

RESIDENTIAL DEVELOPMENT TO PROVIDE 212 DWELLINGS INCLUDING 20 AFFORDABLE HOUSING UNITS, RECONFIGURED ACCESS, A NEW EMERGENCY ROUTE, NEW INTERNAL ROADS, FOOTPATHS/CYCLE WAYS, CAR PARKING AND HIGHWAY IMPROVEMENTS, A NETWORK OF PUBLIC OPEN SPACE INCLUDING LANDSCAPE AND RECREATIONAL SPACE, PUBLIC REALM AND BIODIVERSITY ENHANCEMENTS, OTHER ANCILLARY WORKS, RE-PROFILING OF THE LAND AND THE INSTALLATION OF NEW SERVICES AND INFRASTRUCTURE

SUDBROOK PAPERMILL SUDBROOK

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 30/09/15

1.0 APPLICATION DETAILS

- 1.1 This full application, seeks the erection of 192 market houses (10 two-bed houses, 105 three-bed houses and 77 four-bed houses). The houses would be a mix of detached, semi-detached and terraced properties. There would also be 20 affordable units (9.4%) comprising 8 two-person walk up flats, 10 two-bed houses and 2 three-bed houses. All of the affordable housing complies with DQR standards. In total it is proposed to erect 212 dwellings. The site area extends to 10.7 hectares but only 7.1 hectares would be developed. The land to be developed roughly equates to the land previously developed as the former St Regis Papermill and is allocated in the adopted Local Development Plan (LDP) as a strategic housing site. The levels of the site would be re-profiled to protect the developed part of the site from flooding. The development would utilise the existing access from Sudbrook Road with altered priority. The layout would follow a looped roadway within the site with several cul-de-sacs leading off this and shared driveways. A Local Area of Play (LAP) would be provided in the centre of the housing development. In addition there would be substantial public amenity space and planting at the entrance of the site and along the boundaries. There would be an area of public open space in the north east corner of the site from which there would be a pedestrian link into the existing settlement. The existing ephemeral pond would be retained near to the estuary in the south-east corner. A large area of public open space would be provided on the south west portion of the site and this would contain a footpath link from the development to the Wales Coastal Path. There would be two other pedestrian links from the development to adjacent footpaths.
- 1.2 To the north of the site is the existing settlement of Sudbrook containing approximately 150 dwellings and to the south, beyond the Wales Coastal Path, is the Bristol Channel and the Second Severn Crossing. Immediately to the east of the site, is an Iron Age fort which has been designated as a Scheduled Ancient Monument (SAM). To the west of the site is a coniferous plantation within the applicant's ownership. The Severn Estuary has been designated as a Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR site and Site of Special Scientific Interest (SSSI). A Habitats Regulations Assessment has been completed for the site.
- 1.3 An Environmental Statement was submitted with the application due to the site's proximity to the Severn Estuary. The Statement covers landscape and visual impact, biodiversity, transport and access. The other reports which accompanied the application are:
- Flood Consequences Assessment

- Transport Assessment and Travel Plan
- A Report on Ground Conditions
- Archaeological Assessment
- Noise Impact Assessment
- Design and Access Statement
- Information relating to the Viability of the site.

1.4 A similar application (but containing no affordable housing) DC/2014/01468, was submitted in 2014. The applicants appealed the application on grounds of non-determination. Members were minded to refuse that application as it contained no affordable housing. That appeal is being held in abeyance pending the outcome of this application.

1.5 This application is presented to Committee having been independently assessed in terms of development viability by the District Valuation Service. Having received this third party independent viability appraisal, it is clear that a higher proportion of affordable housing cannot be provided. As such, the application complies with the LDP, regenerates an unsightly brownfield site and provides much-needed housing.

2.0 RELEVANT PLANNING HISTORY

DC/2012/00307 Outline application for residential development for 340 dwellings	Refused, Dismissed on appeal 08/05/14
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DC/2013/00487 Erection of Bat Building	Approved 18/12/14
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DC/2014/01468 Full application for 209 dwellings	Appeal held in abeyance.
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Relevant History on Adjoining Sites

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

Strategic Policies

- S1 - Spatial Distribution of New Housing Provision
- S2 - Housing Provision
- S3- Strategic Housing Sites
- S4 - Affordable Housing Provision
- S5 - Community and Recreation Facilities
- S7 - Infrastructure Provision
- S12 - Efficient Resource Use and Flood Risk
- S13 - Landscape, Green Infrastructure and Natural Environment
- S14 - Waste
- S16 - Transport
- S17 - Place Making and Design

Development Management Policies

H1- Residential Development in Main towns, Severnside Settlements and Rural-Secondary Settlements
CRF2 – Outdoor Recreation/Public Open Space and Allotment standards and provision
SD2 – Sustainable Construction and Energy Efficiency
LC5- Protection and Enhancement of Landscape Character
GI1 – Green Infrastructure
NE1 – Nature Conservation and Development
EP1 – Amenity and Environmental Protection
MV1 Proposed development and Highway Considerations
MV2 – Sustainable Transport Access
MV3- Public Rights of Way
MV4- Cycleways
DES1 – General Design Considerations

LDP Site Allocations

SAH7 – Sudbrook Papermill

4.0 REPRESENTATIONS

4.1 Portskewett Community Council – Refuse

No further to comments to add to our original comments which stated that:

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

4.2 Caldicot Town Council – Refuse

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

4.3 Planning Policy Team

The site is allocated in the adopted LDP under Policies S3 and SAH7 as a strategic housing site for 190 dwellings on 6.6 hectares. There are, therefore, no objections in principle to the proposal.

It is noted that in the application the area to be developed for housing has been increased to 7.1 hectares and the number of houses has been increased to 212 dwellings. Policy SAH7 refers to the site allocation as being for 'around' 190 dwellings. It is also noted that the Minister's appeal decision discussed the interpretation of 'around' and considered that this could be taken as plus or minus 10%, in keeping with the flexibility allowance utilised in the LDP housing target. This view is agreed with and there are no policy objections to the increase in numbers from the allocated 190 dwellings to 212 dwellings (despite this being marginally over 10%). There are also no objections in principle to the slightly enlarged site area. It is noted that this helps to rationalise the site boundary to enable a more satisfactory layout to be provided and the extended area falls within the Development Boundary for Sudbrook, which the LDP Inspector agreed should be retained rather than drawn tightly to the boundary of the site allocation. This extended site area lies within C1 flood plain and it is necessary to demonstrate satisfactorily compliance with TAN15 and LDP Policy SD3.

