

**Application Number:** DM/2022/01042

**Proposal:** Construction of 70 homes, sustainable drainage infrastructure, open space, internal roads, paths and parking areas, landscaping and associated plant and infrastructure

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

**Applicant:** c/o agent

**Plans:** Site Location Plan 0769-101,  
Topographical Survey 0769-100,  
Planning Layout 0769-102 B,  
Street Scenes 0769-103 A,  
External Works Layout 1 of 3 0769-104-1 B,  
External Works Layout 2 of 3 0769-104-2 B,  
External Works Layout 3 of 3 0769-104-3 B,  
Vehicle Tracking Layout Fire Tender 0769-105-2 B,  
External Detailing 0769-106,  
Adoption Plan 0769-107 B,  
Materials Layout 0769-108 B,  
Garages and Bin and Cycle 0769-109,  
Building Heights Plan 0769-110 B,  
Refuse Collection Plan 0769-113 B,  
Parking Matrix 0769 February 2023,  
Detailed Landscape Design Proposal Edp2927\_d160 F,  
Landscape and Green Infrastructure Strategy Edp2927\_d161 D,  
Ecological Enhancement Plan Edp2927\_d163 D,  
Green Infrastructure Management Plan Edp2927\_r027 E,  
Sustainability Statement June 2022 Rev 1,  
Environmental Noise Assessment 6617/ENS1,  
Lighting Strategy Document MMA17372 R1,  
Lighting Area Calculation MMA17372 R1,  
Lighting Strategy Plan MMA17372 R1,  
Drainage Technical Note July 2022,  
Engineering Layout 10251-110 G,  
Drainage Layout 10251-111 D, Refuse Vehicle 10251-306 A,  
Land Use Plan 0769-121  
Open Market: X203 Hawthorn – 0769-800,  
X305 Hazel – 0769-801,  
X306 Rowan – 0769-802,  
X307 Spruce – 0769-803,  
X308 Cypress - 0769-804,  
X308 Cypress - 0769-805,  
X308 Cypress - 0769-806,  
X309 Beech - 0769-807,  
X414 Aspen – 0769-808,  
X414 Aspen – 0769-809,  
X411 Willow – 0769-810  
F03L – 0769-811,  
F03L – 0769-812,  
F03L – 0769-813,  
F03L – 0769-814,  
F03L – 0769-815,  
F03L – 0769-816,

F03L – 0769-817  
Harcourt – 0769-818,  
Wyatt – 0769-819,  
Mountford – 0769-820,  
Mountford – 0769-821,  
Pembroke – 0769-822,  
Pembroke – 0769-823  
Affordable: Worsley – 0769-824,  
Cooper – 0769-825,  
Cooper – 0769-826,  
Asher – 0769-827,  
Spiers – 0769-828

## **RECOMMENDATION: APPROVE**

Case Officer: Mr Adam Foote

Date Valid: 15.07.2022

**This application is presented to Planning Committee upon the request of the Head of Planning and with the agreement of the Chair of Planning Committee**

### **1.0 APPLICATION DETAILS**

#### 1.1 Background

The application site forms part of a wider strategic allocation within the Monmouthshire Local Development Plan (LDP) under Policy SAH6 which covers a total of 7.81 hectares allocated for residential development for "around 225 new dwellings".

Outline planning consent was granted under application ref: DM/2019/01937 subject to a S106 agreement allowing "Hybrid planning application - Outline planning application for up to 155 dwellings, associated open space and infrastructure with all matters excluding access reserved, of which full planning permission is sought for 72 dwellings, associated open space and infrastructure". A copy of the completed Section 106 agreement and the full contributions required to be provided is available on the Council's website.

The wider allocation is split either side of an adopted but unclassified highway known as Vinegar Hill. Parcel A is positioned on the western side of Vinegar Hill with Parcel B to the east. Parcel A obtained full planning consent under application DM/2019/01937 and is currently under construction, parcel B was granted outline consent and the reserved matters are the subject of this application.

