quarry Rise. The 30mph LED sign is ineffective and not working, physical traffic calming is required above this junction to allow additional traffic to turn right. Traffic traveling up Dancing Hill does not need to slow down to branch onto Grange Rd or carry onto Quarry Rise physical traffic calming is needed up to the junction to allow pedestrians to cross Dancing Hill/Grange Rd.

Exiting the junction of Cowleaze is difficult because of the traffic coming down the hill from our left, often at high speeds, the increase in the numbers will just make this problem even worse.

The main road needs further light controlled pedestrian crossing points due to the rise in traffic from this development and those at Rockfield, Sudbrook, Caldicot, Severn Tunnel Junction stations expansion. A relief junction from the B4245 to the M48 is now required, all the S106 monies could have helped deliver this for the communities along the length of the B4245.

This proposal does not incorporate the proposed Magor & Undy bypass, which was outlined in MCC documentation previously. The bypass should be completed before the Vinegar Hill development goes ahead. This would give all construction traffic access to the site instead of using Vinegar Hill and Dancing Hill

Consideration should be given to a 20mph speed limit.

Due to gradient people are unlikely to walk or cycle to the site or to and from the doctors and shops etc.

The cycle route from Magor to Severn Tunnel Junction is not fit for purpose.

Inadequate signage is provided along Vinegar Hill.

### Amenity

Consideration needs to be given to the cumulative impact of development in conjunction with Rockfield Farm development.

There will be no green spaces left once this development is completed. The fields are currently used by lots of dog walkers. It's an opportunity to exercise dogs off lead and meet up with people for conversation and exercise. Loss of habitat, once gone can never be replaced.

Contradictions within the documents submitted - The vast majority of the basins and swales are designed to be dry for most of the year and, while planted in part, would thus be available for public use'. However, the 'Design and Access Statement' on page 47 clearly shows in the key that the attenuation basin contains a 'proposed area of permanent water'. Therefore, how can this be classed as usable public open space?

Insignificant Public Open Space- the 1.38 ha of public space should be usable public space. The maps provided are deceiving as the green space located by the public footpath and existing hedgerows is an attenuation basin and not usable public open space as suggested.

Public open spaces and green areas consist of a large attenuation basin, a sub-station and pump station. There is a small area for a trim trail but would not class this as a 'large area' compared to the size of the development. There is not sufficient usable green space in the development plans as four fields which are used very frequently by the public are being lost to development. The current open space is enjoyed by the residents and local community daily and the development plans including public space are not substantial enough to reflect this.

Concerns about the safety of young children with the planned attenuation basin with proposed area of permanent water.

The community orchard promoted as a feature of the development is only 0.06ha from a 5.25ha development area. To promote this as a community feature for this development is negligible as this would only be 1.1% of the whole development site.

It is unclear from the plans how the development incorporates low energy technology e.g. solar panels for hot water and electricity, highly efficient heating systems etc. which should be a priority in any new housing.

This development allows those wishing to get onto the property ladder an excellent opportunity and keeps younger generations in the village and regenerating the community with things such as commuted sums allowing the council to gain access to funding from the developer as part of Section 106 and Section 38 and Section 278 agreements

I do believe we need more housing but am also not convinced that these houses will be affordable for those who need them. Recent developments at the other end of the village have very high starting prices. A large number of the houses for sale in Magor and Undy are too expensive and it means that those on lower incomes are priced out of the area. Even affordable homes are too expensive for those trying to get on the property ladder.

Social housing also needs to be looked at. We need to ensure there are enough homes in the area that can help reduce poverty and homelessness.

There are very few jobs in the local area that pay the salary required to obtain a mortgage for the current house prices. The new jobs to be created are unlikely to pay at the appropriate rate either.

The amount of new housing in the local area of Newport and the Gwent Flats appears to far exceed the local job prospects other than changing the whole area into a commuter town for the cities of Cardiff and Bristol.

The noise and air pollution of this increased volume of traffic will impact on the residents of the existing properties.

The wider area lacks sufficient infrastructure and capacity within schools, doctors, train station etc. We don't have a proper post service. Our police station is unmanned.

Schools further afield that may have space are not an acceptable alternative for nursery/reception age.

With poor public transport services, pollution will only rise as people have to rely on cars. One bus an hour is insufficient.

As so much of Vinegar Hill has been developed, water now gushes down the hill causing aquaplaning.

There are no hedgerows between our property and the proposed development. The development would result in a significant loss of privacy as a result of the lack of hedgerows and layout of the proposed dwellings. Rear gardens will be significantly overlooked

Increased overshadowing to existing rear garden.

Our fence bordering the field for the proposed development is approximately a 4ft agricultural fence containing barbed wire. This is suitable for bordering a field but not a housing development.

Significant visual impact. The field is used by us as recreational green space which is not being provided with the development.

Should this housing estate go ahead, there will be increased levels of noise, mess and inconvenience of living next to a building site.

Water sewage at Vinegar Hill is at capacity and the last four houses are on septic tanks. The plan is not explained.

The area suffers with an inadequate water supply and water pressure. The water pressure at the top of Vinegar Hill only just meets the statutory minimum. Further houses will further reduce this, so without investment, the current houses on Vinegar Hill will be below the statutory minimum standard.

The Council fails to clear out drainage which results in the bottom of Vinegar at the junction (outside the groomers) being permanently flooded when it rains.

Too close to motorway.

Initial reports clearly indicate cause for concern with regard to noise and air pollution from adjacent motorway. Given that these reports were undertaken over a year and that the removal of the toll booths seems to have caused an increase in motor way traffic, this data should be re-measured, in order to provide the optimum design solution.

The M4 has been twice widened, adding to the noise, air pollution and traffic. To build another estate in this very small area, will further increase this.

The fields also overlook the motorway, surely with the high volume of traffic and stand still traffic am and pm the pollution is very high and noise level.

## Ecology

There will also be a further loss of natural habitat, for existing wildlife.

### 5.2.1 Public Response to Amended Plans

The amended plans received in July 2021, have been the subject of a further round of public consultation. 45 letters of objection/ representation have been received and are summarised as follows:

#### Principle

Amendments don't change original objections.

As a local resident, I support the need for new housing and accept Magor and Undy should play its part. The proposal seems fair and reasonable.

The houses are not needed or wanted

#### Amenity

There is insufficient infrastructure and facilities such as roads, doctors, shops, dentists in the local area to support the proposal.

There will likely not be sufficient primary school places for every child once the Rockfield development is complete. Where are the additional children residing at the Land at Vinegar Hill site going to be educated? Where are all these people supposed to go for doctor/dentist appointments when there's limited availability already?

Please re-think your plans to pave over all the Severnside green spaces.

Recent surveys fail to take into consideration buzzards, foxes, invertebrates and hedgehogs.

Both villages have insufficient access to leisure facilities and these open fields have been used extensively especially during the pandemic and are a source of pleasure and relief to mental health issues

This so-called village is becoming over-developed and over-populated for its services and infrastructure.

Will these new houses have a green footprint? Not heated by gas boilers? Solar Panels as standard? Will there be a high proportion of smaller, affordable houses for our young people?

This development, is to cram as many houses into a small area that has great access to the M4 to make as much money as possible for the developers and the council.

There are too many houses being built in Monmouthshire that are not in the price range for residents, the fact that all of these are out of reach to local people is a cause for concern.

There are no social houses provided as the developers always find a loophole. As usual young people starting out have to relocate to Newport, Cwmbran or the valleys.

Too many houses been built so too much traffic too much pollution from motorway and traffic travelling to and though Magor and Undy.

Objection on the grounds on the condensed nature of the development v the less congested existing surrounding housing developments in the immediate vicinity and the Vinegar Hill housing.

Over development - continued merging of large residential estates, maximising dwellings at the sacrifice of natural green space will ruin the area

The lack of public transport is a huge concern in the area, and whilst MCC may well have an agenda to encourage travel by foot / public transport, the links in the village are appalling. The bus service to Caldicot is now once every 2 hours! Meaningful public transport must be reintroduced.

The traffic increase and subsequent pollution have been brushed aside. To say there is good public transport is a joke. The last bus Newport to Magor is at 17:30 weekdays.

The houses near the M4 will be subject to pollution and even the application acknowledges the need for forced ventilation.

The noise from the M4 now can be quite intrusive in Quarry Rise. It will be bad in the new properties.

We need the green fields as a buffer to the M4.

The loss of all of the green fields in this area is a disgrace. These fields are being used by walkers and dog walkers every day with more families getting dogs during lockdown. There will be no fields left to enjoy. No natural habitats left for our birds, bees and insects. I appreciate that additional housing is necessary, but nobody could argue that Magor/Undy is short of new housing given the competition of Kingfisher Rise and Rockfield which is currently being built years yet. These houses won't be affordable for young people in the area, they will be purchased by families outside the area who want an easy commute to Bristol.

Rather see the fields given over to wind turbines to help generate much needed green energy to power the houses already under construction a few fields away in Rockfield. Welsh Government calls for a "decade of action" on climate change. It might've seemed like a good idea to MCC to build yet more houses on our green spaces when the LDP was drafted but things have changed dramatically just in the last couple of years and removing all the green spaces in this village needs to stop.

### Biodiversity

As long as the developers stick up a few bat boxes who cares if the bats natural habitat has been flattened. If only all our green spaces could be protected.

Development will result in the loss of habitat for wildlife and green areas beneficial for mental and physical health

One reference to the southern hedge indicates it has poor diversity. This is not so and many birds nest here and there are wood mice and hedgehogs present.

Does this development comply with the Biodiversity Metric 3.0?

### Highway Safety

If the houses are to be built at least this impact could be avoided, as well as the impact of this traffic joining the main road, by the construction of a road alongside the motorway to the old police compound which was the original plan for the parcels of land.

Vinegar Hill itself will have too much traffic especially considering the number of children who walk along this road.

The changes to the road routes allowing Vinegar Hill residents to have a route north is an improvement, albeit it of reduced accessibility, through the new estate.

This is not an acceptable solution as it involves routing a main thorough-fare through a housing estate. Whilst Vinegar Hill may be considered a minor road - it's a main route for those who live on Vinegar Hill.

155 new house need an acceptable route to the main road. When this development was first shown to the public, we were told a bypass would be put in place, and while it may have been no-one actually said the two things were linked, we were allowed to believe that they were. This is a clever way to appease the public, before removing the proposal for the bypass road later.

Most of these houses will need two working adults to afford them, so 155 houses will result in approximately 300 additional cars trying to find a route to the main road between 7:30 and 8:30 in the morning, and a way home between 4:00 and 5:30. All down Dancing Hill - can we see the traffic flow modelling for this scenario?

The location on Vinegar Hill is unpractical with VH (*sic*) being a narrow gradient challenged road. Secondly, where is all the traffic going to alight onto the B4245? Obviously you're not expecting an extra 300 cars a day plus service vehicles meandering up and down VH. So that leaves Grange Road and Dancing Hill. The Access from Dancing Hills onto the B4245 is highly congested causing further problems for those leaving the lower junctions of Dancing Hill, such as Cowleaze.

If understood correctly the alterations mean that the top end of Vinegar Hill will have access to Grange Road via the estate and not along the current route. This means that those who live on the proposed estate could also have access to Vinegar Hill and use it to drive down the hill to the main road. This will generate a considerable increase in traffic use, all for the sake of 100 yards of pedestrian and cyclist freeway.

Vinegar Hill or Grange Road will become a rat run. The whole of Magor and Undy is rapidly becoming a rat run.

Vinegar Hill (VH) is an unclassified lane. MCC highways have cited (under planning DM/2021/00528) that VH is considered substandard and well below the standards expected of an unclassified lane that serves the actual number of residential properties. The lane is predominantly single lane, narrow with no defined passing spaces or footways. The applicant's Transport Assessment ref 18287-TA-01 confirms the same under point 4.2.4 of their report. In the same report, under Highway Safety, Item 5.2.2, the applicant has provided a record of accidents at the junction of VH and the B4245. Appreciating present risks, the applicant originally sought master planning to create an active travel corridor along VH to effectively create a cul-de-sac. This revised proposal seeks to introduce a road junction at the top of VH connecting the through road between development land Parcels A & B. This in effect will facilitate a through route for all residents for additional 155 households (+300cars) before associated delivery traffic etc.