The applicant's Planning Statement generally covers the LDP policies relevant to this development. Some additional points are:

Policy S3 requires that any detailed application shall include a feasibility assessment for suitable renewable energy and low or zero carbon technologies that could be incorporated into the development proposals.

Policy CRF2 includes a requirement for provision for allotments at the standard of 0.25 hectares of allotment space per 1,000 population. It would seem, therefore, that around 0.14 hectares of allotment area would be required to comply with this requirement.

Of more significance, Policy S4 of the LDP states that “In the Severnside settlements identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 25% of the total number of dwellings on the site to be affordable.” The application makes provision for 20 affordable housing units which equates to 9.4%. As this is below the 25% policy requirement, evidence will need to be provided to justify the level of affordable housing proposed. In this respect, Policy S4 does allow for negotiation on the percentage affordable housing requirement to take account of viability issues.

4.4 MCC Housing & Communities

Housing & Communities support the above application as there is a high need for affordable housing in all areas of the County and the Chepstow/Caldicot Housing Market Area (HMA), of which Portskewett Community Council area is a part, is no exception. There are approximately 500 households on our housing register wishing to live in the Portskewett area, 433 are under the age of 60. It is disappointing that the scheme will not deliver the policy compliant percentage of affordable housing, however, a great deal of work went into the viability assessment which clearly shows that the site will not support 25% affordable housing. The Senior Strategy & Policy Officer in Housing was involved with the viability assessment at all stages and is confident that 10% affordable housing is all that can be achieved at this time.

4.5 Cadw

The proposed development is located in the vicinity of the Scheduled Monument known as Sudbrook Camp and Chapel (MM048). There has been no material change since Cadw was consulted on the previous application and their advice remains the same. The proposed houses are set back from the designated monument thus providing a buffer zone as previously approved. The development will not have a significant impact on the setting of Sudbrook Camp and Sudbrook Chapel. The applicant had incorrectly displayed the boundary of the scheduled area and the proposed development boundary includes part of the scheduled area. The proposed development has the potential to directly affect the scheduled area. There are no proposals to build houses in this area however the SAM may be affected by the construction of associated infrastructure and would need Scheduled Monument Consent prior to works commencing. The applicants own the SAM and there is a need to secure the long term future of the site in regards to maintenance, interpretation and public access. This can be secured by means of a planning obligation and Cadw would like to be part of the negotiations.

4.6 MCC Education

This LDP housing site falls within the Caldicot School catchment schools cluster. The nearest school is Archbishop Rowan Williams Primary which has 23 surplus spaces. The other primary schools in this catchment are full, with Dewstow already dispersing pupils to Archbishop Williams. Taking this capacity into account, along with the other two known housing developments in the catchment, and birth data, a S106

contribution of £439,286 is required to provide additional capacity at Archbishop Rowan Williams Primary School. There is surplus capacity at the catchment secondary school, and this LDP allocation was factored in when designing the 21st Century replacement school at Caldicot.

4.7 MCC Transport Planning and Policy Officer

Concerning public transport, it must be noted that the transport assessment contains some inaccuracies. The transport assessment is based on the one for the previous application for Sudbrook Paper Mill, and while some updates have been made some changes relating to bus services have not been taken account of. The key issue is that there is currently no scheduled bus service to Sudbrook, service 75 no longer operates over this section of the route (and will shortly cease completely). From April Monmouthshire County Council will be introducing a limited Grass Routes scheduled service, though this will be a trial. Overall, while there is a reduction in the number of proposed houses, a regular scheduled bus route continues to be essential, and the proposals set out in the previous draft S106 agreement concerning such a service should continue.

Concerning walking and cycling, while Appendix H refers to the Active Travel (Wales) Act 2013, it is unclear how the act (and the Design Guidance, which takes precedence over the Manual for Streets but is not mentioned at all) has been taken account of. The Transport Assessment makes substantial reference to walking and cycling, and the role it can play, for example:

- “It is possible to walk and cycle to these stations [Caldicot and Severn Tunnel Junction] using the Wales Coast Path and this is a shorter distance. These are within reasonable cycling distance for commuting and other purposes.” (2.9)
- “The Travel Plan would encourage walking and cycling [to the local primary and secondary schools] as more sustainable options.”
- “Both Severnside Industrial Estate and Castlegate Business Park are within reasonable walking and cycling commuting distances from the site.”
- “Employment opportunities also exist within Caldicot town centre, which is within a 32-39 minute walking distance or 10-12 minute cycle distance (2,617-3,150m) from the site.”

To enable such journeys to be made by active travel, the relevant routes must be fit for purpose. While the transport assessment makes some limited comments on the state of the footpath towards Portskewett, a proper audit of the routes described above should be undertaken. This should be using the audit tool set out in the Active Travel Act Design Guidance, and include a list of any locations that do not score green for any factor. According to the Transport Assessment the developer is committed to enhancing the sustainable transport provision, for the proposed development and for the local community. The Travel Plan set out a number of sustainable transport initiatives:

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

Of these, the information pack is essential, and the funding set out in the previous draft S106 agreement for this should continue. The proposed travel planning coordinator

may also provide useful benefits in terms of sustainable travel and if possible should be retained. However, providing one-off personalised travel planning, such as the travel advice provided directly to residents as part of the Keeping Cardiff Moving project, may be a suitable alternative and should not cost more than £5000. The proposed Travel Planning Primary School Walking Bus Shelter will need to be discussed with the school. The proposed Travel Planning Vouchers will also be beneficial but are of less importance enhancing the sustainable transport provision than the proposed bus service or ensuring that key walking and cycling routes are up to standard.

4.8 MCC Economic Development

I am not aware of there having been any serious interest in this site for potential commercial or industrial uses over the past four years and I believe there is little likelihood of realising such a use in this location. In view of this, I have no objection to this application for residential development on the site.

4.9 Glamorgan Gwent Archaeological Trust (GGAT)

A desk based assessment prepared by CGMS (October 2014) was submitted with this application which concluded that there is potential to encounter archaeological remains of prehistoric to modern date within the application area and that that archaeological features could be revealed during the construction work. It is recommended that a condition requiring the applicant to submit a detailed programme of investigation for the archaeological resource should be attached to any consent.

