

**Application Number:** DM/2022/00484

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

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

**Applicant:** Mr Chris Withey

**Plans:**

- T2326-1-PA-01 LOCATION PLAN 17/08/22
- T2326-1-PA-02 SITE SURVEY 17/08/22
- T2326-1-PA-03F SITE PLAN 10/01/23
- T2326-1-PA-04E SITE PLAN LEVELS 10/01/23
- T2326-1-PA-05E SITE HARDSCAPE/BOUNDARY TREATMENT 10/01/23
- T2326-1-PA-06 SCREEN WALL 17/08/22
- T2326-1-PA-07 BOUNDARY FENCE 17/08/22
- T2326-1-PA-08 MESH BOUNDARY FENCE 17/08/22
- T2326-1-PA-09 BOUNDARY FENCE (FRONT) 17/08/22
- T2326-1-PA-10 TOBERMORE HYDROPAVE PEDESTA 17/08/22
- T2326-1-PA-11B PLANS PLOT 1 12/10/22
- T2326-1-PA-14A PLANS PLOT 2 24/08/22
- T2326-1-PA-15A ELEVATIONS PLOT 2 24/08/22
- T2326-1-PA-15B ELEVATIONS PLOT 1 12/10/22
- T2326-1-PA-16C PLANS PLOTS 3 & 4 10/01/23
- T2326-1-PA-17C ELEVATIONS PLOTS 3 & 4 10/01/23
- T2326-1-PA-18 PLANS PLOTS 5 & 6 24/08/22
- T2326-1-PA-19 ELEVATIONS PLOTS 5 & 6 24/08/22
- T2326-1-PA-24 PLANS PLOTS 7 & 8 24/08/22
- T2326-1-PA-25 ELEVATIONS PLOTS 7 & 8 24/08/22
- T2326-1-PA-26 PLANS PLOT 9 24/08/22
- T2326-1-PA-27 ELEVATIONS PLOT 9 24/08/22
- T2326-1-PA-28 STREET ELEVATION 24/08/22
- T2326-1-PA-32A ENLARGED SECTION 10/01/23
- T2326-1-PA-33B DISTANCES 10/01/23
- T2326-1-PA-35C SECTIONS & CROSS SECTIONS 10/01/23
- T2326-1-PA-36C SITE SECTIONS 10/01/23
- T2326-1-PA-37D SITE SECTIONS 10/01/23
- T2326-1-PA-38 CROSS SECTION ZZ 10/01/23
- 521.01 H PLANTING PLAN 10/01/23
- 9766-GRY-01-00-DR-C-100-P8 DRAINAGE LAYOUT 10/01/23
- 9766-GRY-01-00-DR-C-102-P8 SECTION 38 HIGHWAY LAYOUT 10/01/23
- 9766-GRY-01-00-DR-C-105-P9 VEHICLE TRACKING REFUSE VEHICLE 10/01/23
- 9766-GRY-01-00-DR-C-104-P5 SECTION 104 FOUL DRAINAGE LAYOUT 10/01/23
- 9766-GRY-01-00-DR-C-106-P1 SECTION 104 FOUL DRAINAGE LONGSECTIONS DETAILS 11/11/22
- 9766-GRY-01-00-DR-C-110-P4 ADOPTION PLAN 10/01/23
- Construction Method Statement 11/11/22
- 12700 Outline Remediation Strategy 11/11/22
- 2821 Written Scheme of Investigation 03/10/22
- Preliminary Ecological Appraisal Report WWE20229- 25.03.22
- Flood Consequence Assessment 9766-REP01-R1-FCA March 2021.

## **RECOMMENDATION: Approved Subject to S106 agreement**

Case Officer: Ms Kate Young

Date Valid: 29.03.2022

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

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

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

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

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

#### 1.2 Value Added

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

#### 1.3 Proposal Description

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

On the southern part of the site there would be three, 4-bedroom, detached dwellings with integral garages facing towards Church Road. There would be two pairs of semi-detached dwellings, facing north east towards the public right of way. Plots 5 and 6 would be the affordable units and each would have two bedrooms. Plots 3 and 4 would have four bedrooms each, one of which would be in the roof space. There would be roof lights on the front and rear elevations. At the end of the spine road, facing in towards the site would be two detached properties. Plot 1 would have three bedrooms on the first floor and a master bedroom with en-suite in the roof space, this property would have a roof lights on the side elevation. Plot 2 would also have three bedrooms at first floor level and a fourth bedroom in the roof space. The roof space would be served by windows in the front and rear gables and one rooflight.

All of the dwellings would be finished in white render with Stonewold grey slates on the roof. The parking spaces would be of permeable pavements. The boundary fences would be retained where

possible there would also be a chain link fence to the rear of plots 1 and 2, hooped metal railings and screen walling to the side of plot 1 adjacent to the footpath. A comprehensive planting plan has been submitted which included tree and shrub planting. The ground levels at the front of the site are being raised significantly.