VH is used by pedestrians, dog walkers, children walking to school, cyclists and horse riders, as well as cars. VH has no pavements, has poor sight lines and has poor street lighting. Part of responsible planning policy and design is to improve road safety, not to create danger. There is a genuine cost to life by considering this proposal as it stands.

Following prior residential developments, MCC have installed a street sign at the bottom of VH stating: No access to residential developments. Clearly risk has been recognised before, why isn't it again now?

Vinegar Hill lane should remain open, even if the new development goes ahead. Vinegar Hill is already very busy with residential traffic for the whole of Vinegar Hill and Stone Lane, plus a constant stream of delivery vehicles, so having only one access would cause complete chaos. The lane is very narrow, with no proper passing places or pavements, so closing one end would make it even more dangerous than it already is.

There are insufficient crossings for the schoolchildren using both Magor and Undy primary schools and the main road is a danger to life due to volume of traffic and the speed at which they use it.

The proposed 20mph speed limit on the B4245 will encourage drivers to use Vinegar Hill as a rat run. Policing the 20mph limit on Vinegar Hill will be difficult.

Vinegar Hill should stay as it is but possibly widened. The westerly development should be stand alone, accessed from Grange Road. The easterly development should be accessed from the east i.e. in conjunction with the plans for Rockfield Farm Phase 3 with which it forms a contiguous boundary. Then there would be no extra traffic on Vinegar Hill.

Total disregard of the development for the routing and management of the generated traffic onto the main road, at the bottom of Dancing Hill. The traffic will be routed onto Grange Road, which includes a sharp bend, adjacent to housing, a stretch of road suffering from long term subsidence, a narrowing of the road, between existing dwellings, a number of private driveways opening onto the roadway directly, access onto Dancing Hill, and finally access onto the Main road. The management of the traffic must be addressed by MCC in advance of this development becoming 'live'.

Traffic from 155 house, (plus possibly traffic from the Rockfield development, because that will all end up linked together) is expected to be directed up and down Grange Road/Vinegar Hill when there used to be a planned Magor/Undy bypass running alongside the M4 and coming out at the roundabout at the end of the village. The council would rather pollute the residents of Vinegar Hill and Dancing Hill rather than invest in the correct transport infrastructure for this development. The Rockfield development is not finished yet and the traffic impact has already started to take effect at the bottom of Dancing Hill.

The recently released traffic data shows a weekday average of 250 vehicle movements at the top end of Vinegar Hill (I believe the data was collected near the junction with Grange Road). There are around 80 houses on Vinegar Hill. Assuming not every resident travels up Vinegar Hill, those at the bottom will generally exit onto the main road, so approx 2/3rds go north & return that way:

~53 houses use the northerly route;

This means there are around 5 vehicle movements per house per day.

Most of these, 225 or 90%, are between 7:00am and 8:pm, at an average of over 17 movements per hour, peaking at 25.

The discussion over Vinegar Hill being closed / one way at the top / fully open, is a diversion and not addressing the underlying problem - lack of infrastructure.

ATC summary report (and supplementary documents contained within attachment) provides support to concerns raised by the community and Vinegar Hill (VH) residents.

The report appears to survey only one section of VH that this development seeks to impact, namely the junction between VH and Grange Rd. It appears that no survey has been undertaken to the lower section of VH that connects to B4245. Current plans by the developer seek to connect the new development to VH which will in effect provide a thoroughfare to B4245. How, when statements are made by the developer agent (T.Brown@ Jubb 22/05/19 11.52) are of the view that VH is not suitable for any intensification in terms of traffic and consider that Vinegar Hill should be closed to traffic for any development of the site, and in the absence of any survey data of the impacted route, can the developer legitimately apply for and MCC sensibly consider a new junction between the proposed development and Vinegar Hill?

Statistical analysis may indeed indicate that traffic movements during peak hours are not significant, in practice perhaps Jubb, MCC Highways and MCC Planning should try and navigate Vinegar Hill on foot, with children walking to school, walking a dog on the non-existent footways? Or perhaps horse riding, cycling, or driving on what is considered to be (by MCC in their objection to DM/2021/00528) sub-standard and well below the standards expected of an unclassified lane that serves the actual number of residential properties, this when meeting a vehicle approaching you from the opposite direction without any provision for passing place.

Using these figures and applying them to the new estate, 155 houses, suggests per weekday  
Around:

- 730 extra vehicle movements ,
- average of 50 per hour, 7:00am to 8:00pm
- peaking at 73 per hour,

What ever happens to Vinegar Hill, and I believe it has to remain open, the current infrastructure cannot cope with this extra traffic. No Infrastructure = No development

I understand the traffic survey used to justify the recent amendment was done on Friday 19th April 2019. This was a Good Friday bank holiday during school holidays. The traffic movements can hardly be described as normal and if this data is used the conclusions are seriously flawed.

Using Grange Road to accommodate all the traffic that shall ensue from extra houses, is not safe and not feasible. This road is already used by many people from other housing estates and as it is, trying to get onto the already, very busy main road, is extremely difficult.

The suggestion that the traffic from Phase 1 will drive down Grange Road if they want to get to Caldicot is ludicrous. Clearly it's a quicker/more direct route for those vehicles to drive down VH and turn left at the bottom to travel along the B4245 to Caldicot/Chepstow and vice versa on their return. All it takes is 2 or 3 vehicles queuing at the bottom of VH to join the B4245 and the traffic will come to a standstill as this is a bottleneck already and risks being so on a far more regular basis. Drivers wishing to turn onto VH from Caldicot won't be able to if there is already two or more vehicles waiting to join B4245 from VH and traffic will start queuing in both directions, especially if there is a bus waiting at the bus stop at the bottom of VH. Additionally, delivery vehicles' SatNav coming from Caldicot to the new properties in Phase 1 will be guided up VH as the SatNav won't navigate the driver to continue along the B4245 to access the development via Grange Road. VH will be used by contractors coming from Caldicot/Chepstow during the build stage.

The current site plan for Phase 1 suggests that people wishing to travel north on VH can drive through the new development to join Grange Road. Is it not dangerous to suggest that vehicles should drive through a housing development? These new houses won't have big enough garages/driveways to accommodate 2 cars (and any visitors cars) and so cars will be bumped up on pavements or parked in the road and for VH traffic to navigate this along with children playing in the vicinity is just dangerous.

### 5.3 Local Member Representations

The Ward Member County Councillor Lisa Dymock was consulted on the 11 December 2019 and has provided the following comments with regards to the initial application:

"Undy has seen a considerable amount of development recently and I feel further development will lay siege to our village.

My understanding, having canvassed Vinegar Hill to gather residents' responses to the introduction of bollards and the recommendation that the lane becomes a dead end, is that there is compelling demand for further public consultation. On reflection of the feedback, it's evident that there is discord in opinion which appears to be influenced by their positioning on the hill.

I lived for many years on Vinegar Hill so am aware of the large volume of pedestrians that use the lane to access Common-y-Coed and Undy Primary School. Introducing a dead end would drive a significant increase in traffic at the bottom of the hill creating a potentially greater risk. We are part of the e-commerce era where people are opting to shop online due to the convenience offered through next day deliveries. This shift has resulted in a huge increase in delivery vehicles on the road with a need to access properties regularly. In this area specifically, the majority of delivery vehicles do not pull onto private driveway but choose to remain in situ on the road. This raises the question of how these delivery vehicles will turn around due to Vinegar Hill being a single track lane.

I am happy to work with Bovis as the local member, to engage with residents in more detail about what will be the best solution for Vinegar Hill residents. I believe a town hall meeting where Bovis can showcase the plans and residents can voice concerns would be a worthwhile engagement. It

would also be beneficial to circulate a survey to the residents affected providing them with an opportunity to voice their concerns.

Road safety on the B4245 is becoming the biggest concern of residents in the Severnside area. I have noted that you have allocated S106 'Offsite highway improvements' - please can you define what this will entail exactly - residents would like to see a speed camera in the village to deter those who think it is acceptable to speed through Magor/ Undy.

I recently visited residents at the Kingfisher development (Bovis development) who kindly walked me around the development pointing out issues they have encountered since residing there and I would not like to see a repeat of the same mistakes. It almost seems impossible to drive around Seymour Rise, there are cars everywhere due to the lack of parking or the location of parking spaces for households. It makes it very difficult for people to visit the area without parking somewhere that obstructs another person or makes it impossible for emergency services to access certain areas. I am aware that bins are frequently missed as the refuse truck is unable to access certain areas of the estate.

The communal bin areas have been poorly placed. I saw one house had a storage bin area placed under their living room window and another backed onto a family garden when there was an area that backed onto public land that was more suitable and would not interfere with the family enjoying their land. I was shocked at the lack of thought that was put into the positioning of the bin storage units.

I am concerned at the lack of pavements in certain areas which meant people had to walk in the road, this is simply not good enough due to risk it entails to local residents.

I was also made aware of the design of internal pipes and the various issues occupiers have experienced and invasive remedial works that had to be undertaken. Please could you confirm that your design team have now resolved this issue and provide reassurance that this won't happen again on the new development.

I would also like to see electrical vehicle infrastructure incorporated into the plans, charging points for the increasing number of electrical vehicles.

I have concerns over the lack of space locally for recreational activities. Undy AFC are already looking for alternative space to utilise due to the high number of those attending and pitches are being overused. The local rugby and cricket clubs currently have nowhere to play and have to travel to Caldicot. I would like to see somewhere identified locally for them."

Please note all representations can be read in full on the Council's website: <https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of development and viability**

#### **6.1.1 Principle of development**

Policy S1 of the LDP refers to the Spatial Distribution of new housing provision within the County and states that the main focus for new such development will be within or adjoining main towns. Outside of this, Policy S1 sets out that a smaller amount of new housing development will be provided in the Severnside sub-region, particularly at Magor/Undy, Caldicot/ Portskewett and Sudbrook.

Policy S3 of the LDP identifies seven strategic housing sites within Monmouthshire of which this application is one. Policy SAH6 which relates specifically to this site provides the following:

7.81 hectares at the Vinegar Hill, Undy site are allocated for residential development. Planning permission will be granted provided that:

- a) Around 225 new dwellings are provided;
- b) A Section 106 Agreement has been signed that, in addition to standard requirements, includes provision for any necessary off-site highway improvements to the highway network through Magor/Undy;
- c) A Section 106 Agreement has been signed that, in addition to standard requirements, includes provision for making an enhanced financial contribution to community facilities in the Magor/Undy area;
- d) It is ensured that safeguarding routes for a potential Magor/Undy by-pass and for a potential M4 Relief Road are not prejudiced by the development.

As a result of the above, the allocated site is positioned within the development boundary for the area.

In acknowledgement of public comments received, the application site does not encompass all the area forming part of the LDP allocation. An area of land extending up to 1.4 ha (3.4 acres) adjoining the northern boundary of Parcel B has not been included, as the applicant has been unable to secure a contract agreement with the landowner. The site does however include a Parcel of land on the northern boundary of Parcel A extending up to 0.28 hectares (0.7 acres) which does not form part of the allocation. This area of land also falls outside of the development boundary and is positioned within a minerals safeguarding area for limestone as designated by Policy M2. As a result of including this land within the application, the proposal has been advertised as a departure from the development plan.

It is considered that its inclusion represents an acceptable departure from the development plan having regard to the following:

- i) the definitive boundary of the site provided by the hedge line and route of Grange Road to the north;
- ii) the positioning of other dwellings immediately to the west of the site which address the highway, following the same northern boundary, and
- iii) the reduced area of the application site relative to the allocation and the need to include the land within the proposal in order to access and bring forward the allocated site for development.

With regards to the part of the land being within a Minerals Safeguarding Area as designated in Policy M2, there is a need to provide a buffer to protect existing residential dwellings in the locality from the impact of potential minerals working. Consequently, minerals extraction would not be feasible in this location. It is therefore considered that there would be no likely conflict with Policy M2.

In accordance with the requirements of Policy S4, the applicant has indicated the provision of 25% affordable housing within the scheme and has confirmed that they are willing to enter into a Section 106 to secure this provision in perpetuity.