4.10 Natural Resources Wales (NRW)

- 4.10.1 We note from the Bat Survey Report 2016' by Arcadis dated January 2016 (Report Ref: 0025-UA003506-UE21) that, aside from the Paper Mill building (Building 1) which is confirmed to support roosting bats, the majority of the buildings on site have no or negligible potential to support roosting bats, and six are considered to offer very low bat roosting potential. We note the recommendations in the 'conclusions and recommendations' section of the report in respect of the careful demolition of the buildings under a method statement and supervision of a suitably qualified, experienced and licenced ecologist. Providing this is secured as part of any planning permission that is granted for the scheme we do not consider that there will be detrimental impact to the maintenance of the favourable conservation status of bats.

We concur with the LPA ecologist's comments (dated 17/3/16) on this latest survey information that it is essential that the long-term management and monitoring of the bat house (roost) is secured as part of any permission granted for this application. In that respect our previous advice as set out in our letter of 23 November 2016 still applies. A European Protected Species Licence will be required.

Therefore, we have no objection to the proposed development subject to:

- i. A planning condition attached to any permission that may be granted for the development to secure the recommendations in the 'recommendations and conclusions section' of the bat survey report 'Sudbrook. Bat Survey Report 2016' by Arcadis dated January 2016 (Report Ref: 0025-UA003506-UE21); and**
- ii. The applicant entering into a Section 106 agreement to secure the long-term management and monitoring of the bat house (roost).**

iii. An appropriately worded conditions in respect of flood risk and land potentially affected by contamination being secured in any planning permission granted.

4.10.2 Groundwater and land potentially affected by contamination

The site is located within the Source Protection Zone (SPZ1) for the Great Spring. The site is also adjacent to the Severn Estuary SAC. We therefore consider the site to be highly sensitive with respect to controlled waters. We have reviewed the Phase II Site Investigation, Detailed Quantitative Risk Assessment and Remediation Strategy, dated November 2014, by Wardell Armstrong submitted in support of the application. Following the works recommended in the Outline Remediation Strategy, the applicant should then submit a verification report. We therefore, request condition be included on any planning permission granted.

4.10.3 Flood Risk

The planning application proposes highly vulnerable development (housing), on land partially within Zone C1 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the Severn Estuary. Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified. The proposed development, as submitted, will only be acceptable if the measures as detailed in the Flood Consequences Assessment (FCA) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

4.10.4 Surface Water Run-off

The development site is partially within the NRW Internal Drainage District (IDD) boundary. We note that the FCA states that surface water will be discharged via an existing pumped sewer network that discharges into the estuary. The drainage system should, as a minimum, be designed to cope with storm water run-off equivalent to the "greenfield" response for the site. The development should not increase runoff from the site and if required the drainage network should be accompanied by on-site storage designed for the 1 in 100 year storm event to prevent excess water entering the Reen network. Should it be proposed to discharge any surcharge of the system during an extreme event to a watercourse then this will require a Flood Defence or Land Drainage consent (depending on the watercourse). We recommend that a condition is imposed to ensure that a scheme to dispose of surface water is submitted to and approved in writing by your Authority, to ensure effective management of surface water run-off resulting from the proposed development. We would also recommend consultation with your Drainage Department. We advise that any proposed scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates. Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development. (This is also requested due to the sensitive nature of the site in relation to the previous land use and the location in the SPZ1).

4.10.5 Other Regulatory Requirements Flood Defence/Ordinary Watercourse Consent

The watercourse known as the Back Ditch (Caldicot Levels) is scheduled as a statutory main river, pursuant to the Water Resources Act 1991 and Natural Resources Wales (NRW) Land Drainage Byelaws. The prior formal Flood Defence Consent of NRW must be obtained for any works in, under or over the watercourse, or within 7 metres of the landward toe of any flood bank or wall, or where there is no bank or wall, within 7 metres of the top of the riverbank. In addition to the above, under the requirements of Section 23 of the Land Drainage Act 1991, the prior Ordinary Watercourse Consent of the Local Lead Flood Authority (LLFA) or, in this instance the NRW Internal Drainage

District (IDD) (formerly Caldicot and Wentlooge Internal Drainage Board), is required for the erection of any mill dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such an obstruction; or erect any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect any such flow.

4.10.6 The Wales Coast Path

The applicant states that 'cyclists and pedestrians can use the Wales Coast Path (WCP) to travel north through Sudbrook village towards Chepstow...' this statement and the line shown on the plan appears to show that the WCP runs along the eastern boundary of the application site. The Wales Coast Path actually follows a public footpath along the southern boundary of the proposed development site and then continues along the southern boundary of the ancient monument and playing fields to the east. We are not aware that the route along the eastern boundary of the site currently has any legal status, however it would provide a useful link from Sudbrook to the Wales Coast Path. The proposed development is likely to significantly increase the numbers of people using this section of the WCP. This may require the path to be widened and improved. The WCP project generally supports provision for cycling where appropriate. If cycling were to be formalised here, there would be additional implications in terms of design and specification to ensure sensitive shared use. The WCP should be at the very least as wide as currently. We note that the WCP runs close to the boundary of the housing development on the south eastern section of the site. It would be helpful if any boundary fence between the development and the path were set back enough to a) allow for widening the path to accommodate points raised above and b) to provide enough verge space to prevent it feeling intimidating. The Coastal Path should not be adversely affected by the proposed development during and post construction. We advise the applicant to contact us for further discussions.

4.10.7 Severn Estuary Special Protection Area (SPA)

Given that this is a redevelopment of an industrial site, we are of the opinion that the housing development will not cause increased disturbance to birds beyond what occurs from the existing residential areas.

4.10.8 Local Biodiversity

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species

4.10.9 Pollution Prevention Advice for the applicant

Drainage and Discharge Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters. Only clean surface water from roofs and paved areas should enter the Sustainable Urban Drainage.