The planning application is supported by the following information:

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

## 2.0 RELEVANT PLANNING HISTORY (if any)

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

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision  
 S4 LDP Affordable Housing Provision  
 S12 LDP Efficient Resource Use and Flood Risk  
 S13 LDP Landscape, Green Infrastructure and the Natural Environment  
 S16 LDP Transport  
 S17 LDP Place Making and Design

### Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
 SD3 LDP Flood Risk

SD4 LDP Sustainable Drainage  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
MV3 LDP Public Rights of Way  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
GI1 LPP Green Infrastructure

## **Supplementary Planning Guidance**

Affordable Housing SPG July 2019:

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

Infill Development SPG November 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

Green Infrastructure April 2015:

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

Domestic Garages SPG (January 2013):

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

Monmouthshire Parking Standards (January 2013)

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

## **National Planning Policies (If Any)**

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

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

## **4.0 NATIONAL PLANNING POLICY**

### **Future Wales - the national plan 2040**

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

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

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

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

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Magor with Undy Community Council** (August 2022) – the Council considered the content of this application and were aware of previous application for the same site. They were mindful of concerns raised by Network Rail regarding proximity, drainage, noise and lighting impact upon railway line infrastructure. The Council are further mindful of the matters raised by Monmouthshire CC Highways as there remains unanswered questions regarding the public right of way and encroachment onto the highway. That the proposed application was an over-development and not considerate of the existing environment.

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

**MCC Highways** - The Highway Authority make specific reference to the Engineering Drawings prepared by Grays Consulting Engineers drg ref. '9766-GRY-01-00-DR-C-102 Rev. P8' and '9766-GRY01-00-DR-C-105 Rev. P9'. The Highway Authority are satisfied that the above drawings still reflect the highway layout approved as per the below comments dated 27/10/2022. In light of the above there are no highway grounds to sustain an objection to the application subject to the below highway conditions being applied to any grant of planning approval or be included in a Section 106 Agreement.

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

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

**MCC Ecology** - No objection subject to conditions.

Welcome the submission of the updated planting plan which illustrates changes around plot 3 and 4. The reduction in size is welcome from a biodiversity perspective. Suggested conditions are compliance with the PEA and restriction of external lighting. Concerns are raised over the relocation of a proposed tree now in the private garden of plot 3, where it is preferable for landscaping to be maintained in communal areas.

**Network Rail** - No objection.

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

**Glamorgan Gwent archaeological Trust (GGAT)** - The proposal requires archaeological mitigation. I can confirm the submitted written scheme of investigation is appropriate.

**SuDS Approving Body (SAB)** - Concerns with regards flood risk.

Surface Water Drainage

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

From the plans submitted the total construction area is above 100m<sup>2</sup> (building footprint, yard area, hardstanding and parking bays) if it is then SAB approval will be required prior to any works commencing on site. Please attach a SAB informative to the decision notice and draw the applicant's attention to this requirement. This does not however subtract from the need for the drainage statement highlighted above

#### Flooding

The Flood Consequences assessment (FCA) submitted by the applicant assesses the impacts of the flood risk on the site.

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

#### **MCC Environmental Health**

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

#### **MCC Tree Officer - No objection.**

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

Based upon its poor structural condition, and the public access nature of the site, tree 4 should be removed regardless of whether the development proposals proceed or not.

Trees 1 – 3 are of low quality, and if required, it should be possible to retain them within the proposed layout as shown on drawing no. T2326-1-PA-03 where that part of the site has been shown as garden space.

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

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

The latest design shows the footpath reduced to 3 metres in width and therefore MCC PROW maintain their objection to this development.

#### **MCC Landscape and GI Officer**

No objection subject to conditions

The revised submission has simplified the overall scheme with a reduction in development density, an overall reduction in GI provision and value in terms of streetscape and hard surface interfaces. Suggested conditions relate to Landscaping plans, management and implementation.

#### 5.2 Neighbour Notification

Letters of objection were received from seven addresses following re-consultation (updated 26/01/23). These can be read in full on the website but are summarised here for reference; comments, initial and post re-consultation, have been included.