On the basis of the above, it is considered that the principle of developing this site for residential purposes has already been positively established by the allocation, which has been thoroughly reviewed as part of the LDP process as considered above by the LDP Inspector. The current proposal is therefore acceptable in principle, subject to the application satisfying a number of material considerations.

#### 6.1.2 Viability and Cardiff Capital Region Funding

The site is an allocated strategic site within the Council's LDP (Policy SAH6) and it the only remaining strategic site in the LDP that does not benefit from planning consent. The development proposal has had significant viability issues that has resulted in the application not being able to progress positively to date. The viability concerns are principally due to infrastructure costs associated with the development that have changed since the adoption of the LDP particularly surrounding the introduction of the sustainable drainage systems legislation. Given the Council is currently reviewing its LDP planning officers were reluctant to support a development proposal that was not fully policy compliant and that would not support the delivery of the required level of

affordable housing (25% subject to viability) or S106 contributions to support the increased housing. The District Valuer has reviewed the viability of the scheme and has outlined that the scheme (without any additional funding) would not be viable. The application had failed to progress to a positive determination since its submission in 2019 and as negotiations were at a stalemate, planning officers were reluctant to support a scheme that did not provide adequate affordable housing or financial contributions to ensure a sustainable development.

However, in 2020 the Cardiff Capital Region (CCR) announced the development of the Housing Viability Gap Fund that would 'unlock' stalled sites that are unviable for housing delivery with the objective to kick start construction, generate jobs and deliver sustainable developments, enhancing the long-term growth prospects of the region. This site is a key strategic housing site within the LDP (Policy SAH6) and therefore the local authority in collaboration with the developer applied for £5.21m worth of funding to the CCR. The funding would support this site to be progressed with full planning policy compliance in relation to affordable housing and S106 contributions enabling officers to recommend approval of the scheme without further deliberations regarding viability. Following detailed discussions and financial appraisals of the scheme with the CCR and their appointed assessors the scheme was approved for the housing viability funding on 29th November 2021, subject to the funding conditions. Given the awarding of this funding the application is now fully policy compliant and officers consider the proposals acceptable. The proposal delivers 25% affordable housing provision whilst meeting all the required contributions in relation to community facilities, recreation, education and sustainable transport and is in accordance with the requirements of Policy SAH 6 and the LDP. The proposal ensures a sustainable form of development that accords with the objectives of the LDP to build sustainable communities.

## **6.2 Sustainability**

### **6.2.1 Good Design and Place Making**

As specified above the site is located on the northern side of Undy, with the modern residential housing estate of Quarry Rise to the south; a smaller number of dwellings to the west of Parcel A; the M4 and areas of open countryside to the north and the mixed use allocated site of Rockfield Farm (SAH5) to the east of Parcel B.

With the exception of older housing on Vinegar Hill, housing developments within the vicinity of the site were built predominately during the late 20th century arranged around cul-de-sacs with limited connectivity and circuitous routes that provide limited opportunities for permeability. As a result of age, the density of development and urban form varies slightly with developments being characterised by detached and semi-detached two-storey housing finished with brick and render elevations. A lesser number of terraced houses with stone elevations are located within more historic areas.

As specified above, the proposal would provide a density of development of 28.57 and 31.92 dwellings per hectare split between Parcels A and B respectively. Although criterion i) of DES1 requires a minimum net density of 30 dwellings per hectare in order to ensure the most efficient use of land, it must be noted that the sites developable area and ability to provide a greater density of development, has been impacted by constraints including the need to provide appropriate sustainable surface water disposal, green infrastructure and open space provision. Although the number of dwellings on site could be increased through the inclusion of more flats and reduced or compromised areas of public open space or amenity areas, being mindful of the context of the site, acting as a transition between Undy and adjacent open countryside, the density of development and type of accommodation proposed is considered acceptable in this instance.

Following a number of alterations to the layout and design of Parcel A, the proposal is considered acceptable and considered to be of a good standard of design that respects the character and appearance of the area. The site has been designed with a principal distributor road with smaller zoned areas leading from this. Whilst property types will remain consistent across the development, it is felt that the retention and provision of natural features such as hedgerows and landscaped areas will help enhance character with residents being within walking distance of a variety of open spaces and green corridors. Care has been taken to ensure the public rights of way that cross the sites are

retained although these will be subject to minor adjustments to follow the hedgerow which acts as a strategic green infrastructure corridor with the area naturally surveyed by the surrounding dwellings. It is considered that the landscaping features and details will help to provide buffer zones and provide distinctive areas and elements that will assist in the permeability and legibility within and between the sites.

Where back to back arrangements are indicated, a distance of 21m is to be maintained between habitable room windows, with enhancements to hedgerows and boundary features indicated to protect and enhance amenity and privacy and to provide greater opportunities for connectivity between green habitats and features. Although some side to rear distances within the development are compromised this is necessary to make efficient use of the land.

Externally the main finish will be facing brickwork with elements of render and smaller features of stone incorporated. The local vernacular consists mainly of brick dwellings with some rendered detailing. The materials proposed are considered in keeping and help create reference markers and landmark plots, again to enhance legibility and orientation. Care has been taken to ensure that buildings on corners or in prominent or highly visible locations have features such windows or openings in gable features to help provide a sense of natural surveillance over surrounding streets.

Parking will be provided by a combination of garages, parking spaces and driveways. Hard and soft landscaping will define other public and private areas with landscape and street planting also used to assist in the definition of such spaces and to soften the visual impact of the proposal.

With regards to Parcel A, the public open space would take the form of a linear feature running though the site from west to east which would accommodate the route of the slightly repositioned footpath, the existing hedgerow and a landscaped swale and attenuation basin and a rectangular shaped area in the south-eastern. Due to extensive sustainable drainage requirements of the site, the space would be multi- purpose in terms of use. A community orchard would be provided adjoining the western boundary with a more formal area of open space provided in the south-eastern part of the site and a trim trail adjacent to the eastern boundary. The open space would be unequipped with the developer making a financial contribution to maintain other existing equipped provision in the area, as requested by the Council's Community Infrastructure Officer. In all cases the dwellings surrounding would be orientated to face onto the open space to increase natural surveillance and create a stronger urban form that would help the areas to become a focal point for residents. Although the Council's Landscape Officer has maintained concerns with regards to the location, positioning, usability and proportionality of the spaces, the areas and provision is influenced and constrained by the insurmountable surface water drainage requirements and the desire to maintain key green infrastructure connections and existing ecological habitat features.

As part of the application, it is proposed to close the northern part of Vinegar Hill to through traffic and create an enhanced walking and cycling route, with through traffic to and from Vinegar Hill directed through the proposed development. Although relatively short in length, being mindful of the lack of pavement facilities along Vinegar Hill, it is felt that such provision enhances the safety of pedestrians and cyclists and provides respite from traffic.

With regards to Parcel B, in accordance with the requirements of the Town and County Planning (Development Management Procedure) (Wales) Order 2012, information in the form of a site layout showing the indicative position of the buildings, routes, open spaces, height, width and length of the proposal has been submitted for consideration.

Given its more linear shape relative to Parcel A, the site would accommodate a central highway providing the link to the Rockfield Farm site to the east, with dwellings provided adjacent to the western boundary and the northern side of the spinal road, with smaller zoned areas of development leading from this. It is anticipated that the southern boundary of the site, adjacent to the Breezy Bank SINC would remain largely undeveloped with the exception of an area of public open space and surface water drainage features, as necessary. It is considered that the site is capable of accommodating the proposed number of units in association with all the necessary infrastructure and that the dwellings could be designed and arranged to prevent the works from having a detrimental impact on the character, appearance and amenity of the area. Discussions are on-going

with regards to development options for the site and the developer has indicated their strong commitment to bringing this element of the site forward as soon as possible.

Whilst the change from agricultural fields to urban development will have a substantial effect on the landscape character, with its edge of settlement location making it all the more sensitive to change, being mindful of the adjacent residential developments to the south, it is considered that the detail and indicative designs would not be detrimental to the character and appearance of the area. As a result, it is considered that the overall design of the development proposed is compliant with the requirements of policies S13, S17 and DES1 of the LDP.

### 6.2.2 Green Infrastructure (GI)

The M4 corridor and its associated vegetation buffer and existing landscaping features within the site provide key east-west GI connections through the site and adjacent wider landscape, although there is reduced north-south connectivity. As a result of their urban nature, the existing areas to the south of the site provide limited green infrastructure connections.

Given the extant agricultural use of the area, the site is largely defined and intersected by mature, maintained native species hedgerows. The hedges either side of the Vinegar Hill are considered to provide a north-south GI connection between developments to the south and the vegetation of the M4 corridor. The hedges and trees on the periphery and within the site are a key asset and distinctive element of the site and play an important role in the wider landscape. Although not subject of any Tree Preservation Orders (TPOs) or within a Conservation Area, these features are considered to be ecologically important and form important landscape features. Their protection where practically possible, and enhancement has been a key element to the design, layout and character enhancement of the proposal.

Strategic planting of trees, shrubs and hedges will play an important role in visually softening the new development. Hedges have been used to define boundaries and soften streetscapes in conjunction with tree planting. Ornamental shrub planting has been incorporated where appropriate in response to the layout but should remain subservient to the green infrastructure and strategic streetscape planting of trees and hedges.

The application indicates the retention and enhancement of east-west and north-south green corridor spaces which will also be used to provide areas of open space with swales and pond features provided to the north of the primary access road. The existing woodland (Breezy Bank Wood) on the south-eastern boundary of Parcel B is to be retained to provide visual screening and a boundary to the proposed development.

An arboriculture assessment has been undertaken of the trees and hedges within and adjacent to the whole site that may be affected by the proposals. The findings of this are set out in the 'Arboricultural Impact Assessment', which supports the application. Following review, the Council's Tree Officer has confirmed that the reports submitted are acceptable and sufficient and has raised no objections to the conclusions.

Following extensive discussions, the Council's Landscape Officer has advised that whilst the detailed landscaping proposals (detailed on GI plans, boundary treatments, streetscapes, a GI Management Plan (GI MP) and planning layout), are broadly acceptable, concerns remain with regards the need to provide greater connectivity between tertiary and secondary corridors and the need to provide enhanced details with regard to the GI MP. Whilst the latest response has been issued to the developer for consideration, sufficient information has been submitted to allow the application to be considered favourably and the additional details sought could be secured by condition. Being mindful of the scale of the development and the development precedent for such proposals within the immediate vicinity, the application does seek to protect existing landscape and GI features and bolster these where possible to maximise connectivity through the site. The works proposed would not have such a detrimental impact on the GI network to warrant refusal of the application.

As part of their response, the Landscape Officer has requested a contribution via a Section 106 agreement towards GI provision within the area from both development parcels. Following review, the applicant has indicated that they are willing to make the contribution.

Based on the above, subject to conditions and the provision of a commuted sum to be used towards GI provision within the wider area, the application is considered compliant with LDP policies S13 and GI1.

### 6.2.3 Energy

Policy SD2 states that proposals for low carbon design solutions in new buildings will be permitted in accordance with the energy hierarchy of reducing energy demand through passive design, promoting energy efficiency through use of appropriate building fabric and inclusion of renewable or low carbon energy generation technologies. All new development proposals will be required to incorporate efficient resource use during construction, operation and maintenance.

Details submitted as part of the application indicate that each dwelling would be fitted with a number of devices and appliances to reduce energy consumption and resource waste. Furthermore, all the dwellings would be constructed with a fabric first strategy which includes improved u values for elements of construction alongside psi values for all thermal junctions. This along with highly efficient condensing boilers helps improve the carbon emissions per dwelling beyond Part L of the 2013 Building Regulations. Although the provision of renewable energy systems (such as source heat pumps and solar panels) are not indicated as part of the development these could be fitted by the homeowners under permitted development rights granted by Part 40 (Installation of domestic microgeneration equipment) of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012.

Whilst the Ward Member has requested the development incorporate electric vehicle charging points, given the position of the site away from the main thoroughfare, it is considered that the provision of domestic on plot charging provisions, rather than a communal sub-base, would be most appropriate for the site.