4.10.10 Construction

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990. If any controlled waste is to be removed off

site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we advise the applicant considers reduction, reuse and recovery of waste in preference to off-site incineration and disposal to landfill during site construction. If controlled wastes are to be utilised for construction purposes the applicant will be required to obtain the appropriate exemption or authorisation from Natural Resources Wales. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided. Any aggregate used to during construction of embankments/pathways/roads needs to be of clean and of sufficient grade. If any hazardous waste e.g. asbestos is to be removed off site then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. We refer the applicant to the pollution prevention guidelines listed in the attached Planning Advice Note. In particular to PPG5 Work in, near or over watercourses and PPG6 Construction and Demolition Sites, PPG2 Choosing and using oil storage tanks and PPG26 Storing and handling drums and intermediate bulk containers for any machinery fuel stored on site should be referred to. No material is to be deposited within 10m of any watercourse/ditch or spring

4.11 Gwent Police

No major objection to the scheme and it would be possible to achieve a level of Secured by Design accreditation for this proposed development, under the Secure by Design Homes 2016 guide which comes into effect from the 1st June 2016.

4.12 MCC Highways

The site was subject to previous applications DC/2012/00307 and DC/2014/01468 for the development of 340 residential properties, following a detailed review I offered no objections to the proposed development on traffic capacity / impact grounds and subject to specific and significant mitigation measures in respect of:

The means of access

Improvements to sustainable transport by way of providing pedestrian and cycling improvements/linkages

Estate Road Layout

Emergency Access

Surface Water Management

Improvement / enhancement of public transport provision.

The aforementioned was subject to detailed scrutiny and agreement by way of a statement of common ground and draft unilateral undertakings prepared and agreed during the subsequent planning appeal (DC/2012/00307) and inspector`s decision.

The applicant has submitted no additional or amended information in support of this application other than the submission of a parking breakdown to the planning case officer. I therefore would not wish to add or amend the comments and observations provided in respect of planning application DC/2014/01468, other than to comment specifically on the additional information provided by the applicant in respect of earlier comments and observations in respect of the available Resident & Visitor Car Parking:

Car Parking

The applicant, has not amended the Transport Assessment dated 2014 but submitted via email a full parking breakdown. The breakdown unfortunately does not satisfy the requirements of the Councils adopted Supplementary Planning Guidance for Parking Standards 2012 & Domestic Garages 2012, due to the following:

The Malvern is a 3 bedroom property with only 2 parking spaces per property resulting in a shortfall of 22 parking spaces.

The Ledbury3 is a 3 bedroom property with only 2 parking spaces per property resulting in a shortfall of 10 parking spaces.

The applicant has also included integral garages contrary to the Domestic Garages 2012 Supplementary Planning Guidance, namely;

The Oxford+ is a 3 bedroom property with only 2 parking spaces and an integral garage resulting in a shortfall of 24 spaces.

The Worcester is a 3 bedroom property with only 2 parking spaces and an integral garage resulting in a shortfall of 10 spaces.

The Canterbury+ is a four bedroom property with only 2 parking spaces per property and a double integrated garage, that results in a shortfall of 9 spaces and not an extra space per property cannot be counted and used to offset parking elsewhere, namely 9 spaces.

In Conclusion

The actual number of spaces provided per property in accordance with the SPG result in a deficit of 75 off street resident parking spaces. The actual number of spaces provided if we were to accept a relaxation of the garage SPG, by accepting integral garages would result in a deficit of 32 off street parking spaces, the over subscription of 9 spaces with The Canterbury+ cannot be taken into account, the additional space per property, 9 spaces in total cannot be counted and used to supplement the overall total. The applicant has indicated that there are 22 visitor parking spaces available on street in some shape or form. It has always been accepted that visitor parking could be accommodated on street, however this relaxation is reliant on 2 factors namely the street layout and the correct number of off street parking spaces for residents. The street layout is conventional and is wide enough to accommodate the anticipated levels of visitor parking, unfortunately, the off street parking provision is deficient and this will result in the on street visitor parking being reduced by the displacement of residential off street parking on to the street. Although the proposed development will be designed to encourage and promote sustainable transport and Section 106 contributions provided to promote and enhance public transport the reliance on the private car is still a fundamental issue in Monmouthshire and although the promotion and use of sustainable transport is commendable and encouraged it does not preclude residents from owning a vehicle and hence the need to park it securely. It is therefore imperative from a highway safety perspective and to ensure that the estate roads and footways remain uncongested and unobstructed that the required level of resident off street parking is provided in accordance with the Councils adopted Supplementary Planning Guidance for Parking Standards 2012 & Domestic Garages 2012.

Highway comments relating to the previous application DC/2014/01468

Existing Highway Network – Impact

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

Means of Access

The proposed means of access is agreed and the re-engineering of Sudbrook Road is welcomed. The proposal reflects the increased vehicle demand and movements to and from the proposed development over and above the movements to the village of Sudbrook, therefore giving priority to the greater traffic movements. The re-engineered

junction creates an environment that reduces entry speeds into Sudbrook village whilst improving traffic flow and reducing vehicle conflicts. These works will be required to be carried out pursuant to a Section 278 Agreement Highways Act 1980 and the junction re-engineering will be required to be constructed and operational prior to the occupation of the 1st Dwelling. The Developer will be required to enter into the S278 Agreement Highways Act 1980 prior to the commencement of the development.

Link Footpaths

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

Sustainable Transport

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

Travel Plan

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

Estate Road layout

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

Emergency Access

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

Surface Water

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

- Discharging to the 5 mile 4 chain outfall
- Surface water storage/attenuating on site up to the 1 in 100 year + 30% storm event
- All sewer/pipe outfalls to be flapped.

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

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

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

4.13 Welsh Water

Outlines conditions relating to surface water. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharge from the site. The proposed development is in an area where there are water supply problems for which there are no improvements planned within our current Capital Investment Programme AMP4 (years 2005 to 2010). In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network.

4.14 MCC Biodiversity

4.14.1 Protected Species

Reptiles

Reptiles were identified on the site during the 2010 study including a moderate population of slow worms and grass snakes. It is likely on this basis that this would further ratify the SINC designation and potentially widen the area of the SINC site to other areas suitable for reptiles on the application site. Details of the reptile translocation that has already been undertaken and a strategy for the remainder of the site has been submitted to the LPA. A planning condition is recommended to secure the implementation of this strategy.