- The number of houses are too many, this is over development and creates a crowded development, the proposed density is greater than the surrounding area and so is out of character. Poor placemaking
- Some proposed dwellings have an overbearing and over dominant impact on existing properties in particular the impact on 14 Bridewell Gardens, Camelot and Carolyn, this causes a loss of light an unreasonable overlooking. The ridge levels of all the new houses will be well above the ridge levels of all surrounding properties. The site should be developed with bungalows or an older people's complex. Loss of light to neighbouring properties resulting from the raising of ground levels. This does not comply with the Infill SPG
- Lack of turning heads at the ends of the estate roads to the north and west of the site creates and unsafe highways position, particularly when considering large delivery vehicles where visibility is poor. Concerns that the arrangement will cause congestion on Church Road and will have a detrimental impact on the PROW.
- Church Road cannot accommodate any more traffic. Highway danger due to increased traffic. No visitor parking, provided. Danger to pedestrians who use this area for daily walking. Additional traffic will compromise the use of a thriving community hall. There are no pavements on Church Road, so a danger for school children. Headlights from cars will shine into existing properties
- Private shared driveways should be a minimum of 4.5m wide, the road is too narrow.
- There are concerns over flooding, the area floods and the new TAN 15 Maps reflect this which will make the development unlikely in June 2023. Surface water run-off from the proposed raised levels may flood neighbouring and existing properties. Increased risk of flooding
- Concerns over the process of handling the application and the inclusion of a PPA.
- The site is not allocated for residential development in the LDP
- The PROW should be 6m wide. In addition there is no separation between the PROW and the estate roads, which is dangerous and vehicles will encroach on the PROW to manoeuvre through the site. The proposed boundary treatment of Plot 1 is adjacent to the PROW and will have a 2m high fence creating a tunnel effect at the top section of the PROW. In addition who will maintain the PROW
- The plans show the refuse lorry will not be accessing the site fully and whilst turning encroaches on the PROW. Two bin collections points are proposed, concerns are raised over the ability of residents to carry refuse to these points, that refuse will be left out indefinitely causing a large collection of waste piling up and causing a health and safety issue as well as being unsightly.
- The development has a detrimental impact on the setting of the SAM and the Listed Building.
- Insufficient dimensions and information in relation to distances between properties. Details of existing properties not shown. The plan does not show the existing access track.
- Concerns over capacity of current pipework/drainage infrastructure to accommodate more development
- Noise and pollution during construction and following the completion of the development
- MCC Estates Solicitor has confirmed that an historical "statement of truth" exists on at least one of the 1950s semi-detached properties adjacent to this land and backing on to the playing fields, which states that both vehicular and non-vehicular access to the rear garden of the said property exits via the PROW and via the field, now leased via a Community Asset Transfer by Undy AFC
- Will the wildflower/wildlife corridor that is adjacent to my property be above or below the low retaining wall and who will maintain it?
- This is not a sustainable location, the public transport for the area is inadequate
- Neighbour believes from recent evidence that they have had a Right of Way over the 6 metre plus lane that runs from Church Road to the double gates at the rear of Camelot

since the 1960's. The development will reduce access to the playing fields for emergency access.

- The church is vital part of the community and will be severely impacted by this decision in terms of setting and potential congestion.
- Comments from MCC Landscape Architect and Highway Authority have not been taken into account.
- TPO's on the site have been nullified.
- I would like to see the person responsible for arranging for the old house and the even older barn to be demolished, prosecuted for doing so without either planning or archaeological consideration

### 5.3 Other Representations

None Received

### 5.4 Local Member Representations

Councillor Angela Sandles

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

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

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

Councillor John Crook – Observations

This is an Urban Approach out of character to a Rural Village Location infill.

General Density figure not suitable for a narrow odd L-shaped site village location. 30 units per hectare is only a guide to an open average accessible site, whereas this is not one of those average sites.

Please take a look at the Interactive Local Development Plan Map –

Monmouthshire. MCC Licence 100023415. which clearly shows two different lined locations One North of the Main Wales to London Railway line and the other South of that Railway line. Two different Densities, much heavier North, much lower South.

Inadequate residential amenities for future occupiers (gardens too small) for family development. Very poor Infrastructure/ facilities are available in Undy.

Not against this development but with a reduced number of properties for example 7 in total which would allow better Road Access, more landscaping / GI Facilities for the occupants, more Open Spaces, and larger gardens.

Remove Plot No 1, make Plot No2 a larger property. Remove Plot No 9 to provide a turning circle – a Hammerhead much like the one in Bridewell Gardens next door.

The 45 degree angle Between Plot 14 at Bridewell Gardens as marked up on Plan T2326 – 1- PA-03-C is meaning less as the 2.1 metre retaining wall and Plot 9. Has an overbearing impact especially to the privacy and the rear garden of Plot 14 Bridewell Gardens as both properties are not parallel with each other.

Confusion over the width of the access.

The PROW is 6 metres wide for its whole length. Diminishing the size of the path is contrary to active travel

The site should be compared to the adjacent Bridewell Gardens

Need clarification regarding the French drain

Some of the allocated parking spaces will be difficult to manoeuvre into and out of

Road is too narrow for refuge vehicles, leading to issues with smell and health and safety



Highways should re-assess the road layout.