## **6.3 Landscape**

A Landscape Visual Impact Assessment (LVIA) has been submitted in support of the application which determines that the site is not located within or near any local or nationally designated landscape. It is noted that the site is positioned outside of the indicative boundary of the green belt area referred to as part of Future Wales, The National Plan 2040.

Although in general the site is considered to correlate with a number of features identified within the published LANDMAP datasets, it also presents differences and detracting elements such as a distinct urbanising influence from the adjacent settlement and the audible and visual presence of the M4 motorway.

The report identifies that the proposed scheme will result in no more than a moderate adverse level of effect upon landscape character of the site itself - as, despite a land use change from greenfield to residential use, the site character is already strongly influenced by neighbouring housing and by the M4 motorway corridor. With the wider landscape (including the LANDMAP aspect areas and adjacent landscape setting) experiencing no more than a moderate-minor level of change, the addition of the proposed scheme would be perceived to be a logical and contained infill site along this edge of Undy and the M4.

Following review of the LVIA, the Council's Landscape Officer has advised that the selected receptor locations and conclusions are broadly accepted and on balance the LVIA has considered the cumulative impact of Rockfield Farm and the proposal on the PROW users, road receptors and residential receptors. The Officer agrees that the cumulative landscape and visual amenity impact on the character of the wider landscape would not be overly significant in the context of the existing features (M4, Undy urban edge) and new development to the east of the site. However, it is also identified that locally, with regards to the existing dwellings in Quarry Rise the impact will be

significant and the importance and quality of proposed GI, placemaking and boundary buffers will be essential to help to reduce the cumulative localised impact.

Whilst the change from agricultural fields to urban development will have a substantial effect on the landscape character when viewed from Quarry Rise to the south, with its edge of settlement location making it all the more sensitive to change, it is considered that the overall design and layout of the proposal, which makes use of and enhances GI and landscape features, will help ensure the development would not be harmful to the overall character and appearance of the area. Subject to the imposition of conditions with regards to GI provision and boundary treatments, the proposal is considered compliant with the requirements of LDP policies S13, S17, LC5, EP1 and DES1.

## **6.4 Historic Environment**

The site does not fall within a designated conservation area nor does it contain any designated 'historic assets', such as scheduled monuments, listed buildings, or historic parks and gardens. However, there are 41 HER records, 23 National Monuments Records Wales (NMRW) records and 48 event records recorded by the Glamorgan Gwent Archaeological Trust HER within the 1km study area.

Investigations at the neighbouring Rockfield Farm identified a prehistoric field system believed to be part of a larger system of agricultural activity. There are also numerous examples of Roman archaeology within the wider study area including Roman building remains and a stone sarcophagus. Considering the proximity of this archaeology to the site and the location of the site in the general vicinity of the Gwent Levels, there is also considered to be a moderate potential to encounter Roman archaeology within the site.

In terms of medieval activity, historic maps suggest a medieval agricultural use of the land within the site. Historic maps also depict the complete removal of field boundaries derived from a medieval layout which are replaced with a new field system in the late 19th century. Considering this, the potential to encounter medieval archaeology relating to the agricultural use of the site has been assessed as low while the potential to encounter low value, agricultural remains from the post-medieval period has been assessed as high.

Following an initial consultation, Glamorgan Gwent Archaeological Trust (GGAT) provided the following response:

"A geophysical survey by SUMO (report no. 15136, dated June 2019) and a subsequent field evaluation by AC Archaeology (report no. ACD2111/2/0, dated September 2019) have been conducted within the proposed development area. The work noted a probable enclosure with associated late Iron Age to Roman pottery, along with a separate ditch feature of currently unknown date. As a result, there are archaeological features that need to be addressed prior to the construction phase of the proposed development."

Following the submission of a Written Scheme of Investigation for the whole site and further consultation, GGAT have provided the following update:

"The Written Scheme of Investigation (WSI) proposes a suitable programme for Excavation at Vinegar Hill and we are content for archaeological work to proceed in accordance with the details of this document. Section 4 (Methodology) of the WSI sets out contingencies to allow the archaeological site work to flex to respond to the needs of the archaeological resource encountered. Archaeological site work, analyses and subsequent reporting now need to be undertaken."

Whilst GGAT have recommend the imposition of a condition it is considered that including the WSI as an approved document of any grant of consent will ensure the additional details required by section 4 are submitted.

Subject to the inclusion of this document within the list of any approved plans, the application is considered compliant with the requirements of Technical Advice Note (TAN) 24 - The historic environment.

## 6.5 Biodiversity

An Ecological Appraisal has been prepared by EDP that considers the ecological implications of proposed residential development. This appraisal has been informed by a desk study, Extended Phase 1 Habitat survey and further detailed surveys for hedgerows, badgers, bats, dormouse and common reptiles during 2015, 2016, 2018 and 2019.

The site is located circa 2.8km to the north of the Severn Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. In addition, Magor and Undy Site of Special Scientific Interest (SSSI) is situated circa 670m south, whilst Redwick and Llandevenny SSSI and Magor Marsh SSSI are located circa 830m south and 1km south west respectively. With respect to non-statutorily designated sites, Breezy Bank to Rockfield Farm SINC abuts the south easternmost site boundary, extending further eastwards beyond the site itself.

The report outlines that the site comprises species-poor, semi-improved grassland fields bound by a hedgerow network subject to regular management through cutting or grazing by livestock. Habitats within the site provide suitable roosting, foraging, commuting and dispersal habitat for the local bat population, in addition to offering suitable opportunities for breeding birds, common reptiles and badger.

The site and proposal have been the subject of extensive discussions with the Council's Ecologist with numerous amendment and updates received. Following the latest consultation, the Council's Ecologist has maintained a holding objection to the proposal but identified that their concerns could be overcome by condition for matters such as landscaping, green infrastructure management plan and environmental management plan. . The Council's Ecologist has acknowledged that an updated landscape plan is needed to improve the hedgerows along the boundaries of the site which are currently species-poor and notably defunct. The council would be seeking enhancements to the landscaping to infill gaps, bolster planting and provide tree planning where necessary, to provide a robust green corridor to the boundaries of the site. The eastern Parcel of the development lies adjacent to a Site of Importance for Nature Conservation known as Breezy Bank. There needs to be an appropriate buffer between the development (including SuDS) and the SINC. This should be informed by the ecological and arboricultural assessments that inform a future reserved matter application. The impact of the development on wildlife interests has been given significant consideration and the proposals are considered to be acceptable (subject to conditions).

Natural Resources Wales have not raised any objections or concerns in relation to wildlife interests at the site however have provided the following comments in relation to the SSSI:

"The proposed site lies within 740m of the Gwent Levels - Magor and Undy Site of Special Scientific Interest. The SSSI is notified for its range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system. The special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Any development which has an adverse impact on any of these factors will have an adverse impact on the wildlife for which the area was notified. Given the distance from the development, subject to conditions being imposed preventing the use of deep borehole surface water drainage we have no further comments to make on impacts to the SSSI."

Whilst the condition requested by NRW with regards to deep borehole surface water drainage is acknowledged, the Council's SAB team have advised that such methods of drainage are not deemed to be sustainable and would not be supported as part of a SuDS application. As such matters are dealt within by legislation outside of planning control, the condition will not be supported on the grounds that it is not necessary or relevant to the determination of the planning application.

In light of the information submitted and the consultation responses received, subject to the imposition of conditions, the proposed development would not have a harmful impact on the biodiversity and ecological value of the area. The application is therefore considered compliant with LDP policies S13 and NE1.

## 6.6 Impact on Amenity

The development of the site for residential purposes in comparison to the existing use and arrangement will inevitably have an impact on the residential amenity of those living closest to the site, within Quarry Rise and within the northern part of Vinegar Hill whose views and outlook will be notably altered. Public concerns have been raised with regards to increased overlooking, loss of privacy and increased overshadowing and loss of light. However, based on the layout and hard and soft landscaping plans submitted for Parcel A, in association with the orientation of the site to the north of the dwellings in Quarry Rise, the development is considered acceptable in terms of its impact on existing neighbours, with distances between the rear of existing and proposed houses being sufficient so as not to unacceptably impact on privacy, light, nor be significantly overbearing.

Being mindful of the outline status of Parcel B, it is considered that the site could be designed and developed in such a way to prevent it from having an unacceptable impact on the amenity of those living closest to the site.

There are two footpaths that cross through the development site. As part of the consultation response, the Council's Rights of Way team has advised that adjustments to the alignments of the paths will be required with a path order or multiple orders necessary. Whilst the developer is aware of the paths and has accommodated them as part of the detailed and indicative layout plans, they have also been made aware of the need to seek an amendment to the definitive route. An advisory note relating to such matters could also be added to any grant of consent.

Whilst residents have identified that the fields are used for public recreation, notwithstanding the route of the public footpath, the land is privately owned and is not allocated as an area of public open space. Free movement across the wider land could therefore be prevented without further reference to the Council.

With regards to the amenity of proposed residents the plans detail that each dwelling would benefit from an area of (private) enclosed amenity space with an areas of open space provided as part of the works. Whilst the positioning and usability of these areas is a matter of concern for local residents and the Council Landscape Officer, it is acknowledged that layout and area of provision have been affected and in some respects compromised by the insurmountable SuDS requirements. Although the areas would not provide equipped play spaces they could be used by residents for informal recreation and creative play.

The Landscape Officer has requested the public open space in the south-eastern part of Parcel A to be repositioned more centrally within Parcel A, as the area cannot be developed due to the need to provide crate drainage and a pumping station, it seems logical to enhance the area to provide a POS, which, when considered in relation to the Parcel B would be relatively centrally positioned and would benefit from good access connections and natural surveillance from the adjacent properties.

Criterion c) of Policy SAH6 states a section 106 agreement will be required as part of any development for making an enhanced financial contribution to community facilities in the Magor/Undy area in addition to standard requirements. Financial contributions will also be needed in lieu of on-site provision of outdoor recreation facilities.

As part of the consultation response, the MCC Recreation Team has requested the following provisions be secured via the Section 106 agreement:

- Contributions for a centralised play facility at the existing Rockfield Farm site.
- Adoption by the Council of the open space with provision of a commuted sum over 20 years;
- Offsite Recreation Contributions; and
- Contributions to community facilities in the Magor/Undy area in addition to standard requirements.

Following review, the applicant has confirmed that they are willing to enter into an agreement to make the contributions.

During the public consultation process, objectors have raised concerns that existing schools within the area are already operating at capacity.

As part of their consultation response, the Education Team have identified that Undy Primary School is the catchment school for this development, with the number on roll standing at 317 against a capacity of 359, leaving 42 surplus places. However, the Rockfield Farm development which is also within the catchment and is being built out, is expected to generate 59 primary age pupils. There is therefore, no surplus capacity at Undy Primary for this current proposal.

Of the 72 proposed dwellings, 54 will be open market and the remaining 18 allocated to affordable housing with a mix of 2, 3 and 4 bedroom properties. On this basis it is anticipated that 11 primary age pupils will arise from the open market element of this allocation with a potential for 13 primary aged pupils to arise from the open market element of Parcel B.

The Council's current protocols do allow the Education Team to explore available capacity at schools within a two mile radius of the development, in the event that the catchment school is full. Magor Church in Wales (CIW) Primary is within the two mile distance of the development and has capacity to accommodate the children expected to arise from this proposal. However, Magor CIW is a voluntary Aided Church School. Whilst it is a school that is available and accommodating of families/ children who are not from a religious/ Christian faith, the Education Team have concluded that it would be remiss to assume that all parents of children generated from this site would be content for their children to attend a school of religious character. It has therefore been requested that the developer enter into a Section 106 agreement to make contributions of £17,257 per pupil generated from the open market element of both sites, with the funds used towards the provision of sufficient community school places to allow parents to put forward a preference. Although it is anticipated that the affordable housing element of the scheme will generate primary school pupils, current policy does not allow these dwellings to be considered in terms of the contribution request.

Following review, the Applicant has confirmed that they are willing to enter into a Section 106 agreement to provide the contribution.