4.14.2 Bats

Survey has been undertaken of the main paper mill buildings and the surrounding ancillary structures. This survey is considered acceptable to inform the planning decision. The paper mill building has been identified as a bat roost and the mitigation has already been provided and there is evidence that it is already being used. The ancillary structures were subject of a building assessment in winter 2015 and ecological justification presented to the LPA for no activity survey. This is acceptable subject to the recommendations of the survey being followed including a licenced bat ecologist being present to observe the soft strip of some of the buildings. A planning condition is recommended to secure this. The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for EPS. Please see our internal guidance note for information.

4.14.3 Bat House

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

4.14.4 LDP policy NE1

Site of Importance for Nature Conservation (and surrounding public open space)

Part of the application site was identified as being of County Importance during the LDP process and it has been recognised as a Key Ecological Receptor in the Environmental Statement. An area will be lost at the south east of the site due to housing however, it is not considered to be the most valuable part of the site and the ecological connection will be maintained outside of the development site. In the course of the DC/2014/01468 appeal, information about the future management of the SINC and surrounding habitat (to be restored) at the south of the site was submitted to the LPA. A carefully worded planning condition shall be used to secure this and future management will be secured via a planning condition for a GI Management Plan.

4.14.5 Invasive non-native species

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

4.14.6 Protected Sites

A Habitats Regulations Assessment has been undertaken for the DC/2014/01468 application and is directly transferable to this application. This assessment is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, in accordance with the EC Habitats Directive (Council Directive 92/43/EDC) before the Council as the 'Competent Authority' under the Regulations can grant permission for the project. In accordance with Welsh Government policy, the assessment is also made in relation to the sites listed under the 1971 Ramsar Convention. The Wye Valley and Forest of Dean Bat Sites SAC was considered as well as the Severn Estuary SAC, SPA and Ramsar site.

4.14.7 Appropriate avoidance measures will be adopted to limit the risks of pollution and no un-attenuated discharges will be made from the site directly into the Severn Estuary. Surface water discharge will be via an existing discharge pipeline currently used by Network Rail to pump 11,000m³ of water daily allowing for significant dilution of any pollution or sediment loads to the estuary. Measures will be in place to protect the Estuary from surface water runoff during the operational phase including permeable surfaces and interceptors. Standard dust suppression techniques, together with the combination of rain and tidal removal of any deposited dust on the salt marsh will ensure that any emissions are controlled and integrity of the SAC protected. The impacts of increased HDVs are considered to be insignificant and effects further reduced by combination of rain and tidal movement. There will be no disturbance to fish and no significant disturbance to wintering birds during the construction phase. Increased recreational pressures are not considered to be significant enough to have any negative effects on the SAC, SPA or Ramsar features particularly as there are no significant numbers of birds within 500m of the site and the nature of the coastline in this area does not encourage people to stray from the path and significantly disturb birds or directly damage habitats. Contaminated land will be remediated and standard pollution prevention measures will safeguard the Severn Estuary during these works.

Avoidance and/or mitigation measures embedded in the scheme include:

- No works will take place within the Severn Estuary SAC, SPA and Ramsar, neither will any access routes be located with the designated sites:
- Construction lighting will be directional, localised and only used when work is being carried out

- Best practice guidance on pollution prevention and control will be adhered to
- The use of permeable paving, gravel storage under the paving, a new piping system, attenuation ponds, silt traps and oil interceptors will ensure surface water is not directly discharged into the Severn Estuary during construction or operation
- Equipment will be inspected regularly for leaks and repaired immediately
- Spill kits will be widely available during construction
- Tool-box talks will be given to operatives on site outlining the sensitivity of the site to pollution
- Dust suppression techniques, e.g. wheel washes, damping down of haul routes, will be employed
- Method Statements will be issued for works activities and a Construction Environmental Management Plan will be implemented in order to prevent any adverse impacts
- Operational lighting will be directional and away from the European site
- Recreational areas will be created to encourage people away from the designated habitats, particularly Atlantic salt meadows.

With these measures considered, there will be no Significant Effect on the Severn Estuary European Marine Site.

Request Planning Conditions to cover the following:

- Bat House and core habitat monitoring (for 25 years minimum)
- Bat House and core habitat maintenance and management (for 25 years minimum)
- Construction Environmental Management Plan to cover; issues identified by HRA, INNS strategy, Mitigation to safeguard mammals during construction.
- Habitat creation in south of site (adjacent to SINC) as per email from GVA during appeal process.
- Green Infrastructure Management Plan to cover; bird and bat enhancements, reptile management, INNS management, plus landscape, trees and public access requirements.
- Recommendations of 2016 bat report
- Recommendations in the Reptile Strategy
- Nesting bird condition
- Lighting plan

4.15 MCC Environmental Health

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

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

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

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

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

Group "The Development of Potentially Contaminated Land" which is available from Monmouthshire County Council's Website. Should the Planning Authority considered it appropriate to grant planning approval prior to a contaminated land site investigation I would recommend that the following conditions (EH01 and EH03) be attached to ensure that the site is fully investigated and remediated to ensure the protection of public health.

The 2014 site investigation report would be suitable for discharge of part a) and b) of the Condition, if they were to be used. The report also provides an outline remediation strategy (Condition c)). This Outline should be firmed up and made more definitive before Condition c) could be considered covered, and so should still be included in any planning permission granted.

4.16 MCC Public Rights of Way

4.16.1 Without prejudice to unrecorded rights of which the Council is unaware and maybe proven to exist under the Wildlife and Countryside Act, Section 53, the applicant's attention should be drawn to Footpath No. 13 in the community of Portskewett which runs along the southern edge of the proposed development site and carries the nationally important Wales Coast Path. There is no recorded public path running along the eastern site of the development area between the proposed new houses and the scheduled ancient monument as shown on the site layout plan. The Wales Coast Path follows instead Footpath No. 13 along the coast before looping to the end of Camp Road. The informal links detailed in the Design and Access Statement 5.6 providing east-west pedestrian/cycle permeability to the site although welcome do not therefore connect to a path with any recorded public rights. The only three remaining links out of the site are the main vehicular access, the emergency access onto Camp Road and the link at the southern end of the site onto Footpath No 13, the Wales Coast Path. Countryside Access would like this shortfall addressed and to see these informal links and path made up to at least restrictive standards, secured for the public and maintained.