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

## **6.0 EVALUATION**

### **6.1 Principle of Development**

PPW 11 paragraph 4.2.23, states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. The site is located within the Magor with Undy development boundary within which there is a presumption in favour of new residential development subject to detailed planning considerations. The plot is of sufficient size to accommodate nine residential dwellings of a similar size to existing dwellings in this area. Policies S1 and H1 allow for new residential development to be built inside the development boundaries of Severnside Settlements of which Undy is one. Therefore, the principle of new residential development in this location is acceptable.

### **6.2 Sustainability**

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

#### **6.2.1 Good Design**

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

Planning officers have spent considerable time discussing the design of the house types with the developers and many changes have been made. Plots 7, 8 and 9 do follow the pattern of the street scene, facing onto Church Road although they are set slightly further back in the plot. The ground levels of this part of the site have to be raised to take the properties out of the flood zone; as a result the finished floor levels of these three units are above those of the adjoining properties. In order that the roof heights do not exceed the ridge heights of neighbouring properties, the roof pitches on these three new dwellings are shallow and the maximum ridge height 7.1 metres.

Plots 5 and 6 are the proposed affordable units. They have a simple design but the central part of the front elevation protrudes forward slightly and there is a canopy over the front doors. The affordable units will be finished in the same materials as the rest of the development which helps them to assimilate. They have the same level of detailing as the other properties on the development with brick headers and concrete cills. Plots 3 and 4 are also a pair of semi-detached properties. They have quite a steep roof pitch with a maximum ridge height of 8.9 metres. They have high level windows serving the rear bedrooms. There are canopies over the front doors that are finished in grey hanging tiles. Plots 1 and 2 are detached dwellings. They will appear to be three-storey because of the large windows in the top gable in the roof space but will be 8.8 metres in height to the ridge. The principal windows of plots 1 and 2 are on the rear elevation, facing towards the playing fields and on the front elevation looking into the site.

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

### 6.2.2 Place Making

Policy DES1 of the LDP requires that a development contributes to a sense of place while its intensity is compatible with existing uses. PPW 11 states that good design is fundamental to creating sustainable places where people want to live work and socialise. The special character of an area should be central to its design.

Policy DES1 criterion i) of the adopted Local Development Plan states that Development proposals will be required to make the most efficient use of land, compatible with other criteria, including that the minimum net density of residential development should be 30 dwellings per hectare. In this case the developable site area is circa 0.3ha and 9 homes are proposed which provides a net density of 30 dwellings per hectare, thus complying with LDP Policy DES1.

The density, size and massing of the proposed new development would be similar to that of the adjoining housing development at Bridewell Gardens. Planning officers consider that the prevailing character of this area is being reflected in the new proposal. It is accepted that the housing development to the south of this site, on the opposite side of Church Road, is predominantly bungalows set on large plots, and therefore their density is lower. The proposed new development, however, will be seen more in the context of Bridewell Gardens and the properties to the north of Church Road.

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

### 6.2.3 Green Infrastructure and Landscape

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

The GI officer requested a number of conditions in their response comprising of Landscape condition, Landscape works implementation and GI and landscape management plan. Two conditions are proposed addressing the issues of full details of hard and soft landscaping and implementation. These are not copied verbatim as some details required are already provided on the plans; where further details are required these have been included as per the conditions. It is not considered necessary on a project of this scale that a full GI Management Plan is required. Sufficient details have been provided to make an informed decision and that all communal areas will be maintained through a management company. In addition, the implementation condition as proposed is considered sufficient to ensure compliance. The amount of green infrastructure being retained and integrated into the development proposal is acceptable and proportional to the scale of the development and would meet the requirements of Policy GI1 of the LDP.

### **6.3 Historic Environment**

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

Despite the site being opposite a listed building, St Mary's Church, it is considered that the development would not have a detrimental impact on its setting. The Church, as is very common, is set within a residential area. In this context, it is surrounded by modern residential properties and set back from the road with a parking area and churchyard. The proposed new dwellings are also set back from the road and are considered to provide sufficient breathing space around the building respecting its immediate setting.

There is also a Scheduled Ancient Monument, MM126, Undy Churchyard Cross set within the southern part of the Churchyard. Given the separation distances and the position of the cross set back behind the village hall and Church itself, it is not considered that the development would affect the setting of the SAM.

### **6.4 Biodiversity**

Wildwood Ecology have undertaken a Preliminary Ecological Appraisal (PEA) of the Application Site. The ecological baseline conditions at the site and immediately adjacent areas were assessed in July 2020 and March 2022 through a combination of desk study and field Surveys which followed the standard Phase 1 Habitat Survey protocol. The Phase 1 Habitat Survey and desk top analysis found that the site was located a sufficient distance away from any designated sites. Accordingly, there would be no impacts on designated features because of development on this site. No overriding constraints were identified in terms of particularly sensitive ecological succession on the site.