#### 1.2 Site Description

The application site (Parcel B) comprises two undeveloped fields totalling approx. 2.7 ha divided by a short hedgerow running north to south. The site is within the settlement boundary which reflects its allocation under LDP Policy SAH6. A public right of way enters the western boundary and turns south to allow access to Breezy Bank Wood a designated Site of Importance for Nature Conservation (SINC). The western field is bound on the north and south by fields which are outside of the application site but do form part of the strategic allocation. The eastern field adjoins with the strategic site allocation at Rockfield Farm (LDP Policy SAH5). The southern boundary runs along the edge of Breezy Bank Wood. Whilst gently undulating in profile the land is raised relative to the properties in Vinegar Hill and the wider Undy and Magor settlements to the south.

#### 1.3 Value Added

Various amendments have been achieved since the original submission including amendments to layout, biodiversity and green infrastructure enhancements and amended design of buildings.

## 1.4 Proposal Description

With access having been approved at the Outline stage, this application seeks reserved matters (RM) approval for the layout, scale, appearance and landscaping of the proposal. This application relates to the provision of 70 dwellings, as well as associated roads, drainage and other services/infrastructure, green space provision and landscaping.

The properties are proposed as a mix of flats, maisonettes, and houses with the proposed dwellings ranging from 2 – 2.5 storeys in height. The scheme would provide 1, 2, 3 and 4 bedroom offerings with a mix in the housing supply offering an apartment block, terraced, semi-detached and detached properties. All properties would benefit from designated parking and amenity areas. The external finish of the properties will incorporate a range of materials that have been selected to allow cohesion with parcel A which is currently under construction. The boundaries between dwellings will be demarcated by close board fencing whilst other prominent boundaries will be constructed of masonry walls. The proposed layout has been designed to maximise active frontages within the development and to allow for natural surveillance within the public realm.

The primary road through the site runs east/west and is proposed to be constructed up to the site boundary which will link with the Rockfield Farm LDP allocation (Policy SAH5). A buffer zone is proposed to the south of the main access road to ensure there is no unacceptable impact upon Breezy Bank SINC (site of interest for nature conservation – a local designation) with additional landscaping/planting features proposed along the buffer zone. The majority of dwellings are proposed to be sited to the north of the access road in response to the shape of the site, land availability and to set development away from the SINC. Two 'no through' access roads are proposed to provide access to the southern portion of the site whilst three are proposed to provide access to the north. A pumping station is proposed within the north/east corner of the site to service the development.

## **2.0 RELEVANT PLANNING HISTORY**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/01937	Hybrid planning application - Outline planning application for up to 155 dwellings, associated open space and infrastructure with all matters excluding access reserved, of which full planning permission is sought for 72 dwellings, associated open space and infrastructure.	Approved (subject to S106)	16.06.2022
DM/2022/00903	Discharge of conditions 4 and 15 relating to DM/2019/01937; Site location plan, construction and environmental management plan and construction traffic management plan.	Approved	19.08.2022
DM/2022/00910	Discharge of conditions 3, 5, 8 and 10 relating to application DM/2019/01937.	Approved	19.08.2022
DM/2022/00911	Discharge of applications 11, 14, 18 and 19 relating to application DM/2019/01937.	Split Decision	19.08.2022

DM/2022/00912	Discharge of conditions 6 and 9 relating to application DM/2019/01937: (1) a Lighting Strategy and accompanying details for the lighting engineering across Parcel A to address Condition 6; and (2) a Implementation Phasing Plan for the landscaping on Parcel A to address Condition 9.	Approved	19.08.2022
DM/2022/01132	Discharge of condition no. 41 (written statement by Vistry Home and a plan setting out the houses identified for Electric Vehicle charging infrastructure) of planning consent DM/2019/01937.	Approved	14.09.2022
DM/2022/01463	The proposed amendment concerns the use of bricks as set out on the approved External Materials Finishes Plan (drawing no. EDP2927_D105N-101) and within the approved House Type plans.	Approved	12.10.2022

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

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

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
GI1 LDP Green Infrastructure  
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
MV2 LDP Sustainable Transport Access  
MV3 LDP Public Rights of Way  
NE1 LDP Nature Conservation and Development  
Policy SD3 - Flood Risk SD4 LDP Sustainable Drainage

#### **Supplementary Planning Guidance**

Affordable Housing SPG July 2019  
Green Infrastructure April 2015  
Monmouthshire Parking Standards (January 2013)

## **4.0 NATIONAL PLANNING POLICY**

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

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

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

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

### **Technical Advice Notes**

Technical Advice Note (TAN) 2: Planning and affordable housing  
Technical Advice Note (TAN) 5: Nature conservation and planning  
Technical Advice Note (TAN) 11: Noise  
Technical Advice Note (TAN) 12: Design  
Technical Advice Note (TAN) 18: Transport

### **Other National Policies**

The Environment (Wales) Act 2016 places a duty on the Council to maintain and enhance biodiversity, promote the resilience of ecosystems and increase their ability to adapt to events such as the impacts of climate change.

The Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or shops and services.

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

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Magor/Undy Community Council:** No reply

**MCC Highways:** No objection

**Drainage:** No objection

**Active Travel:** No objection

**Building Control:** No observations

**Public Rights of Way:** No objection

**Environmental Health** No reply

**Biodiversity/Ecology:** No objection subject to conditions

**Landscape/Green Infrastructure:** No objection subject to conditions

**Affordable Housing:** Proposal meets the requirement for 25% affordable homes

**Dwr Cymru-Welsh Water:** No objection subject to conditions

**Welsh Government Highways:** No objection

## 5.2 Neighbour Notification

This application was advertised by means of direct neighbour notification, site notices and an advert in the Free Press. Four representations have been received objecting to the proposed development on the following grounds;

Highways and general safety concerns, inadequate infrastructure, increased traffic volumes, green field development/ loss of open space and habitats, damage to wildlife, climate impact, homes will not be affordable to young local residents, over population with detrimental impacts to local area and residents, lack of facilities.

## 5.3 Local Member Representations

None.

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

6.1.1 The application site forms part of a strategic allocation as part of the LDP (Policy SAH6) with outline consent already gained under application DM/2019/01937 and therefore the principle of this development has already been established. Only matters of the details reserved for approval which have now been submitted are for consideration. The main considerations with regard to this application are whether the proposed details are in accordance with the approved outline permission, whether the proposed internal road layout and parking areas are acceptable; whether the proposal is visually acceptable in terms of its impact on the character and appearance of the area; whether the proposal is acceptable in terms of ecological interests of the site; and whether the proposal is acceptable in terms of its impact on the residential amenities of the occupiers of nearby dwellings and future residents.

6.1.2 The entire Vinegar Hill (SAH6) allocation was designated for residential development to provide "around 225 new dwellings". Since the allocation additional requirements have been introduced, mainly the requirement for a Sustainable Drainage System (SuDS) and this has reduced the amount of developable land on the allocation and therefore reduced the number of dwellings that are achievable on site. Additionally, some land parcels adjacent to the application site but within the allocation are within separate ownership and have not come forwards as previously anticipated, therefore further limiting the number of properties. The outline consent granted permission for up to

155 dwellings with this application providing 70 dwellings in combination with the existing 72 dwellings approved on the adjacent parcel A, totalling 142 dwellings, which is considered to comply with the outline consent for up to 155 dwellings.

## 6.2 Sustainability

6.2.1 The application site is within the settlement boundary as defined on the Proposals Map of the LDP where there is a presumption in favour of development and the efficient use of land is encouraged. The application site is considered to be a sustainable location in close proximity to local amenities and public transport links.

6.2.2 The site has been designed taking active travel principles into account by providing a series of pedestrian links throughout the site and connecting the site with the wider area.

6.2.3 Future residents would have easy access to the facilities within Magor and Undy as well as access to public modes of transport. This allocation forms part of a wider allocation and neighbours the Rockfield Farm allocation which, when complete, would be linked via a road network where it is hoped a bus route will operate.

## 6.3 Place Making/Good Design

6.3.1 The primary road running east/west through the site provides a natural split with the majority of the development located to the north of the road due to the availability of land and in response to the location of Breezy Bank Woods.

6.3.2 Development to the north is accessed via three 'no through' roads terminating at turning heads and/or parking areas whilst the southern section is accessed via two vehicular access points with a break in the road to ensure there is not a loop on the southern section and to ensure the majority of vehicular traffic flows along the main link road opposed to turning down the private drive serving the first three dwellings which runs parallel to Vinegar Hill.

6.3.3 Where possible, the layout allows for visual permeability through the site and beyond by ensuring gaps or low-level development such as parking areas along the boundary of the site at key locations to allow views through and out of the site. The proposed dwellings have been arranged to be outward facing to overlook areas of public open space to create active frontages and provide natural surveillance within the public realm. Additionally where possible, the properties located along the main road are to be accessed directly from it, this assists with the place making objectives of the scheme but also acts as a natural deterrent for speeding vehicles.