Capacity and access to doctors and dental practices has also been identified as an area for concern by local residents. Following consultation with a NHS General Management representative it has been confirmed that local surgeries have been consulted with no response or objections subsequently received. Practices are reimbursed for their service provision on a patient capitation basis, and would only object to a planning application or seek support funding where the additional patients would cause them difficulties, either because the facilities are inadequate, or they are unable to recruit additional staff to cater for the additional patients. It is considered the lack of response with regards to the consultation indicates that there are no significant concerns within the area to accommodate any new patients generated by the proposal.

Being mindful of the layout, existing and proposed facilities to be provided on and off site and the contributions the developer is willing to make to enhance provision within the area, it is considered that the application would not have an unacceptable impact on amenity and is considered compliant with the requirements of policies S5, S13, S17, CRF2, EP1 and DES1 of the LDP.

## **6.7 Highways**

### **6.7.1 Sustainable Transport Hierarchy**

As specified above, the site as a whole is allocated as part of the LDP for residential development and falls within the defined development boundary for the area.

In terms of sustainable transport connections, although the main railway line passes through Undy, there is no station in the village or within walking distance. Although the Celtic Trail (Sustrans Route 4) runs through the south-eastern corner of Undy along Church Road and provides a connection to the Severn Tunnel junction station, objectors have indicated that this route provides a poor connection to the area.

There is an hourly bus service along the B5245, 700m to the south of the site which provides connections with Newport and Chepstow. The main shopping area of Magor which includes a small supermarket, restaurants and facilities is located 800m from site in the centre of Magor and is about a 10 minute walk from the site. Undy Primary School is situated approximately 400m to the south of the site (6 minutes' walking distance) and the Magor Church in Wales Primary School is located near the centre of Magor, approximately 1.3km to the south west (a 15 minute walk). The nearest secondary school is located in Caldicot, approximately 6km to the east. The lack of public transport and connectivity has been raised as a matter of concern by a number of public respondents

Employment opportunities are available within the Wales 1 Business Park and Magor Brewery which are located close to junction 23A of the M4, approximately 2km to the west, with additional larger industrial and warehouse buildings located within 4km of the site to the west toward Newport. Furthermore the Rockfield Farm development has been granted outline planning permission for the creation of approximately 5,575 sq.m of B1 floor space.

A number of the objectors feel that the jobs available within these employment areas would not be sufficient to generate sufficient income to support a house purchase on the site. As a result concerns are raised that occupants are more likely to commute to employment outside of the county generating increased traffic movements.

Policy MV2 states that, where deemed necessary, a financial contribution will be required to be used for improvements in transport infrastructure and services, in particular to support sustainable travel links / public transport, cycling and walking. With this in mind, the applicant has agreed to enter into a Section 106 agreement to make a commuted sum provision of £2,000 per dwelling to be used for such purposes. It is considered that the sum generated in association with monies secured as part of the Rockfield Farm development for similar purposes would help increase public and sustainable transport options and access.

Subject to the developer entering into the Section 106 agreement, the application is therefore considered to be compliant with Policy MV2.

#### 6.7.2 Access / Highway Safety

During the public consultation process, numerous concerns have been raised with regards to highway safety and the free flow of traffic on the local and wider highway network. As part of the application, a Transport Assessment (TA) has been submitted that has considered the impact of the proposal on the local network on the basis of with or without the M4 Corridor around Newport; the historically protected Undy / Magor By-Pass (Policy MV10) and the requirement to provide an east-west link to the adjacent Rockfield Farm Site (Policy SAH5). The TA specifically modelled and tested a number of development scenarios with the results indicating that the impact on the local highway network (B4245) and key junctions would be minimal.

Paragraph 7.2.2 of the TA clarifies that Automatic Traffic Count (ATC) Survey was carried out on Grange Road, along the frontage, over a 7-day period commencing on the 3<sup>rd</sup> April 2019 to determine the level of passing flow and vehicle speed to inform the design of the proposed vehicular access. It is noted that the school holidays operated from the 15<sup>th</sup>- 28<sup>th</sup> April 2019. The data provided is therefore considered representative of average use and the data is also taken pre pandemic and is reflect of previous traffic movements.

The development would be primarily accessed off Grange Road through the formation of a new priority T-junction. The junction has been designed in consideration of the recorded 85th percentile speed survey to achieve a visibility splay of 2.4m x 120m to the west, in line with technical guidance for a speed of 40mph. To the east a 2.4m x 79m visibility splay can be achieved, which is the maximum achievable from the proposed vehicular access to the junction between Grange Road and Vinegar Hill. Swept path analysis have also been carried out to ensure the manoeuvre of refuse and fire tender vehicles in/out and within the site is viable. As part of the scheme, traffic calming measures would be introduced to Grange Road to include build outs creating a 1.5m pavement on the western side, prioritised traffic flows to help overcome issues where the carriageway is of

reduced width and pedestrian crossings. These details would be secured by the developer entering into a Section 106 agreement to ensure a Section 278 Highways act agreement.

Internally the development would be served by a simple street hierarchy with the primary road crossing the site and Vinegar Hill to access Parcel B, with secondary and shared access roads to the north and south. The internal layout of Parcel A including provision for turning and parking is considered acceptable.

Through the LDP process, access to the site has been identified from Grange Road/ Dancing Hill with an access link via the adjacent Rockfield Farm strategic site SAH5. As part of the Policy SAH6 it is required that the development provide a highway connection in the eastern boundary within Rockfield Farm. As a result, the layout of Parcel B will be designed so as not to prejudice this link from being completed in future. However, it is noted that this connection would only be required when Parcel B is built out. The completion of this connection in the future would provide a continuous route from the B4245, through the developments at 'Rockfield Farm' and 'Vinegar Hill', to Grange Road. This would however have no strategic importance and would not provide an alternative 'through route' to the B4245.

Although the current proposal encroaches into the M4 safeguarding route, confirmation has been received from Welsh Government (WG), indicating that no works need to be safeguarded on the southern side of the M4 any longer. If the planning committee were minded to recommend approval of the application officers would notify the WG to see if they would like to call this application in given the location of the development within the M4 safeguarding route. It is considered unlikely that it would be called in given the current status of the M4 relief road.

Regarding the possible Magor/Undy by-pass, the TA for the adjacent scheme at Rockfield Farm concluded that the by-pass was not necessary to facilitate the development and it has subsequently been determined it is no longer required. However, this is reliant on the provision of an east-west link between the two allocated sites.

As part of the initial application, it was proposed that the northern most part of Vinegar Hill be the subject of a traffic order to extinguish through vehicular access. In essence this would have converted Vinegar Hill to a cul-de-sac with a turning head in the south-western corner of Parcel A to allow the existing dwellings on Vinegar Hill to continue to be serviced by refuse and emergency vehicles. It was hoped that such works would minimise the impact of traffic generated by the site on Vinegar Hill. As part of the highway order the northern element of Vinegar Hill that runs between Parcels A and B was to be re-engineered to create a greenway for pedestrians and cyclists.

Issues with regard to highway safety as a result of the closure of circuitous routes and the associated increased number of vehicle movements this would generate along Vinegar Hill have been a key concern for objectors, with further concerns raised in relation to traffic calming measures along Grange Road and the capacity of junctions of Dancing Hill and the B4245 to accommodate the development.

Following consultation with regards to the initial plans, the Councils Highway's Department has provided the following response:

"The Local Development Plan clearly demonstrates that the allocated sites SAH5 Rockfield Farm and SAH6 Land at Vinegar Hill are considered as a whole and the developments linked to provide a continuous route from west to east to the north of Magor and Undy. The TA submitted in support of the approved development for Rockfield Farm (SAH5) has considered the impact on the local network (B4245 and local junctions) on the basis of with or without the M4 corridor around Newport; the historically protected Undy/ Magor By-Pass (Policy MV10) and the requirements to provide an east-west link to the adjacent Vinegar Hill site (SAH6). The TA indicates that the provision of the west to east link between the developments can be adopted and implemented enabling transport permeation.

The west to east link therefore is required to traverse the existing local road, Vinegar Hill. Vinegar Hill where it is severed by the west to east link is a local unclassified narrow road providing access

to Grange Road and predominantly agricultural land to the north of the M4 as well as the communities of St Brides Netherwent, Carrow Hill and Five Lanes. Vinegar Hill is not considered a strategic route or one that provides a through route to other areas of the County.

The highway authority during consultation on the LDP process and more recently pre-application discussions acknowledged that the status and use of Vinegar Hill would require careful consideration to ensure that Vinegar Hill from the boundary of the development to its junction with the B4245 to the south did not provide a convenient and accessible link that was attractive to motorists. Any increase in traffic movements over this section of Vinegar Hill would lead to a deterioration in highway safety and capacity.

The communities' comments are noted in respect of the indicated measures to control and limit the use of Vinegar Hill as a direct route to the B4245. The proposals submitted may well be considered premature at this stage, but in the context of the overall development, the highway authority need to ensure that the use and control of Vinegar Hill is secured and future proofed when the development progresses and the west-east link is provided. To this end the current proposals to implement a prohibition of driving order and implement engineering measures over the section of Vinegar Hill from its severance with the new estate west to east link is not necessarily required at this stage in the overall development, but it will require careful consideration or alternative solutions to be sought to ensure that Vinegar Hill is managed sustainably and provided acceptable level of access for existing Vinegar Hill residents but does not provide an attractive rat run from the development to the B4245.

The current proposal to connect Vinegar Hill into the estate road, the future west to east link and connection to Grange Road via a new junction avoids the creation of a cross roads that would not be supported or justified due to the limited vehicle movements over the section of Vinegar Hill in question. The traffic analysis provided identifies that only 120 vehicles travel south, and 129 vehicles travel north on any given day, not enough to warrant the retention of Vinegar Hill as a through route between the development and the M4 overbridge. The creation of a green walkway over the redundant length of Vinegar Hill is considered the best use of the highway. The highway authority recommends the introduction of a prohibition of driving traffic regulation order rather than re-classification of the route to create the green walkway and cycleway

The control and use of Vinegar Hill and the creation of the Greenway provision will need to be controlled by suitably worded conditions and Section 106 Agreement.

### **Transport Assessment General Observations:**

#### Highway Safety

The review of the accident data available for the highway network providing access to the proposed development has not identified any highway safety issues and no off site highway mitigation to facilitate the development is required. However, as indicated traffic movements on Vinegar Hill need to be discouraged for reasons already indicated.

#### Public Transport

It is stated that the nearest bus stops are within 770m of the development location at various locations on the B4245, providing access to Rogiet, Caldicot, Chepstow and Newport

#### Rail

Severn Tunnel junction is within 4.6km walking distance from the development and is 20minutes by bicycle. The station is accessible by bus and car with on-site parking provision although the surrounding environment of Rogiet experiences considerable on street parking during the working week.

Severn Tunnel Junction provides rail access to the South Wales main line and the Gloucester to Newport line, providing access to Newport, Cardiff, Bristol and further afield.

## Cycling

Magor has a number of destinations and attractions that are accessible by cycle. The site is located approximately 1.2km north of National Cycle Network (NCN) Route 4 (The Celtic Trail) providing on road access to Severn Tunnel Junction, Caldicot, Newport and further afield. The NCN is located within 1.7km of the site. The transport assess has indicated no proposals to improve the network or provide links to it.

## Walking

The only direct means of access is via Vinegar Hill. Vinegar Hill has no footway provision over its length from its junction with the B4245. However, Vinegar Hill does provide access to Pennyfarthing Lane which provides designated footway links to the south of the development and access to Undy Primary School and the other main attractors and destinations located along the B4245 and Magor centre to the south of the B4245 via a number of signal controlled and uncontrolled crossings.

Additional pedestrian access is available via the proposed new junction with Grange Road. The junction will provide pedestrian connection with the publicly maintained footway on the northern side of Grange Road. A new footway and associated traffic calming features on Grange Road as detailed on Drawing No 18287/002/P1 will provide a continuous link and access to the footways on Dancing Hill to the south of the site. The development will also benefit from the existence of public footpath FP 372/15/1 providing a direct link from the proposed development within Grange Road in the vicinity of Rock House.