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

Three trees within the site were assessed as having low potential for roosting bats. Surrounding habitats including the nearby railway corridor provide good foraging opportunities for bats. The shipping containers were assessed as having negligible potential for roosting bats. Precautionary methods have been recommended regarding the protected and priority species listed above within the ecology report. These measures are deemed acceptable for the works. The level of survey effort

and assessment is considered proportionate to the nature and scale of the application. MCC Ecologists agree with the conclusions of the PEA. The ecology report also states that a dark corridor should be maintained around the boundary of the site. Any lighting to be installed as part of the development must be designed sensitively for biodiversity to minimise impacts to nocturnal species. This can be imposed by condition.

Following the amendments to plots 3 & 4 a proposed tree is now within the private garden of plot 3 and not in the communal space. The tree remains part of the landscaping plan, and as per conditions is required to be maintained for a minimum of 5 years. The tree is a welcome part of the scheme, however its location in a private garden would not render the application unacceptable. Therefore it is considered to have sufficient protection in line with all of the other planting and Green Infrastructure on the site.

#### Biodiversity Net Benefit

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

### 6.5 Impact on Amenity

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

To the north-east of the site is a two-storey dwelling named Camelot. It has its side elevation facing into the site. There are no windows on this side elevation. Plots 4 and 5 of the new development face the side elevation of Camelot at a distance of over 10 metres. Between the front elevation of these new dwellings and the side elevation of Camelot is the access road into the site and the public right of way. The existing boundary wall for Camelot adjacent to the public right of way (PROW) will not be altered as a result of this proposal. Plot 6 will look towards the front garden and bay window of Camelot and plot 3 will look towards the rear garden, again this is at a distance of 10 metres.

Plots 1 and 2 will face into the site with their principal windows facing into the playing fields at the rear. Plot 2 has no windows on the south-west elevation and it is over 20 metres from the side elevation of 9A Bridewell Gardens and 9 metres from the closest part of the single-storey rear extension of Carolyn in Bridewell Gardens. The existing timber boundary fence along the common boundary will be retained, retaining privacy at ground floor level. To the first floor of plot 2 the bedroom window is set to the far side of the dwelling at approximately 15m from the first floor of Carolyn. The remaining bathroom windows are to be conditioned to be obscured glazed. Due to the distance between the existing and the proposed dwellings and their orientation, being at right angles to each other, it is considered that there will be no significant loss of privacy.

Plots 3 and 4 face into the site and are separated from Camelot by the internal access road and PROW. To the rear the plots have been amended from the original scheme to increase the separation distance to the rear of the existing property, Acacia. The intervening distance is 20.1m, which is considered acceptable. It is proposed to have habitable rooms in the roof space of plots 3 and 4; these are serviced by rooflights to the front elevation with a rooflight over the stairs to the rear. Given the intervening distance and the arrangement of the windows it is considered that there will be no significant loss of privacy to neighbouring properties.

Plots 7, 8 and 9 all face towards the rear elevation and garden of Darlea. In 2021 planning permission was granted for a single-storey extension to the rear of Darlea, that will protrude 3.5 metres from the rear elevation and run the whole width of the house. It extends to approximately 7 metres from the rear boundary. There is a close boarded fence along the common boundary. The separation distance from the rear elevation of Darlea (minus the ground floor extension) to the rear elevation of plot 9 of the new development would be 21 metres which complies with the standards outlined in the adopted infill SPG. The approved single-storey extension to Darlea, if built, would be protected from overlooking by the close-boarded fence along the common boundary.

No 14 Bridewell gardens faces onto Church Road. Plot 9 will be adjacent; there will be a separation distance of 4.2m between plot 9 and 14 Bridewell Gardens. The existing floor level of No14 Bridewell Gardens sits at circa 8m and the FFL of plot 9 will sit at 9.3m. The ridge height of 14 Bridewell gardens is at 16.12m AOD and the proposed plot 9 will be 16.18m AOD, meaning that despite the increase in ground levels, the height of the proposed is the same as the existing building. No 9 will be built on a retaining wall and there will be a strip of wildflower planting between the two. Plot 9 is set much further back in the plot so that the front elevation of plot 9 is towards the rear elevation of no 14 Bridwell Gardens. With this in mind, consideration has been to ensure protection of daylight to the rear of 14 Bridewell Gardens. Concerns have been raised over this assessment of how the 45-degree measurement has been achieved. However, the measurements have been taken from a habitable room (dining room) as set out in the SPG. The measurements show an element of loss of daylight, however given the north facing orientation this is not considered to be a loss of reasonable daylight standards at the property. Plot no 9 would be sited to the northwest and therefore would have a limited impact on the sunlight that No 14 Bridewell receives. Plot no 9 has a side window on the first floor facing towards no 14 Bridewell Gardens. This will serve an en-suite bathroom and will be of obscure glazing. No 14 Bridewell Gardens also has a first-floor window on the side elevation but the two properties are staggered so that the windows will not overlap.