6.3.4 The proposed housing types are considered to be acceptable in terms of their design which will result in a positive outcome and overall attractive place for future residents to live. Housing is proposed as 2 and 2.5 storeys with the 2.5 storey dwellings located on the primary street only to create a sense of enclosure to the primary street leading west-east. This creates legibility within the scheme and promotes a strong sense of place. The proposed block of flats is considered to act as an important entrance feature to Parcel B, again contributing to a sense of place within the wider development. The flats are proposed with dual aspect elevations facing south and west and it is considered that the scale, design and general form of the block allow it to be a prominent feature within the public realm without resulting in a massing effect that would have an adverse visual impact and be detrimental to the character of the area.

6.3.5 The boundary treatments between dwellings comprise of close board fencing however the visually prominent boundary treatments within the public realm are proposed to be constructed of brick. The external finish of the dwellings is proposed to match those used on parcel A to provide an element of cohesion between the sites. Where possible permeable paving has been used as opposed to tarmac to soften the visual impact of the development and create a more aesthetically pleasing environment.

6.3.6 Green infrastructure (GI) is well integrated into the development with extensive planting and other GI features proposed throughout the public realm as well as enhancement of existing features

such as hedgerows and the planted buffer zone between the development and the SINC. An element of GI should be visible from all areas of the public realm within the site. Much of the open space is dual purpose as public open space (POS), SuDS features and/or used for GI/ Biodiversity enhancements to best utilise the limited space available. A trim trail runs parallel to the main road through the site with play features proposed for the enjoyment of future residents.

6.3.7 A pumping station is required on the development, and it is proposed to be sited in the north/east corner of the site, this is considered to be the least visually prominent location and allows for it to be well separated from the residential properties on the development. The station will be sited beyond a SuDS feature and screened by planting to reduce its visual impact further.

## 6.4 Biodiversity/Ecology

6.4.1 The impact of the development as a whole in relation to Ecology and Nature Conservation was assessed as part of the outline application and it was established that the development could progress subject to conditions.

6.4.2 The proposed layout has been designed to direct development away from the SINC, the residential dwellings and main access/link road are proposed to be separated from the SINC by a buffer zone which will provide additional landscaping to further enhance the SINC.

6.4.3 The proposed development includes enhanced soft landscaping comprising of amenity grass planting, tree and meadow planting as well as 10 integrated bat boxes within the fabric of the new buildings, 18 bird nesting chambers to be installed across 9 locations and 5 reptile hibernacula to be created within the site.

6.4.4 The proposal is considered to provide suitable roosting, foraging, commuting and dispersal habitat for the local bat population, in addition to offering suitable opportunities for breeding birds. Such features also have the potential to support common reptiles, small mammals, and other wildlife. Furthermore, the GI Management Plan sets out suitable management schedules and responsibilities for the landscape contractor to undertake with regards to habitats and species that may be present on site. These include measures to maintain and enhance habitats including trees, woodland, hedgerows, shrubs, and grassland. The aforementioned details can be controlled via condition to ensure their implementation and retention.

6.4.5 The Council's Ecologist has been consulted on this application and raises no objection subject to conditions. One condition requested by the Ecologist requires the applicant to submit a CEMP prior to the commencement of development; this condition was attached to the outline consent and therefore will not be attached again to any consent for reserved matters.

## 6.5 Landscape/Green Infrastructure

6.5.1 GI has been incorporated into the design/layout of the proposed development to ensure ecological steppingstones and corridors of GI are present throughout the site linking it to the wider landscape/environment.

6.5.2 Street tree planting is included outside of private ownership throughout the development including the provision of a community orchard within an area of public open space located to the south of the access road and north of the SINC. Primarily the tree planting will consist of native tree species of local provenance, however some non-native species will also be integrated as feature trees to aid climate resilience.

6.5.3 Whilst the majority of the existing shrubs lining the site are to be retained, some areas have been identified as needing to be removed to accommodate the proposed development. To compensate for this loss, new shrub planting with species of local provenance is proposed as is planting to re-enforce existing hedgerow features throughout the site.

6.5.4 Sustainable drainage features are proposed to be integrated within streetscapes and green corridors throughout the development to store and slow the movement of surface water across the



site at peak flow, as well as providing an element of water cleansing. SuDS features will be designed to provide both amenity and biodiversity value to these areas, creating a linked network of habitats which will allow for species movement as well as providing an attractive aesthetic element to be enjoyed by residents.