## Traffic Impact/ Traffic Distribution

The highway Authority has considered the traffic impact and the distribution of traffic associated with this development and the wider allocated development on the LDP to the north of Magor/ Undy. The transport assessment submitted in support of the application has considered those primary junctions that would be affected by the development. The junctions will operate within capacity and the traffic impact would be negligible.

## Means of access

### Grange Road

The proposed means of access, a simple T junction with the unclassified road, Grange Road is acceptable in principle. The proposed T junction will be subject to detailed design, safety audit and technical audit / review and the landowner will be required to enter into a Section 278 agreement, Highways Act 1980 with the Council as Highway authority.

### Vinegar Hill

The severance of Vinegar Hill and re-routing via the residential estate road/ west-east link as discussed earlier will be subject to detailed design, safety audit and technical audit/ review and the landowner will be required to enter into a Section 278 agreement, Highways Act 1980 with the Council as Highway authority.

## Off-site improvements

The proposed footway and improvements to Grange Road as detailed on Drawing 19287/002/P1 will be subject to detailed design, safety audit and technical audit/ review and the landowner will be required to enter into a Section 278 agreement, Highway Act 1980 with the Council as highway authority.

## Internal Layout

It is recommended that all internal estate roads have a design speed of 20mph or less and be constructed to adoptable standards enabling their future adoption pursuant to Section 38 of the Highways Act 1980."

Whilst it was originally proposed to close Vinegar Hill to prevent residents of the proposed development from using the route as a short cut to access the B4245, in response to the considerable public objection and to achieve permeability, amended plans have been received indicating that Vinegar Hill (with the exception of the northern element between Parcels A and B) would remain open but diverted through the development site. The proposed junction from the development onto Vinegar Hill would be large enough to accommodate refuse wagons and emergency vehicles. In respect of public consultation, the responses to the highway alteration have been mixed and are detailed in section 5.2.1 above.

Following re-consultation, the following response has been received from Highways:

"The applicant has...submitted drawings and further information detailing how Vinegar Hill will be connected into the proposed estate road as detailed on Drawing No.10251-S278-03-200 Vinegar Hill S278 General Arrangement. The highway authority has reviewed the proposal and considers that the creation of a new junction into the proposed estate road, the future west / east link and the closure of the section of Vinegar Hill between the proposed estate road and Grange Road is considered the most practical and sustainable solution in that it provides for but is not limited to the following;

- It maintains a secondary access to Vinegar Hill for emergency vehicles;
- It provides a more direct route for residents who reside in the northern section of Vinegar hill, avoiding the need to travel the length of Vinegar Hill from its junction with the B4245;
- It is considered that traffic flows will not increase to levels that would be detrimental to the current capacity and use of Vinegar Hill as traffic generated by the proposed development is unlikely to navigate Vinegar Hill to access the B4245 when a more commodious and expedient route is available via Grange Road and Dancing Hill.

The changes to Vinegar Hill will not be implemented until such time as Phase B is completed and when the Phase A (72 dwellings) estate road is adopted as public highway therefore enabling the diversion of Vinegar Hill onto a public highway.

However access to Phase B (the remaining 83 dwellings) to construct the offsite drainage works and pumping station will be required during Phase A; no access to Phase B will be directly off Vinegar Hill but will be accessed via the Phase A internal development access and haul road requiring access across Vinegar Hill by way of a specific approved traffic management regime implemented to control the interaction of existing vehicular and pedestrian access on Vinegar Hill and the associated construction traffic. The developer will be expected to address this as a particular requirement of the Construction Traffic Management Plan planning condition attached to the planning decision and as referenced previously.

The highway authority offers no further comment on the application and would reiterate the highway authority's earlier requirements in the event the planning authority are minded to approve the application".

In line with the latest public comments and objections the maintained through access for existing residents and calling vehicles has the potential to generate increased movements along Vinegar Hill. However, having regard to the comments provided by Highways, being mindful of the constrained route of Vinegar Hill and the alternatives available it is considered unlikely that new residents would make regular or intense use of Vinegar Hill. The amended highway layout has maintained a turning head in the south-eastern corner of Parcel A to service the proposed substation. This could be used as part of the highway network as a passing or turning facility and in turn represents a highway gain to improve the highway safety and free flow of traffic.

In response to the latest Community Council observations, eventually this site would connect with the Rockfield Farm development. No one way system is indicated or proposed.

In association with with the request made by the Council's Highway Engineer and the Community Council a condition can be imposed requiring the developer to submit a Construction Traffic Management Plan with details specified to prevent construction traffic using Vinegar Hill. A post construction traffic management plan with regards to the junctions of Grange Road with Dancing Hill and on to the B4245 would be not enforceable. Post construction traffic management for the wider highway network is the responsibility of the Local Highway Authority

On the basis of the reports and plans submitted and in light of the consultation responses received from Highways and the provisions that will be secured by the Section 106 and 278 agreements, it is considered that the proposal would not harm highway safety and the free flow of traffic and is compliant with the requirements of LDP policies S16, MV1 and MV3.

## **6.8 Affordable Housing**

Strategic Policy S4 relates to Affordable Housing Provision and states that in Severnside Settlements there is a requirement for 25% of the total number of dwellings on the site to be affordable. The current application seeks outline planning permission for up to 155 houses, of which detailed planning permission is sought 72 dwellings on Parcel A. A total of 18 affordable homes are indicated on Parcel A with a further 25% to be provided on Parcel B. Although the exact numbers for Parcel B are currently unknown, 25% provision would still be required if there was an overall reduction of dwellings to be provided.

Following amendments to the Design Quality Requirements for affordable home (Design Quality Requirements 2021 – Creating Beautiful Homes & Places), amended plans have been received indicating compliance with the new standards. While relatively modest changes to the floor areas are indicated, the plans include low carbon design solutions as well as detailing “non-fossil” fuel for domestic heating and hot water systems.

The provision of 25% affordable housing for both sites and its retention as such in perpetuity will need to be secured via a Section 106 agreement. Following review, the developer has indicated that they are willing to enter into an agreement to secure the provision.

## **6.9 Flooding**

In compliance with Development Advice Maps of Technical Advice Note (TAN) 15 – Development and Flood Risk, the site as a whole is in Flood Zone A. As a result, the proposal is at little or no risk from sea or river flooding.

Whilst the Community Council have requested clarification with regards to how seasonal surface water flooding of Parcel B will be overcome, methods for the alleviation of such matters will be considered and reviewed as part of the SAB process which sits outside of planning control. The developer is aware of the need to secure SAB consent and has undertaken an extensive SAB pre-application submission for Parcel A, which has gained agreement in principle.

Based on the above, it is considered that the development proposed would not be the subject of flooding and subject to a satisfactory SAB application would not cause or exacerbate flood conditions elsewhere. The proposal is therefore considered compliant with LDP policies S12 and SD3.

## **6.10 Drainage**

### **6.10.1 Foul Drainage**

In line with recent NRW guidance, it has been determined that the site is outside of any riparian Special Area of Conservation (SAC) and is not within a phosphate sensitive area.

There are no existing sewers located within the development. However, there are existing Dwr Cymru/ Welsh Water foul and surface water sewers located to the south of the development. As part of the application, it is proposed that foul flows from the proposal would be discharged into existing

public sewers via a pumping station. Concerns with regards to capacity of the existing network and fresh water provision have been raised by objectors and the Community Council.

Following consultation Dwr Cymru/ Welsh Water have provided the following comments:

"A foul water hydraulic modelling assessment has been completed. This has confirmed that an unacceptable amount of detriment will be caused by proposed development discharging into the existing public sewer. However, we have devised a number of solutions that will overcome the detriment caused, these will need to be implemented in full prior to us being able to fully support discharge of flows into the public sewerage network."

Being mindful that Dwr Cymru have indicated that the impact generated could be overcome through investment and enhancement of the network and confirmation that an agreement in principle to undertake the improvements to the network are in place ensuring the site is able to connect and does not have a negative impact on the wider area or system. The applicant has also subsequently confirmed that the mechanisms are in place to accommodate the foul water outfall from the development. Subject to the imposition of conditions requested by Welsh Water, the application is considered compliant with LDP policies S13 and EP5.

### 6.10.2 Surface Water Drainage

From 7<sup>th</sup> January 2019, all applications where the construction area is 100m<sup>2</sup> or more, require Sustainable Drainage Systems for surface water (SuDS), to be designed and built in accordance with the statutory standards. Local Authorities are required to discharge their functions as a SuDS Approving Body (SAB) and approve SuDS schemes prior to the commencement of construction works.

The surface water drainage strategy for Parcel A proposes a number of sustainable drainage options forming part of the development. These include attenuation ponds, swales and permeable surfaces leading to an interlinked drainage system that will drain the net increase of surface water run-off from the development. Following review and a pre-application submission, the SAB team have confirmed that an appropriate drainage strategy for Parcel A has now been formulated, although a formal application is awaited.

As part of Parcel B, it was initially indicated that the site would make use of borehole soakaways to drain and discharge surface water. Following consultation, NRW identified that such deep infiltration systems, which bypass the soil layers are not endorsed or supported as they pose a high risk of polluting groundwater and are not considered to be a SuDS technique that would meet the statutory SuDS standards. NRW therefore requested a condition be placed on any grant of permission preventing such a use.

The applicant has been advised of the consultation response. Being mindful that issues with regards to surface water drainage are a matter dealt with by legislation outside of the planning remit, a condition preventing the use of a deep borehole system would fail to meet the tests for a planning condition, although it could be added as an informative to any grant of consent. Although a SuDS pre-application submission for Parcel B is awaited, the drainage hierarchy does allow disposal into sewer, highway drain or combined sewer in the very rare event that there is no viable sustainable drainage system for the site.

Based on the above and in light of the comments received, it is considered that surface water drainage options are available for the site, in compliance with LDP policies S12 and SD4.

### **6.12 Air Quality**

As specified above the M4 is positioned to the north of the site. As the development has more than 10 residential units and 10 car parking spaces, an Air Quality Assessment has been submitted in support of the application.

The report provides the following information:

In terms of increased traffic emissions arising from the additional traffic on local roads, concentrations have been modelled for eighteen worst-case receptors, representing existing properties where impacts are expected to be greatest. In addition, the impacts of traffic emissions from local roads on the air quality for future residents have been assessed at five worst-case locations within the new development itself. In the case of nitrogen dioxide, a sensitivity test has also been carried out which considers the potential under-performance of emissions control technology on future diesel cars and vans.

It is concluded that concentrations of PM10 (Small airborne particles, more specifically particulate matter less than 10 micrometres in aerodynamic diameter) and PM2.5 (small airborne particles less than 2.5 micrometres in aerodynamic diameter) will remain below the objectives at all existing receptors in 2021, with or without the proposed development. This conclusion is consistent with the outcomes of the reviews and assessments prepared by Monmouthshire County Council, which show that exceedances of the PM10 objective are unlikely at any location.

In the case of annual mean nitrogen dioxide, concentrations remain below the objective at all existing receptors in 2021, with or without the proposed development, and taking account of the worst-case sensitivity test.

Although the additional traffic generated by the proposed development will affect air quality at existing properties along the local road network, the increases in annual mean concentrations of PM10 and PM2.5 at relevant locations, relative to the objectives, will be 0% to 1% (when rounded) and the impacts are therefore considered negligible. In the case of annual mean nitrogen dioxide, the percentage increases are predicted to range from 0% to 2%, and the impacts will range from negligible to slight adverse in the worst-case sensitivity test.

The effects of local traffic on the air quality for residents living in the proposed development have been shown to be acceptable at the worst-case locations assessed, with concentrations being well below the air quality objectives.

The development will have no adverse effects on local air quality conditions and does not introduce new exposure within an area of poor air quality, thus no additional mitigation has been proposed for the operational impacts.

The overall operational air quality effects of the development are judged to be 'not significant'. This conclusion, which takes account of the uncertainties in future projections for nitrogen dioxide, is based on the concentrations at existing receptors remaining below the objectives and impacts being negligible at all but two receptors (where the impact is predicted to be slight adverse), while concentrations for future residents of the development will be below the objectives.

With regards to mitigation, the proposed residential properties would be set back from the M4 by at least 30m and/or would be no closer to the motorway than existing nearby residential properties. The northern boundary hedge would be retained and bolstered with an area of private amenity space provided to the south (rear) of the dwellings along the northern edge of the site.