The ground levels to this portion of the site are proposed to be increased by approximately 900mm, however this is addressed through landscaping to the front of the site adjacent to the road and a retaining wall incorporated as part of the gable wall of the proposed plot 9. The ridge height of the building would be 7.7m above the existing ground level of No 14 Bridewell Gardens. At its highest point to the rear of plot 9 the retaining wall will be 2.4 above ground level, this decreases as existing ground levels increase to the rear of the garden of plot 9 to 1.8m above the ground level. On balance given that plot 9 is side by side with 14 Bridewell Gardens and maintains existing ridge heights it is not considered that there will be an unacceptable overbearing or overlooking impact and would be in accordance with the requirements of policy EP1 of the LDP.

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

The proposal accords with the Council's normal privacy standards for new development. The layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development.

## **6.6 Highways**

### **6.6.1 Sustainable Transport Hierarchy**

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located within the Severnside Settlement of Magor with Undy. The Square in Magor, which is less than one mile from the site contains a Post Office, supermarket and other facilities. There are two primary schools within walking distance of the site, there are also churches and public houses within the Village. There is a public bus service that runs from Newport to Chepstow and this gives easy access for the range of facilities in the nearby settlement of Caldicot. The site is in a relatively

sustainable location so that the occupiers of these dwellings will be less reliant on the car to go about their daily business.

### 6.6.2 Access / Highway Safety

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

### 6.6.3 Parking

The adopted Monmouthshire Parking Guidelines require one car parking space per bedroom for new dwellings up to a maximum of three per dwelling. In this case, three car parking spaces are being provided for each dwelling except for units 3 and 4 which will have two car parking spaces each as they are two bedroom properties. The proposal therefore accords with the adopted parking standards and complies with the objectives of Policy MV1 of the LDP. A condition will be imposed ensuring that the car parking provision is provided prior to occupation of the dwellings.

Following the amendments, Highways raise no objection to the scheme but do suggest six conditions. It is agreed that full compliance with the highways plans is required (1), as well as requiring details of future management of streets (3). However, conditions requiring street phasing is not considered necessary on a small development of 9 houses (2), details of surface water are addressed by the SAB application (4), the Construction Management Plan is already added in condition 18 (5) and requirement for a sec. 278 agreement it is not considered within the remit of the planning application, this is managed through a separate consenting regime.

## **6.7 Affordable Housing**

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

## **6.8 Flooding**

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

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

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

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

## **6.9 Drainage**

### 6.9.1 Foul Drainage

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

### 6.9.2 Surface Water Drainage

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

The SAB approving body confirms that the application has demonstrated a means of surface water discharge. A pre-application submission for SAB approval has been made and therefore there are no objections to this site from a surface water drainage perspective. Drawing 766-GRY-01-00-DR-C-100 Rev P8 shows Filter (or French Drains) along the western site is the site adjacent to 14 Bridewell gardens and also along the boundary with Darlea. This was suggested by the Lead Local Flood Authority to ensure no surface water flooding of neighbouring properties.

## **6.10 Phosphates**

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

## **6.11 Contaminated Land**

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

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

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

The site investigation also identified construction workers to be at risk from the contaminated material, and thus proposed requirements for working practices, which include the use of dust suppression techniques to minimise inhalation of dust and gases. In addition, a system would need to be established to identify additional contamination during work and reported so appropriate action can be taken. A licensed contractor would be required to deal with any asbestos materials, and routine visual checks made for its presence on site.

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

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

## **6.12 Public Right of Way**

There is a Public Right of Way (PROW) which runs along the north eastern boundary of the application site, linking Church Road with the playing fields and is hard surfaced to a width of approximately 1.3metres. (although this varies along its length). The path is a proposed Active Travel Route. The Active Travel (Wales) Act 2013 requires that highway authorities, local authorities and the Welsh Ministers must take reasonable steps to enhance the provision made for walkers and cyclists. The PROW officer has responded stating that the existing PROW is 6m wide.

In their response of 25.05.22 the officer provides evidence for this statement.