6.5.5 The Council's Landscape/GI officer has been consulted on this application and raises no objection subject to conditions. The Officer notes that some areas of POS, due to their scale, layout and other function may potentially be less useable. Whilst this point is acknowledged it is considered there is a sufficient element of POS throughout the site which would be useable to future residents. Furthermore this parcel of land is linked to the adjacent land where there is a larger more obviously useable POS and it is noted that the developer has made contributions to offsite improvements to play and POS through the S106 agreement to the benefit of the wider area. On the basis of the Landscape/GI Officer raising no objection and given the POS provision provided over the wider allocation no concern is raised in respect of the impact of the development upon the landscape or GI.

## 6.6 Impact on Amenity

6.6.1 The development of the site for residential purposes in comparison to the existing use and arrangement will inevitably have an impact on the residential amenity of those living closest to the site. However, based on the layout and hard and soft landscaping plans submitted, in association with the relationship of the site relative to the closest residential developments, the development is considered acceptable having regard to impact on existing neighbours. Distances between existing and proposed houses would be sufficient so as not to unacceptably impact on privacy, light or be significantly overbearing. It is however considered necessary to restrict permitted development rights to ensure that any future developments/alterations to dwellings do not result in any unacceptable impact upon the living conditions of neighbouring occupiers.

6.6.2 With regards to the amenity of future residents the plans detail that each dwelling would benefit from an area of private enclosed amenity space and would have easy access to the areas of open space that run through the development linking it with the wider area. Provision for recreation facilities was achieved via the S106 agreement attached to the outline consent.

## 6.7 Highways

6.7.1 The primary access to this site for both pedestrians and vehicles will be via the access point on Vinegar Hill. The main link/access road throughout the development will join to link with the road on the Rockfield Farm allocation which borders the application site to the east and provide additional connectivity through the wider area.

6.7.2 The proposed development is considered to be acceptable in terms of its general layout which will allow both road users and pedestrians to pass through the site without concern for conflict, with the layout and arrangement of footpaths generally according to the requirements of the Active Travel Wales Act. The internal estate roads have been designed in accordance with the Welsh Common Standards for adoptable estate roads namely, 5.5m wide carriageways with 2x 2m footways on the main spine road and minimum of 1x 2m footways on the estate road spurs leading off the main spine road.

6.7.3 The proposed parking provision accords with the levels as prescribed by the parking standards adopted by the Council. The adopted standards require 1 space per bedroom up to a maximum of 3 spaces per dwelling.

## 6.8 Affordable Housing

6.8.1 The affordable housing policy and S106 agreement pertinent to this site as agreed for the outline planning consent (DM/2019/01937) required 25% of the proposed dwellings to be affordable housing. In this case the proposed number of affordable houses is 18, therefore according with the requirements for 25%.

6.8.2 The proposed affordable housing units are proposed as a mix tenure consisting of 8no 1-bedroom maisonettes, 6no 2-bedroom houses, 3no 3-bedroom houses and 1no 4-bedroom house.

6.8.2 The Council's Affordable Housing Officer has been consulted on this application and raises no concern. The original mix of affordable housing has been amended to reflect their comments and to better address the need within the area.

### 6.9 Flooding/Drainage

6.9.1 The application site is outside of any flood zone as shown on the Development Advice Maps (DAM) that accompany the existing Technical Advice Note (TAN) 15. However, small parcels of the site are shown to be within flood zones for surface water on the Flood Maps for Planning that will accompany the emerging TAN15.

6.9.2 Details of Surface Water Flooding are the remit of the Lead Local Flood Authority (LLFA) who have been consulted on this application and are satisfied that the drainage of the site can be dealt with appropriately though the SuDS application therefore no concern is raised in this respect. Furthermore the LLFA's database of previous flood events does not record any flood events near the site.

6.9.3 Due to the scale/nature of the development a SuDS/ SAB approval will be required. The details as provided have been considered by the Council's Drainage Engineer and are deemed acceptable; an appropriately worded informative will be attached to any subsequent planning consent.

6.9.4 DC-WW have been consulted on this application and given the restrictive conditions (18 & 19) attached to the outline consent they have no objection to the positive determination of this application subject to a further condition.