The following response has been received from the Council's Specialist Environmental Health Officer:

"The consultants have used modelling to predict the emission levels at five locations on the proposed development (A - E). Of these - location A has the highest concentrations predicted. Location A is on the northern boundary of the site adjacent to Grange Road. North of Grange Road are some hedges and then the M4. From a Mon Maps measure - Location A is 25m from the Hard shoulder and 30m from the active carriage way. Location A would therefore be an example of the levels of pollution that a property set 30 metres from the M4 would experience.

The national annual mean objective level for nitrogen dioxide is 40mg/m<sup>3</sup>. The predicted annual mean nitrogen dioxide concentration at location A is 35.4 mg/m<sup>3</sup> in 2021 (using DEFRA prediction) or 37.2 (using the consultant's worst case sensitivity test).

The predicted PM 2.5 concentration at three of the modelled locations (A, B, C) are just above 10mg/m<sup>3</sup>, and the other two are just below 10mg/m<sup>3</sup>. These are below the UK/EU objective of 25 mg/m<sup>3</sup>, however the World Health Organisation guideline for the annual mean level of PM 2.5 is 10mg/m<sup>3</sup> and the UK government has committed to achieving this level.

In addition, the development itself is predicted to have a slightly negative impact on some existing properties by introducing additional traffic. This is only a slight increase in emission levels; however it is enough to take one location from 38.7mg/m<sup>3</sup> of nitrogen dioxide to 39.2mg/m<sup>3</sup> and another from 37.9mg/m<sup>3</sup> to 38.4mg/m<sup>3</sup>.

Current Welsh Government policy (which is also specified in Planning Policy Wales) on Air Quality is that the air quality objective levels are not safe levels of pollution and that exposure should be kept as low as possible. Exposure can still carry long-term population health risks. Nitrogen dioxide and particulate matter (PM10 and PM2.5) (the main pollutants of concern from vehicle emissions) have no safe threshold defined and therefore the lower the concentrations of those pollutants the lower the risk of adverse health effects.

Welsh Government modelling has also predicted that the M4 will become ever busier in future years as a result of the removal of the Severn Bridge tolls, therefore its possible emissions will get worse before they get better through improved technology in the vehicle industry.

With the above in mind, properties just below the nitrogen dioxide national air quality objective, and at or just below the WHO PM 2.5 guidelines should not be considered by MCC to be safe levels of exposure and they should not expect that there would be no long-term adverse health effects."

Whilst the Officer's comments are noted and it is acknowledged that the development has the potential to marginally increase existing pollutant levels, relative to the existing arrangement, an increase in levels would not be in excess of national policy guidance. As such it is considered that the impact generated or experienced by existing and proposed residents would not be so detrimental to warrant refusal of the application. The application is therefore considered compliant with LDP policies S13 and EP1.

### **6.13 Noise**

As previously identified, the M4 is located north of the proposed development, set within a deep cutting. Sections of the M4 towards the Severn Crossing are more visible at the eastern end of the site.

Technical Advice Note (TAN) 11: Noise (1997) sets out the Welsh Government's guidance on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development. The TAN sets out four noise exposure categories (NECs) that sites may fall in, taking account of both day and night time noise levels. For the purposes of clarity, the NECs in TAN11 for road noise for daytime (07:00-23:00) and night-time (23:00 – 07:00) are given below:

NEC A – Daytime 55dB or less. Night-time 45dB or less - Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as desirable.

NEC B – Daytime 55-63dB. Night-time 45-57db - Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.

NEC C – Daytime 63-72dB, Night-time 57-66dB - Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no

alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

NEC D – Daytime 72db or greater. Night-time 66dB or greater - Planning permission should normally be refused.

A Noise Assessment conducted for the site in November 2019 by Hunter Acoustics concludes that the majority of the site is located in Noise Exposure Category (NEC) B as defined in Technical Advisory Note 11, with only the most northern edge adjacent to the M4 falling under NED C. As a result the report concludes that noise will not significantly impact the development. Across the majority of the site, standard thermal double glazing and trickle ventilation is indicated as being sufficient to control road traffic noise intrusion for NEC B. The plots closest to the M4 are indicated to fall within NEC C.

Following consultation, the Council's Environmental Health Officer has provided the following comments:

“Having reviewed the above application in particular the Environmental Noise report REF 5142/ENS1 (dated 25/11/2019), having regard to the revised planning layout (dated 4th October 2021) I do have concerns regarding the potential impact of noise from road traffic on the proposed properties at the northern boundary of the site.

#### Road Traffic Noise – Internal

The majority of the site is indicated to fall under NEC B of Technical Advice Note 11 (Wales) with properties on the most northern boundary adjacent to the M4 falling under NEC C.

Technical Advice Note 11 (Wales) states: ‘NEC B. Noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection.

NEC C. Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.’

It is indicated that Plots 1, 42, 43, 44, 45, 46, 47 on the Northern boundary will require habitable rooms on the critical façades closest to the M4 to have uprated glazing and mechanical acoustic ventilation on ground and first floor levels. Plots 2, 3 and 4 on the Northern boundary will require uprated glazing and mechanical acoustic ventilation on the first floor to achieve indoor guideline noise levels with windows closed. This can be controlled via the condition.

Noise mitigation measures to the glazing are effective with the habitable room windows closed on the façades of the properties. The ventilation proposed will not necessarily address any overheating concerns particularly during summer months. It is proposed that the occupiers will have the option of opening the windows which would enable overheating concerns to be addressed but then based on the report provided will potentially experience noise at night from road noise in excess of the guideline levels.

As recognised by Acoustics, Ventilation and Overheating Residential Guide Jan 2020 there is a need for an integrated approach to consider noise, ventilation, and overheating in residential developments. Given the extent of the proposed closed window strategy, which affects plots 1, 42-47 and plots 2-4 I am of the view that this needs to be considered further, with conditions recommended.

#### Road Traffic Noise - External

The World Health Organisation Guidelines for Community Noise 1999 provide the following guideline levels for outdoor living areas:

- 55dB LAeq 16hrs – Onset of Serious annoyance day + evening

- 50dB LAeq 16hrs - Onset of Moderate annoyance day + evening

We generally advocate for the lower level in Monmouthshire.

Plots 5-19, and, 42-49 56-59 and 72 are all indicated to exceed 50dB LAeq, 16hrs

Part of plot 1 and plots 2, 3 and 4 are indicated to exceed 55 dB LAeq, 16hrs up to 57dB LAeq, 16hrs taking into account proposed 1.8m high close-boarded garden fences.

Therefore, Plot 1 will have windows on the critical façades needing to be kept closed to achieve guideline noise levels and will have part of the garden exceeding 55dB LAeq 16hrs.

Plots 2 - 4 will require first floor windows on the critical façades needing to be kept closed to achieve guideline noise levels and will have garden areas exceeding 55dB LAeq 16hrs.

Clearly, this is of concern. I look forward to the opportunity to make further comments on receipt of suggested information to address these points, in particular the overheating and external garden noise levels above the guideline levels, particularly those predicted to be above 55 dB LAeq,T.

In addition to consideration of the above, I would recommend that any granting of permission be subject to conditions seeking additional information with regards to a construction Environmental Management plan; noise and overheating mitigation measures and the submission of an updated noise assessment to assess the implications of noise for the development of Parcel B.”

As specified above, details submitted as part of the application indicate that the properties within the NEC C area will be provided with enhanced insulation, uprated acoustic glazing and mechanical ventilation to ensure they achieve acceptable internal noise levels.

In this instance, it is considered that the positioning of the site adjacent to the M4, the drop in ground height between the development site and the motorway (in a 5m deep cutting) already provides full screening of the M4 road surface to the site. Therefore, garden noise levels up to 57dB LAeq,16hr indicated for 4 plots at the northern and eastern boundaries would represent the lowest practicable noise levels in these locations with mitigation provided in the position of dwellings, garages, fencing and enhanced landscaping.

Following review of the comments it has been determined that the site cannot be redesigned to address all these issues without having significant and fundamental implications on the green infrastructure, ecology and public open space provision on the site. Being mindful of the strategic allocation of the site and the advantages to be gained, it is considered that condition could be imposed onto any grant of consent to ensure the noise implications on the dwellings on the northern part of the site would not be so detrimental to warrant or sustain a reason for refusal.

Whilst objectors have raised concerns that the development would generate increased noise and disturbance, given the purely residential use of the site and the existing ambient noise level experienced, it is considered that the impact would not be so adversely detrimental to amenity to warrant refusal of the application.

Subject to the imposition of a condition requiring the implementation of noise mitigation measures in the form of building façade construction and ventilation provisions to the habitable rooms of the scheme referred in Environmental Noise Assessment 5142/ENS1 November 2019, the application is considered compliant with the relevant requirements of Policy EP1 of the LDP.

#### **6.14 Response to the Representations of Third Parties and/or Community/Town Council**

Following consultation with regards to the original and amended plans Magor and Undy Community Council, have recommended the application be refused, with an extensive responses provided. Most of the concerns raised have been addressed as part of the proceeding report and will not be reiterated. Matters not previously address are responded to below:

## Storage of Household waste

The application initially proposed the development of a block of flats and in that respect the Community Council and Ward Member were aware of amenity issues arising from waste storage in similar existing developments in the locality. Following amendments, this block of flats has been omitted and replaced with two storey walk-up accommodation. As a result, all household waste will be stored within the dwellings or within the residential curtilage of the unit. As is common practice, residents will be expected to take their rubbish to the kerbside for collection. The swept path analysis information indicates that the proposed roads can accommodate a refuse wagon.

## Post construction traffic management

Post construction traffic management for the wider highway network is the responsibility of the Local Highway Authority.

## Shortfall in recreational open space

Residents have identified that the site is used for leisure purposes. However, the area is not designated as an area of amenity importance as part of the current LDP (under Policy DES2) and as a result the site does not benefit from protection for such purposes. As the land is in private ownership, with the exception of the provisions granted to the public right of way, public access over the wider area could be inhibited by the landowner (by the erection of fencing either side of the PROW) without further reference to the Authority. Being mindful of the strategic allocation of the site for residential development, and the location of the site on the northern edge of Magor and Undy, it is questioned whether the site could be successfully allocated and well used as a defined area of recreational open space.

Although the site make provision for public open space, the spaces are unequipped with the Council's Community Infrastructure Officer requesting a commuted sum to be used towards the improvement and maintenance of other facilities in the area.

## Lack of shopping facilities resulting in people needing to travel

It is noted that Magor does benefit from retail shops and facilities, although these are more convenience in form. There are larger food stores and service uses available in Caldicot and Chepstow. Travelling to those centres would not be considered excessively detrimental and in some respects could still be considered to be provision in the local area.

## Burial Space

The site is not designated to be used as a burial ground and no proposals for such use have been proposed. It is considered that the development proposed would not significantly increase demand for such provision.

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

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.

## **6.16 Conclusion**

The application proposes the development of the site to provide up to 155 dwellings. The site is located outside of the indicated green belt referred to under Future Wales and forms part of a wider

strategic development site allocated for residential development within the current LDP. The principle of the development is therefore positively established.

In terms of Parcel A, it is considered that the development has been designed to make efficient use of the land whilst providing reasonable areas of open space. It is considered that the design, layout and finish of the site as a whole would be in keeping with the locality and would not have a detrimental impact on the residential amenity of those living closest to the site or the highway safety and free flow of traffic in the area. It is considered that sufficient and appropriate consideration and provision has been given with regards to green infrastructure, biodiversity and ecology, noise implications, sustainable drainage and affordable housing.

With regards to Parcel B, it is considered that a scheme could be developed for the site that would not have a detrimental impact on the character, appearance, amenity or landscape value of the area. In conjunction with the highway details proposed as part of Parcel A, it is considered that connecting the site to the Rockfield Farm development would enhance permeability and connectivity and provide alternative routes for highway users, to the benefit of the highway safety and the free flow of traffic in the area.

Although the cumulative impact of the development would increase the population of Undy, it is considered that the provision of planning contributions (set out below) in respect of recreation, education, sustainable transport, highways improvements and affordable housing would help mitigate and compensate for the development.