4.16.2 Because of the proximity of Caldicot, consistent with the Wales Active Travel Bill, Countryside Access would like more be done to encourage pedestrian and cycle access to the town which is within walking distance and very comfortably within cycling distance for most people. Cycling along Footpath 13, is currently permitted adjacent to the site by agreement but Public Rights of Way would like to see this formalised with a Cycle Track Order as it is already well used as such. Additionally because of the coast's attraction and peoples' preference for circular walking routes Countryside Access would also like to see at least one other access point formed onto the Wales Coast Path at the western end of the development south of the proposed LEAP. Not only would this be consistent with National and Monmouthshire County Council policy on improving access to the coast but it would also serve to provide better links to Caldicot also compliant with the requirements of the Wales Active Travel Act.

4.16.3 Countryside Access are also concerned about the lack of community feel and incentive to walk/cycle generated by the lack of permeability through the site. Countryside Access see scope for this to be significantly improved. The current site layout requires some residents sharing a common boundary to travel a distance of nearly 400m to their neighbours' front doors. Countryside Access also see scope to maximise the site's connectivity potential by forming links to the disused rail line running along the northern edge of the site should this become available in the future.

4.16.4 All cycle/pedestrian links should be made up to suitable standard and given a formal status by either being adopted as Highway or dedicated as Public Footpaths and/or upgraded by Cycle Track Order as appropriate. Alternatively they should be secured for the public and maintained under agreement by some other mechanism. The Wales Coastal Path must be kept open and free for use by the public at all times, alternatively, a legal closure must be

obtained and an alternative path put in place prior to any development affecting the path taking place.

4.17 MCC Recreation

The developer has agreed to enter into a S106 agreement to contribute:

£46,858 for the provision and adoption of an on-site LAP;

A £50,000 contribution towards adult recreation/community facilities at one or more of the following locally identified priority projects:

- The Cornfield Project
- The Quest
- Sudbrook play park
- Portskewett Heritage Centre
- Sudbrook Non Political Club

To transfer ownership of the adjacent play area to the Community Council for £1 (it is understood that the Community Council already maintains this land at its own cost so no adoption cost is payable).

It is understood that the large informal open space area on the 'lower tier' will be provided and landscaped at the developer's expense and managed by a management company funded by future occupiers of the market housing.

In the light of the viability of the development, the agreed contributions are welcomed.

4.18 MCC Landscape and Green Infrastructure

4.18.1 MAIN ISSUE

All development must be of a high quality sustainable design. DES1 (a) Ensure a safe, secure, pleasant and convenient environment that is assessable to all members of the community; and supports the principles of community safety and encourages walking and cycling; (b) contribute towards sense of place; (c) respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings; (d) maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable; (e) respect built and natural views and panoramas where they include historic features and / or attractive or distinctive built environment or landscape; (f) use building techniques, decoration, styles and lighting to enhance the appearance of the proposal, having regard to texture, colour, pattern, durability and craftsmanship; (g) incorporate and where possible, enhance existing features that are of historic, visual or nature conservation value and use the vernacular tradition where appropriate; (h) include landscape proposals for the new building, in order that they integrate into their surroundings; (i) make the most of efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare and (j) achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology; (k) foster inclusive design. Development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape LC5 (a) by causing significant visual intrusion; (b) being insensitively and unsympathetically sited within the landscape; (e) failing to harmonise with, or enhance the landform and landscapes; (f) losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both built and natural environment. Development proposals will be permitted provided it maintains, protects and enhances Monmouthshire's diverse green infrastructure network GI1.

4.18.2 ADVICE ONLY: In addition to previous comments made by Colette Bosley.

It is considered that the proposed development would be acceptable if the following information is requested (and approved) and subsequent changes are made to the proposal.

1. A detailed public realm design is submitted for Area A. The submission should be to scale and include levels (kerb heights etc.), relevant dimensions and include details of paving, furniture, landscaping, lighting.
2. A detail design is submitted for the street design, specifically the 'traffic calming' areas.
3. An effective landscape strategy is sought, based on the current layout. The strategy should aim to enhance vistas and viewpoints (including the gateway); define street structure; consider microclimate (wind shelter). The submitted landscape strategy must consider the site constraints and opportunities and reconsider plant/tree species chosen; this is an exposed coastal site.
4. A detailed landscape planting scheme is submitted for approval. This will include (e.g.) plant species; numbers and spacing's, tree pit detail, soil.
5. The movement framework should include access to the Welsh Coastal Path (NCN), at all connected routes.
6. A Green Infrastructure Management Plan is submitted for approval.

REASONS

Improving the public realm, creating a special focal space to define the development is essential to make certain that development meets the standards set out in National and Local Planning Policy. Using this concept to detail Area A will ensure a safe, secure, pleasant and convenient environment and will significantly contribute towards sense of place (DES1). This approach would also have benefits for biodiversity and visually help define key views as well as provide a series of green connections to larger open spaces within the development site. The street design should consider changes in surface materials, landscape planting and lighting to improve the quality of public realm. This will ensure a safe, secure, pleasant and convenient environment and will significantly contribute towards sense of place (DES1). The proposed development will have a significant impact on the landscape and will require an appropriate landscape planting scheme to ensure it integrates well and enhances the landscape (LC5). To help integrate the scheme, tree avenues should be used; this will also form part of the GI / landscape infrastructure. Structural planting will also provide shelter from prevailing winds. Screen planting should be more significant and more dispersed throughout the whole site, to help break up the density of development overlooked by the houses along Sudbrook road, and also to the south of the site to limit residual effects on the Severn estuary. Improving access to the coastal path and NCN will improve pedestrian/cycle permeability through the site and encourage walking and cycling, and avoid terminated paths. The green corridors should seek to incorporate these opportunities as well. (GI1) There is no management/maintenance plan submitted with this application. As part of the GI provision a GI management Plan is required. (GI1)

4.18.3 Other GI matters

The public realm design should consider material choices. Pedestrian spaces could receive a different type of surface treatment that is more visually complex, in keeping with the use of the space. It may be appropriate to install a concrete sett paving with different gauge blocks; laid in a random pattern. Kerb/edging might be textured – kerb lines should always be retained to maintain the visual continuity of the street. Shallow cobble of set gullies could be used to define the edge of the carriageway where a flush finish is appropriate to a shared surface route, and provide a form of perceptual road narrowing to help slow vehicles. The opportunity to install low level bollard lighting to create a more interesting night time scene, that reduces night time glare and is appropriate to a residential area. A low level lighting design to target open areas and define spaces during night time hours should be sought. Public art and on plot planting will also make a positive contribution. The landscape strategy should take into account ecological, acoustic, visual and aesthetic issues when considering the size, location and

type of structural landscape planting. The design should seek to use formal tree and shrub planting to define a strong visual aesthetic for the 'main street' and entrance to the site. Structural planting should not fall within private ownership; the reliance upon trees to provide the avenue, within private ownership is not appropriate. All off plot planting should be carefully selected to ensure hardiness. There is an opportunity to integrate the landscape planting scheme (within the street design) with a surface drainage system; Space efficient SUDs. Tree pit / rain gardens can be used to drain runoff into lined underground storage. (DES1/GI1). High quality sustainable design.