### 6.10 Public Right of Way

6.10.1 A public right of way (PROW) runs through the development site linking Vinegar Hill with Breezy Bank Woodland. An application has been submitted to reroute the PROW to follow the alignment as proposed in this application. The development has considered the PROW within its design and integrated it into its pedestrian routes through the site. The Council's PROW Officer has been consulted on this application and raises no objection to the proposed development.

### 6.11 Noise

6.11.1 Technical Advice Note (TAN) 11: Noise (1997) sets out the Welsh Government's guidance on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development. The TAN sets out four noise exposure categories (NECs) that sites may fall in, taking account of both day and night time noise levels.

6.11.2 A noise assessment has been carried out in support of this application by Hunter Acoustics (document reference 6617/ENS1) Dated 13/06/2022. The noise assessment submitted concludes that, predicted noise levels have been assessed against daytime and night-time noise criteria quoted in current planning guidance. Road traffic noise levels are indicated to fall under NEC B across the majority of the site. Standard thermal double glazing and trickle ventilation is indicated sufficient to control road traffic noise intrusion for NEC B. An assessment of external noise in gardens has been undertaken and shows that the majority of gardens meet the LAeq,16hr 55dB garden criterion with the exception of a marginal excess (2dB) in gardens along the northern boundary (plots 113-115). The drop in ground height between the development site and the motorway (that is in a 5m deep cutting) already provides full screening of the M4 road surface to the site. Therefore, garden noise levels of up to 57dB LAeq,16hr could be considered the 'lowest practical'.

6.11.3 Based on the noise surveys submitted it is considered that noise levels on site can be managed to an acceptable level and would not have any unacceptable adverse impact upon the living conditions of future occupiers.

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

Four objections were received from the public consultation raising the following concerns; Highways and general safety concerns, inadequate infrastructure, increased traffic volumes, green field development/loss of open space and habitats, damage to wildlife, climate impact, homes won't be affordable to young local residents, over population with detrimental impacts to local area and residents and a lack of facilities.

Response: This application is for reserved matters; the principle of the application was established as part of its allocation in the Monmouthshire LDP and as part of the outline planning consent. Therefore concerns in relation to the principle of the development or the loss of green field land have already been decided and are outside the remit of this application. The capacity of the road network in the area has been assessed by the Council's Highways Department as part of the outline consent and is deemed to be sufficient to accommodate the development. No objection is raised by the Highways regarding highway or pedestrian safety in respect of this application and therefore there would be no grounds to raise concern or to refuse the application on this basis. The application is proposed with a number of ecological/biodiversity measures as compensation and mitigation; this has been considered by the Council's Ecologist and is deemed to be acceptable to support the application; therefore no objection is raised in this respect. 25% of the homes will be affordable for those in need of housing in the area, the remaining housing will be open market; however these houses act as means of enabling the affordable units. As 25% is the required amount as prescribed by the S106 agreement there is no objection in in this respect. The proposed development will result in an uplift in the local population but as this is an allocated site with outline planning consent this matter has already been considered and therefore has been given little weight in the assessment of this application. The proposed development is solely residential to comply with its allocation, and whilst there are no community facilities proposed on site the residents would be well served by the existing facilities in the area and will add to the customer base to support existing or potentially new businesses.

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

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

## 6.14 Conclusion

It is considered that this proposal complies with both the strategic allocation within the LDP and the subsequent outline planning permission. It is considered that the proposal represents a well-considered, high quality development which will positively contribute to the area. It is therefore recommended that this reserved matters application be granted subject to the conditions set out below. The conditions relating to the outline planning permission and the requirements of the Section 106 Agreement also remain in force and relevant.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

#### **APPROVED PLANS**

1 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.

## **PD RIGHTS**

2 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (Or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls, shall be erected other than those expressly authorised by this permission.

REASON: To protect the character and appearance of the proposed development.

## **PD RIGHTS – PART 1**

3 Notwithstanding the provisions of Schedule 2, Part 1, Class A (sections (h) and (j), B, C and D) of The Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking or re-enacting that order with or without modification), no extensions with more than one storey, roof enlargement or alterations and porches shall be erected.

REASON: To protect the character and appearance of the proposed development and the living conditions of neighbouring occupiers.