On the basis of the above report, subject to the applicant entering into a Section 106 agreement to provide the necessary contributions, the application is considered compliant with the relevant policies of the MCC LDP and is recommended for approval subject to conditions.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### S106 Heads of Terms

#### 1. Community Services.

Contributions to community facilities in the Magor/Undy area in addition to standard requirements.  
Full application £23,225; Outline Pro-rata value (Maximum £26,774)

#### 2. Public Open space

a. Play Provision - contribution for a centralised play facility at the existing Rockfield Farm site.

Full application - £23,235; Outline pro-rata value (Maximum £26,785)

b. Open Space Adoption by Council - Adoption by Council provision commuted sum over 20 years

Parcel A - £280,121.16; Parcel B £190,549.65

c. Offsite Recreation Contribution £3,292 per dwelling. Minus 25% for affordable housing

Parcel A - 54 x £3,292 = £177,768; Parcel B pro rata (Maximum £204,105)

d. GI provision - Parcel A - £40,000; Parcel B £22,000

#### 3. Education

A commuted sum contribution of £17,257 per pupil (open market dwellings only). Parcel A - 10 pupils = £170,257; Parcel B pro rata

#### 4. Sustainable Transport

A commuted sum contribution of £2,000 per dwelling to be used for Parcel A - £144,000; Parcel B - pro rata (Maximum £166,000)

## 5. Highways

To enter into a Section 278 agreement with the Highway Authority for the construction of the approved means of access onto Grange Road, the footway and Grange Road improvements/ re-engineering and extension of the 30mph speed limit.

To enter into a Section 278 agreement with the Highway Authority for the re-engineering of Vinegar Hill, via the introduction of necessary traffic regulation order to control and manage the use of the road.

## 6. Affordable Housing

To provide 25% affordable housing across both development Parcels.

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 With regards to Parcel A - 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 With regards to Parcel A - 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 With regards to Parcel A - No development shall take place (including demolition, ground works, vegetation clearance) until an appropriate scheme of Ecological Enhancement identifying location, positioning and specification is provided which meet individual species requirements and demonstrate biodiversity net benefit. The scheme shall provide for the future management and an implementation timetable. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

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

4 With regards to Parcel A - No development shall take place (including ground works, vegetation clearance) until a Contractor's Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include all works identified in Parcel A and Parcel B and include the following as a minimum:

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

- h) Use of protective fences, exclusion barriers and warning signs.
- i) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes and dust control;
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
- l) Hours of operation; and
- m) steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust from the site preparation, groundwork and construction phases of the development.

The developer shall have regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003.

The approved CEMP shall be adhered to at all times and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and the Integrity of the Breezy Bank SINC and in the interests of amenity, in compliance with LDP policies S13 and EP1

5 With regards to Parcel A - Notwithstanding the details of the approved plans, prior to the commencement of development a Green Infrastructure Management Plan shall be submitted to and be approved in writing by the local planning authority. The content of the Management Plan shall include the following;

- a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan.
  - Woodland buffer
  - Hedgerows
  - Green corridors
  - Swales and rain gardens
  - Orchards
  - Air quality buffer area
  - Wildflower and grassland
  - Wild play provision and trim trail
- b) Opportunities for enhancement to be incorporated
  - Management of Grassland for botanical species diversity and / or protected species including reptiles
  - Management of woodland and hedge buffer strips to increase and maintain diversity and screening
  - Maintain habitat connectivity through the site for species
  - Management of swales for biodiversity value inclusive of any desilting measures required
- c) Trends and constraints on site that might influence management of above features.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery as appropriate . The plan shall also set out (where the results

from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan shall 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)

6 With regards to Parcel A - 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 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 (through the provision of appropriate lighting contour plans and technical specifications) 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 roosting and / or foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

7 With regards to Parcel A - Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. No other fill material shall be imported onto the site.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

8 With regards to Parcel A - Notwithstanding the details of the approved plans, 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 plans, showing existing and proposed levels.
- Proposed and existing utilities/services above and below ground.
- Soft landscape details shall include: means of protection, planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.
- Means of enclosure inclusive of adjacent hedge, tree and shrub planting zones.
- Hard surfacing materials.
- Cross sections of rainwater gardens and planting proposals inclusive of species and planting methodology
- Minor artefacts and structures (e.g. Refuse or other storage units, benches, trim trail equipment signs and lighting).

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

9 With regards to Parcel A - All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that,

within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure in compliance with LDP policies LC5, DES 1, S13, and GI1.

10 With regards to Parcel A - A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

11 With regards to Parcel A - Before any works commence on site, details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall be carried out in accordance with the approved details.

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure in compliance with LDP policies LC5, DES 1 S13, and GI 1 and NE1.

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

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

13 With regards to Parcel A - Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification) the garages hereby approved shall not be physically altered or converted to any other domestic purpose without prior approval of the Local Planning Authority. All garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.

REASON: The garage is a key element of the parking being provided and its loss for this purpose may lead to parking problems and to ensure compliance with LDP Policy MV1.

14 With regards to Parcel A - No development other than demolition and remediation works shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

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

15 With regards to Parcel A - Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing 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, measure to protect adjoining users from construction works, provision for the unloading and loading of construction material 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 the highway safety and free flow of traffic, in compliance with LDP policies S16 and MV1.

16 With regards to Parcel A - Prior to the occupation of the dwellings on plots 1-4 further information shall be submitted assessing the potential for overheating within the properties requiring windows to be closed to meet internal guideline noise levels, and the need for appropriate mitigation. Where necessary the report shall provide details of appropriate mitigation to be incorporated into the design of the dwelling and shall be approved by the local Planning Authority prior to the occupation of the dwellings. The development shall only proceed in accordance with the approved details.

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

17 With regards to Parcel A - Prior to the occupation of any of the dwellings the noise mitigation measures detailed in The Hunter Acoustics Environmental Noise report REF 5142/ENS1 (dated 25/11/2019), shall be undertaken. The development shall only proceed in accordance with the approved details and shall be maintained as such thereafter.

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

18 No development shall take place until a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the Local Planning Authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement work to the sewerage system, as may be identified by the hydraulic modelling assessment.

REASON: To prevent hydraulic overloading of the public sewerage system to protect the health and safety of existing residential and ensure no pollution or detriment to the environment, in compliance with LDP policies S13 and EP5

19 No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

REASON: To ensure the site is served by a suitable potable water supply. In compliance with LDP policies S13 and EP1

20 With regards to Parcel B - Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.

21 With regards to Parcel B - Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

REASON: The application is in outline only.

22 With regards to Parcel B - The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.

23 With regards to Parcel B - 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.

24 With regards to Parcel B - A Green Infrastructure Management Plan (GI MP) shall be submitted to and be approved in writing by the local planning authority with the reserved matters application. The content of the GI MP shall include the following;

a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed to include:

- Woodland buffer
- Hedgerows
- Green corridors
- Swales and rain gardens
- Orchards
- Air quality buffer area
- Wildflower and grassland
- Wild play provision and trim trail

b) Opportunities for enhancement to be incorporated

- Management of Grassland for botanical species diversity and / or protected species including reptiles
- Management of woodland and hedge buffer strips to increase and maintain diversity and screening
- Maintain habitat connectivity through the site for species
- Management of swales for biodiversity value inclusive of any desilting measures required
- Trends and constraints on site that might influence management of above features.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- Details of the body or organization responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

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

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).

25 With regards to Parcel B – A scheme of Ecological Enhancement identifying numbers, location, positioning and specification of provision which demonstrates biodiversity net benefit shall be submitted as part of the reserved matters application. The scheme shall provide for the future management and an implementation timetable. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

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

26 With regards to Parcel B - No development shall take place (including ground works or vegetation clearance) until a Contractor's Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include all works identified in Parcel A and Parcel B and include the following as a minimum:

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

The developer shall have regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003.

The approved CEMP shall be adhered to at all times and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and the Integrity of the Breezy Bank SINC and in the interests of amenity, in compliance with LDP policies S13 and EP1

27 With regards to Parcel B - The reserved matters application shall be accompanied by a "lighting design strategy for biodiversity" for the scheme.

The strategy shall:

- a) identify those areas/features on site that are particularly sensitive 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 (through the provision of appropriate lighting contour plans and technical specifications) 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 approved 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 roosting and / or foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

28 With regards to Parcel B - If the outline planning consent hereby approved is not followed by a reserved matters application within 1 year from the date of the planning consent, the reserved matters application shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of priority habitats and protected species and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved outline scheme, the reserved matters application shall present appropriate ecological measures and a timetable for their implementation.

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

29 With regards to Parcel B - Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

30 With regards to Parcel B - A comprehensive GI assessment and opportunities map of the site leading to a GI Masterplan and to inform a GI Management plan based on the GI principles set out in the MCC Green Infrastructure SPG 2015 shall be provided with the reserved matters. The SPG outlines the key functions of GI as the Landscape Setting and Quality of Space, Habitat Provision and Connectivity, Green Space Provision and Connectivity, Sustainable Energy Use, Local food Production and Flood Attenuation and Water Resource Management.

- GI Assets and Opportunities Plan
- GI Masterplan
- GI Management plan

The GI assessments, masterplan and management plans shall take reference from the nearby Vinegar Hill Parcel A and nearby Rockfield Farm developments to ensure consistency, alignment and multiple benefits are achieved as well as working in parallel with SuDS development and SAB compliance.

REASON: To inform subsequent design and to protect and enhance landscape character, in compliance with LDP policies S13, GI1 and LC5

31 With regards to Parcel B - As part of the reserved matters application, 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 plans, showing existing and proposed levels.
- Proposed and existing utilities/services above and below ground.
- Soft landscape details shall include: means of protection, planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.
- Means of enclosure inclusive of adjacent hedge, tree and shrub planting zones.
- Hard surfacing materials.
- Cross sections of rainwater gardens and planting proposals inclusive of species and planting methodology

- Minor artefacts and structures (e.g. Refuse or other storage units, benches, trim trail equipment signs and lighting).

REASON: In the interests of visual and landscape amenity; in accordance with LDP policies DES1, LC1 and LC5

32 With regards to Parcel B - A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure in compliance with LDP policies LC5, DES 1, S13, and GI1.

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

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure in compliance with LDP policies LC5, DES 1 S13, and GI 1 and NE1.

35 With regards to Parcel B - Parking provision in accordance with supplementary planning guidance, Monmouthshire Parking Standards 2012, shall be provided within the site and retained thereafter.

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

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

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

37 With regards to Parcel B - Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification) the garages hereby approved shall not be physically altered or converted to any other domestic purpose without prior approval of the Local Planning Authority.

The garage shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.

REASON: The garage is a key element of the parking being provided and its loss for this purpose may lead to parking problems and to ensure compliance with LDP Policy MV1.

38 With regards to Parcel B - Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing 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, measure to protect adjoining users from construction works, provision for the unloading and loading of construction material 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 the highway safety and free flow of traffic, in compliance with LDP policies S16 and MV1.

39 With regards to Parcel B - No development other than demolition and remediation works shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

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

40 With regards to Parcel B - As part of the reserved matters application, a noise assessment shall be undertaken to assess which Noise Exposure Category (or Categories) the proposed Part B of the site falls within as provided in Planning Guidance Wales, ' Technical Advice Note (Wales) 11: Noise '. The whole area of Part B should be considered in the assessment, but particular regard must be given to the dwellings proposed in the area closest to the M4 Motorway. The report shall provide appropriate recommendations based on the Noise Exposure Categories and other relevant standards/guidance including BS8233:2014 and WHO Guidelines for Community Noise.

REASON - To ensure the development is not subject to an excessive noise level, in the interests of the amenity of the site, in compliance with Technical Advice Note 11 and LPS policies S13 and EP1

41 With regards to Parcel B - Prior to the occupation of the dwellings further information shall be submitted assessing the potential for overheating within the properties requiring windows to be closed to meet internal guideline noise levels, and the need for appropriate mitigation. Where necessary the report shall provide details of appropriate mitigation to be incorporated into the design of the dwelling and shall be approved by the local Planning Authority prior to the occupation of the dwellings. The development shall only proceed in accordance with the approved details.

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