*If a path runs between fences or walls the presumption is that the whole area between these has been dedicated to the public provided the fences were laid out in reference to the Highway. If the*



*boundaries marked on the Definitive Map and other historical mapping were set out in reference to the Highway then the path is around 6m wide.*

*The width of a path can also be determined by statute and the Definitive Statement, but neither of these apply in this case.*

*If the width of a path is not defined by statute, physical boundaries or the Definitive Statement, its width is, as a matter of evidence, that habitually used by the public. The path in question follows a track. From what I know of the site and most sites it is not unreasonable to assume that the public have been walking the whole width of that track rather than confining themselves to a narrow strip along its side.*

*It should therefore be assumed that the right of way is at least as wide as the track and probably as wide as the historic boundaries it ran between i.e. about 6m wide.*

Looking at the aerial photos of the site and street view within the last 20 years the path has been a narrow worn track to the side of the site. It is clear that walkers have not been using the whole width of the track, more a very narrow unfinished informal track. It is therefore considered that it cannot be assumed the track is 6m wide. However the application has been amended to retain the footpath in its current position and increases the surfaced width of the path to three metres for its entire length with tarmac. Planning officers consider that a three metre wide tarmac path would be sufficient and a significant improvement on the current arrangement. This will enhance the current provision and allow for a shared path to be used by cyclists and pedestrians of all abilities. The three metre width of the path is consistent with other housing developments that have recently been approved in the County including Fairfield Mabey, Sudbrook and Caldicot all of which contain paths that are three metres wide. The applicants will have to apply under the Town and Country Planning Act to amend the width of the Right of Way.

### **6.13 Noise**

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

### **6.14 Planning Obligations**

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

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

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

The Councillor also considers that plot 1 is too close to the proposed Right of Way, but since the submission was made, plot 1 has been rotated so that it is parallel to plot 2 allowing it to engage more with the rest of the development and allowing for more "breathing space" for the PROW. Councillor Sandles considers that plot 9 is too close to the existing property at 14 Bridewell Gardens. The plans show that there will be over 4 metres between the side elevations of these two properties, and this is significantly more than is often allowed between two properties side by side; there will however be a significant difference in the slab levels of each house with Plot 9 being higher than No 14 Bridewell Gardens. The difference in ridge height has been addressed in the main body of the report and is shown on the sectional drawing, Section C-C on plan no. T2326 1 PA 36C.

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

The surface water drainage will be the subject of a separate SAB application and will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The application has demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer) and has submitted a pre-application for the SAB's approval; therefore there are no objections from the approving body with regards to surface water drainage. The applicants intended to run consultation with the SAB in parallel with the planning process. A series of SuDS features including swales, raingardens and permeable paving are proposed to serve the development site. Filter drains will be provided close to the boundaries of the site, where the ground is to be raised.

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

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

Whilst it may have been possible to develop this site with bungalows, the application before us is for two-storey dwellings, some with accommodation in the roof space, and the application before the Council must be considered on its merits.

Planning officers are aware of the single-storey extension to Darlea and the bay window to the front of Camelot, this is addressed in paragraph 6.5.

There have been concerns raised in relation to the impact of the proposed development on the residential amenity of a number of properties this has been addressed within paragraph 6.5 and on balance the development would not have an unacceptable impact on the amenity of any other party to warrant refusing the planning application.

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

The Statement of Truth regarding pedestrian and vehicular access to the rear of Camelot is a private legal matter and not one in which the Council as planning authority would be involved.

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

The width of the PROW has been discussed in the main body of the report. The applicants will have to apply under the Town and Country Planning Act to reduce the width of the Right of Way if the planning application is successful, as is usual in these cases.

A bin refuse area is being provided on the site close to the turning area where the refuse vehicles will pick up the household rubbish.

This site has had a long and complex planning history over the last 30 years, with new build residential properties and conversion of the former buildings on site being allowed, however none of these are extant now and the current proposal must be considered on its own merits in line with the adopted policies at this time.

Concerns were raised over the demolition of the former buildings on the site. At the time of demolition the buildings were not listed or in a Conservation Area and therefore their demolition did not require express consent.

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

6.16.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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 WCFG Act.

## **6.17 Conclusion**

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

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

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

The proposal accords with the Council's normal privacy standard for new development. It is acknowledged that any development on the land will have an impact on the existing neighbouring properties, it is considered that the layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting and maintaining reasonable levels of amenity for the occupiers of existing neighbouring residential properties. The proposal also accords with the

specific privacy distances outlined in the adopted SPG on Infill Development. The road and footway layout has been designed on the advice of the Highway Authority who offer no objections and the parking provision accords with the adopted standards; therefore the proposal accords with LDP Policy MV1.

The current application seeks to retain the public footpath in its current position but to increase the width of the surfaced element of the path to three metres for its entire length and to re-surface it with tarmac. Planning officers believe that a three metre wide path is sufficient. This will enhance the current provision and allow for a shared path to be used by pedestrians and cyclists.