4.19 Network Rail – Objects.

Requests that the applicant submits further details regarding the drainage of the site. Calculations should be provided to show if the Network Rail Culvert can take the additional storm water that the developer is looking to discharge into the culvert.

Safety concerns for the Mathern 21 footpath level crossing due to the increased use of the Wales Coast Path.

4.3 Neighbour Notification

Four letters of objection have been received.

Drop in water pressure for existing residents

Blocked sewerage pipes

Increase in traffic

Inadequate parking provision

Existing roads will be unable to cope with the increase in traffic especially at the lights over the railway bridge, and the junction into the site.

Existing residents should not have to give way to traffic from the new development.

Poor visibility when leaving the site due to the increase in landscaping.

Access to Monument Close will be congested and difficult.

Construction traffic will cause congestion.

A new road to Sudbrook should be constructed.

It was initially agreed that if the Papermill was closed the land should revert to a community facility i.e. playing fields.

This Development will destroy the small villages of Sudbrook and Portskewett. The village schools are already fit to burst and the local doctors surgeries are under so much pressure from just the current residents.

The small village roads will not be able to handle the extra traffic as that amount of homes will bring with them.

5.0 EVALUATION

1. Strategic principle of development
2. Changes in Policy since the appeal was dismissed in May 2014
3. Affordable Housing
4. Development on Brownfield Sites
5. Impact on the Existing Settlement
6. Access and Highway Safety
7. Layout and Parking Provision
8. Sustainability & Public Transport
9. Flooding
10. Contamination of the Site
11. Layout and Design
12. Recreational Provision
13. Biodiversity

14. Green Infrastructure and Landscaping
15. Footpaths and Cycle Ways
16. Impact on Local Services
17. Impact on Local Residents
18. Archaeology
19. Sewage and Water Supply

5.1 Strategic Principle of Development

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

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

The ma

5.1.2 The principle of new residential development on this site is now established through the LDP process. The area of land identified under Policy SAH7 is slightly smaller than that of the development area of the proposed scheme. The Council has no objections in principle to the slightly enlarged site area. It is noted that this helps to rationalise the site boundary to enable a more satisfactory layout to be provided and the extended area falls within the settlement boundary for Sudbrook, which the LDP Inspector agreed should be retained rather than drawn tightly to the boundary of the site allocation. This extended site area lies within zone C1 flood plain and it would be necessary to demonstrate satisfactorily compliance with TAN15 and LDP Policy SD3.

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

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

1. The proposal is contrary to the overall Housing Strategy for Monmouthshire set out in the adopted Unitary Development Plan (UDP), which directs large scale housing developments to locations that are within or on the edge of main urban areas in order to deliver sustainable development which exploits or improves existing infrastructure and services and is well served by public transport. The proposed development would result in large scale housing development being located in an unsustainable location, remote from any services which would lead to an over dependence on car journeys.
2. The application is contrary to the objectives of Policy H3 of the Monmouthshire UDP and its supporting paragraph 4.6.3, as it seeks large scale housing development in a small village which has few facilities and services. This would result in an excessive level of commuting.
3. A development of this scale would have an adverse impact on the historical form and character of the village of Sudbrook and is therefore contrary to Policy H3 of the UDP and its supporting paragraph.

4. Having regard to paragraph 2.6.3 of Planning Policy Wales (Edition 4, February 2011), it is considered that it would be inappropriate to make a decision on the future development of this site outside of the development plan process. Given the scale of the proposed residential development, to grant planning permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the Local Development Plan context and would have significant implications for the strategy of the emerging Monmouthshire Local Development Plan, the next stage of which is Submission to the Welsh Government for Examination.
5. The proposed development would introduce highly vulnerable development in an area liable to flooding that does not meet the criteria of Policy ENV9 of the Monmouthshire Unitary Development Plan and is not justified by Section 6 of Planning Policy Wales Technical Advice Note 15 - Development and Flood Risk. The proposal is contrary to Policy ENV9 of the UDP and TAN 15 - Development and Flood Risk.

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

1. The scale of the proposal would be unacceptable and inappropriate given the existing size of Sudbrook
2. No justification for building highly vulnerable development on an area liable to flooding

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

5.3 Affordable Housing

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

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

5.3.2 The current full application makes provision for 20 affordable housing units on the site, i.e. representing 9.4% affordable housing. Officers of the Council have scrutinised the viability of this site in great detail and have enlisted the assistance of Andrew Golland, an independent viability assessor, who has run the proposals through the Tree Dragon Tool Kit to test for viability. All of the costs of developing the site including the land value, cost of clearing the site, build costs, professional fees, S106 contributions, contingencies and other costs have very carefully been analysed as has the projected revenue from the sale of the properties. All these costs and returns have been entered into the Tool Kit. The conclusion of this viability assessment is that the development is viable if 15% of the housing being provided on the site is affordable, the scheme would still be able to provide the developer and the landowner with competitive returns.

5.3.3 The applicants maintain that the site only becomes viable if no more than 9.4% of the properties are affordable and have amended their scheme accordingly to show this. Council officers have been in detailed discussions with the applicants over the viability of the site.