## **GI MANGEMENT PLAN**

4 The development shall be carried out in strict accordance with the approved 'GREEN INFRASTRUCTURE MANAGEMENT PLAN - EDP2927\_R027E'. Evidence of compliance with the plans in the form of georeferenced photographs must be provided to the LPA no more than three months later than the final occupation of the development.

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

## **ECOLOGY MANAGEMENT PLAN**

5 The 'ECOLOGICAL ENHANCEMENT PLAN EDP2927\_D163D' document which illustrates the design and location of bat and bird box provision as well as hibernacula and wet scrapes for amphibians and reptiles 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 final occupation of the development.

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

## **NOISE**

6 Prior to the occupation of any of the dwellings the noise mitigation measures detailed in The Hunter Acoustics Environmental Noise report REF 6617/ENS1 (dated 13/06/2022), shall be undertaken. The development shall only proceed in accordance with the approved details and shall be maintained as such thereafter.

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

## **SURFACE WATER**

7 Surface water flows from the development shall only communicate with the public surface water in the location agreed with Welsh Water. Through an attenuation device that discharges at a rate not exceeding 16 l/s.

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

## **INFORMATIVES**

1 Bats - Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately (0300 065 3000).

2 Nesting birds - Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law,

do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

3 All reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease, and an appropriately experienced ecologist must be contacted immediately.

4 Bat boxes are more likely to be used if they are located where bats are known to feed. Ideally, several boxes should be put up facing in different directions on sunny aspects to provide a range of warm conditions. Boxes should be put as high as possible to try and avoid predation from cats on the ground or nearby structures. Bats use dark tree lines or hedgerows for navigation, so putting boxes near these features could help bats find the box. In summary, locate boxes:

- Where bats are known to feed and navigate (close to hedges and tree lines);
- Ideally at least 4m above the ground (where safe installation is possible);
- Away from artificial light sources (to protect them from predation); and
- Sheltered from strong winds and exposed to the sun for part of the day (usually south, south-east or southwest).

Bats need time to find and explore new homes, and it may be several months or even years before boxes have residents - be patient! Once bats find a place they want to live they can return over and over again. Droppings on the landing area, urine stains around the lower parts of the box and chattering noises from inside on warm afternoons and evenings are signs of occupation. Please note, as bats are vulnerable to disturbance and fully protected under UK law, boxes must only be opened by a licensed bat worker.

5 Boxes for tits, sparrows or starlings should be fixed two to four metres up a tree or a wall.

-Unless there are trees or buildings which shade the box during the day, face the box between north and east, thus avoiding strong sunlight and the wettest winds. Make sure that the birds have a clear flight path to the nest without any clutter directly in front of the entrance. Tilt the box forward slightly so that any driving rain will hit the roof and bounce clear. Fixing your nestbox with nails may damage the tree. It is better to attach it either with a nylon bolt or with wire around the trunk or branch. Use a piece of hose or section of car tyre around the wire to prevent damage to the tree. Remember that trees grow in girth as well as height, and check the fixing every two or three years. Open-fronted boxes for robins and wrens need to be low down, below 2m, well hidden in vegetation. Those for spotted flycatchers need to be 2-4m high, sheltered by vegetation but with a clear outlook. Woodpecker boxes need to be 3-5m high on a tree trunk with a clear flight path and away from disturbance. Nestboxes are best put up during the autumn. Many birds will enter nestboxes during the autumn and winter, looking for a suitable place to roost or perhaps to feed. They often use the same boxes for nesting the following spring. Tits will not seriously investigate nesting sites until February or March.

6 The proposed scheme 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. Details and application forms can be found at: <https://www.monmouthshire.gov.uk/sab>

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

8 The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

9 The applicant is advised that there are public rights of way in the vicinity of the development. The grant of planning permission does not give permission to close, divert or obstruct a public right of way. Obstructing a public right of way is a criminal offence for which you may be prosecuted. You should contact the Monmouthshire County Council Countryside Team on 01633 644850 or email [countryside@monmouthshire.gov.uk](mailto:countryside@monmouthshire.gov.uk) for advice on the procedure should you need to close or divert a public right of way.

10 In addition to the above conditions, the conditions attached to outline consent DM/2019/01937 still apply to this development. The outline permission will lapse if details of the reserved matters have not been submitted to the Local Planning Authority within the period stipulated in the permission or, if no period was stipulated in the permission, as laid down in Section 92 of the 1990 Act.