Two affordable units are being provided on the site, these are both two-bedroom units and are compliant with DQR standards. The provision of such dwelling units is in line with the need demonstrated on the local housing register and complies with Policy H4 of the LDP. The Planning Authority consider that the location of this development in a C1 Zone is justified and that the criteria set out in the tests in paragraph 6.2 of the TAN are satisfied. NRW has no objection to the proposal provided that the development is carried out in accordance with the FCA. The Sustainable Drainage Approving Body confirms that the application has demonstrated a means of surface water discharge and has submitted a pre-application for the SAB's approval; therefore there are no objections to this site on the basis of surface water drainage.

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

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

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

Affordable Housing

25%, DQR, Tenure Neutral.

Triggers: The Landowner covenants not to occupy or permit first occupation of more than 0% of the market housing until all of the affordable units have been constructed and are ready for occupation.

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       TIMESCALE**

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       APPROVED PLANS**

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       BIODIVERSITY COMPLIANCE**

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

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

#### **4 BIODIVERSITY ENHANCEMENT**

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

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

#### **5 PERMITTED DEVELOPMENT RIGHTS**

Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA.

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

#### **6 ARCHAEOLOGY**

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

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

#### **7 DRAINAGE SCHEME**

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

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

#### **8 FCA COMPLIANCE**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequence Assessment FCA undertaken by Grays (Consulting Engineers) Limited, Reference 9766-REP01-R1-FCA (Revision - R1) dated 24 March 2022 and the following mitigation measures detailed within the FCA: Development Levels - Finished Floor Levels must be set at or above 9.3 m AOD (metres Above Ordnance Datum) and private drive set at or above 9.1m AOD.

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

#### **9 CONTAMINATION EHO.**

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

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

Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

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

## 10 **CONTAMINATION REMEDIATION**

Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

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

## 11 **CONTAMINATION - Imported Material EH03**

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

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

## 12 **TREES PROTECTION**

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

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

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

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

ii) During construction

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

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

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

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

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

REASON: to ensure trees are managed responsibly.

## 13 **LANDSCAPE DETAILS**

Prior to the commencement of development updated full and comprehensive details of soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable agreed with the Local Planning Authority.

Detailed cross sections of frontage swale / rain garden basin and retaining wall with existing and proposed levels

Soft landscape details for landscaping to include planting plan, specifications including species, size, density, number and location, cultivation and other operations associated with planting and

seeding establishment, inclusive of rain gardens and SUDS shall be submitted to and approved by the LPA.

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1, LC1 and LC5 of the Local Development Plan

#### **14 LANDSCAPE IMPLEMENTATION**

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

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure in compliance with LDP policies LC5, DES1, S13, and GI1.

#### **15 LANDSCAPE MAINTENANCE**

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.

#### **16 PARKING**

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.

#### **17 STREET MANAGEMENT**

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

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

#### **18 CONSTRUCTION METHOD STATEMENT**

No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

v) wheel washing facilities;  
vi) measures to control the emission of dust and dirt during demolition and construction; and  
vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.  
REASON: In the interests of amenity, in compliance with LDP policies S13 and EP1 and in the interests of the highway safety and free flow of traffic, in compliance with LDP policies S16 and MV1.

**19 NOISE GLAZING**

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

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

**20. SECTION 38 HIGHWAYS COMPLIANCE**

Notwithstanding the details shown on the approved plans, the footpath along the site's frontage with Church Road shall follow the alignment shown on Section 38 Highways Layout 9766-GRY-01-00-DR-C-102 REV P08 (10.01.23) AND 9766-GRY-01-00-DR-C-105 REV P09 (10.01.23)

REASON: In the interests of highway safety in compliance with LDP Policy MV1

**21. STREETS FUTURE MANAGEMENT**

No development shall commence 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 streets 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 highway safety in compliance with LDP Policy MV1

**22. OBSCURE GLAZING**

The windows to Plot 2 front elevation bathroom windows and Plot 9 side left first floor window shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

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

**23. PUBLIC RIGHT OF WAY**

No development shall commence until full details of the proposed hardstanding, delineation and design of the public right of way have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and remain as such in perpetuity.

REASON: In the interests of highway safety and design in compliance with LDP Policy MV1 & DES1.

**INFORMATIVES**

**SAB INFORMATIVE:**

Following the implementation of the Sustainable Drainage (Approval and Adoption) Order 2018 the applicant may require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government Standards. The total construction area for this site is potentially in excess of the 100 m<sup>2</sup> threshold. Total construction area includes existing buildings that are being replaced, re roofed, removed or patio/driveway areas including permeable surfacing. The SuDS scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing on site. It is recommended that the applicant approach the SAB for Pre App discussion prior to formal submissions to the LPA as the SAB process can affect site layout. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us on [SAB@monmouthshire.gov.uk](mailto:SAB@monmouthshire.gov.uk) so we can update our records accordingly.

**HIGHWAYS**



No development shall commence until the applicant has entered into a Section 278 agreement pursuant to the Highways Act 1980 with the Council for the off-site footway provision and localised carriageway widening works on Church Road.