5.3.4 In light of this disagreement, the Council approached the District Valuation Office as an independent third party and asked them to scrutinise the viability of this site to ascertain the level of affordable housing that could be provided while maintaining the viability of the site to ensure that the development came forward. The District Valuer has completed this independent assessment and agreed with the developer's conclusion that only 9.4% affordable housing can be provided. Both parties entered into this independent third party scrutiny by the DV on the basis that the DV's findings would be agreed to, i.e. if the findings were in the Council's favour, the developer would provide additional affordable housing, and if the findings were in the developer's favour, the Council would accept the independent findings as evidence of the development's viability. Consequently, Officers of the Council have scrutinised and accept this independent finding that the development would not be viable if more than 9.4% affordable housing is provided. As such, the application as submitted is LDP compliant: Policy S4, point two, says that in the Severnside settlements 25% of housing developments shall be for affordable units but this is subject to appropriate viability assessment. As outlined above this proposal has been vigorously tested for its viability and it was found that the costs of clearing and developing the site were so high that the development could only support 20 units. It is concluded that the proposal is compliant with policy as it has been independently verified that the site will only be financially viable if no more than 20 affordable units are provided.

5.3.5 The 20 affordable units which are located within the site comprise 8 no. one bedroom flats, 10 no. two bedroom houses and 2 no. three bedroom houses. This is the mix requested by the Housing Officer and reflects local need. The affordable units are located in two areas, one in the north-east part of the site around the public open space and the other towards the south-west of the site, served off a private drive and facing towards the green amenity space. All of the affordable units have hipped roofs and finishing materials to match the market housing on the site.

5.4 Development on Brownfield Sites

5.4.1 National policy guidance supports the principle of new development on brownfield sites and the Council as a Planning Authority subscribes to this view. The redevelopment of brownfield sites reduces the need for development on greenfield sites, often agricultural land, on the edge of settlements. It is recognised that there are additional costs to developers, however, including the costs of clearance, remediation and asbestos removal. These additional costs have been included in the development costs submitted by the applicant and run through the viability appraisal. In addition, the Council employed a consultant to independently verify the costs.

The redevelopment of this site is considered to benefit the local community by removing vacant derelict buildings which are currently unsightly.

5.5 Impact on the Existing Settlement

5.5.1 Sudbrook is a small village of approximately 150 dwellings. It contains a hairdressers (in the premises vacated by the post office) and a social club. All other facilities would have to be accessed in other settlements such as Caldicot, Chepstow or Newport. As part of this application an enhanced bus service is being proposed which would be secured via a S106 agreement. It has been identified that there is insufficient capacity in the existing primary schools, but this will be addressed in detail elsewhere in this report. Sudbrook has a very distinctive character derived from the fact that that it was almost exclusively constructed to house the workers building the Severn Railway Tunnel. The proposed development would more than double the size of Sudbrook and would provide a housing development quite separate from the existing settlement. However, it must be remembered that this site has been allocated in the LDP for 190 dwellings +/- 10%, so the proposed 212 dwellings would be in accordance with the LDP allocation

5.5.2 The site is physically separated from the existing settlement by a linear parcel of land, a former railway line, which is not within the applicant's ownership. Much of this belt contains mature landscaping (trees) and another section contains a community garden. It would not be feasible to design a scheme to front onto the existing road into Sudbrook due to the intervening land ownership and the desire to retain the existing trees and landscaping. The proposed layout is considered acceptable in planning terms. The distances between the proposed dwellings and the existing homes, together with the intervening landscaping, mean that there would not be any unacceptable privacy or amenity impacts. There would be a pedestrian link between the proposed development and the existing village near Post Office Row, and the proposed play area (LAP) is located alongside this making it accessible to both the existing properties and the proposed homes.

5.6 Access and Highway Safety

The Environmental Statement submitted with the application contains a Traffic and Transport section in which it is evidenced that there is sufficient capacity within the highway network to accommodate the increase in traffic resulting from an additional 212 dwellings. Until 2006 this was the site of a functioning paper mill with a high volume of commercial traffic especially HGVs bringing timber into the site and the finished material from the site, using Sudbrook Road and the traffic light controlled bridge.

When considering the previous application for 340 dwellings in 2012 (DC/2012/00307), the Council did not put forward any objections on highway grounds when refusing the application and similarly when dismissing the appeal the Minister and Inspector did not put forward any highway grounds for the dismissal. Given that there were no highway grounds for refusing the application for 340 dwellings in 2012 or dismissing the appeal in 2014 and that there has been no material change in circumstance since then, there can be no objections to the current proposal on grounds of the capacity of the local highway network or the safety at the road junctions. The Council's Highways Department, having reviewed the current application and the supporting documentation (Transport Assessment December 2014) offers no objection to the 212 houses on highway capacity grounds. While the local objections on this matter are noted, a refusal on this basis would not be substantiated at appeal, having been considered through the LDP examination and previous appeal and the subsequent planning applications.

It is proposed that there would be one vehicular access into the site via Sudbrook Road, over the existing level crossing point. The priority at the existing Papermill access will be changed so that westbound traffic from Sudbrook Road will give way to eastbound traffic into the site.

This should help reduce the speed of traffic through Sudbrook and will give priority to the large proportion of traffic movements. The access on the north –east corner of the site adjacent to Post Office Row is intended as a pedestrian and cycle link to the existing village. It could be used by emergency vehicles this would be controlled by means of collapsible bollards. Highways have agreed the means of access and welcome the re-engineering of Sudbrook Road. The proposal reflects the increased vehicle demand and movements to and from the proposed development over and above the movements to the village of Sudbrook, therefore giving priority to the greater volume of traffic movements. The re-engineered junction creates an environment that reduces entry speeds into Sudbrook village whilst improving traffic flows and avoiding vehicular conflicts. The developer would be required to enter into the S278 Agreement prior to the commencement of the development.

The proposal is considered to accord with the objectives of Policy MV1 as the development resulting from this application will not create significant and unacceptable additional traffic growth in relation to the capacity of the existing road network.

5.7 Layout and Parking Provision

5.7.1 There would be a single access into the site in the north-west corner, close to the existing access into the site. From there, there would be a circular distributor road. This would allow for circulation of public service bus within the site. Leading from the distribution road there would be several adopted cul-de-sacs, and several private shared drives for up to five dwellings. The layout is considered a traditional layout adopting in broad terms, current residential estate road design. The provision of a loop assists in promoting permeability and connectivity and provides for the future introduction of a bus service. The layout in particular the introduction of raised junction plateaus, individual raised promenades and shared surface cul-de-sacs creates an environment that promotes and encourages vehicle speeds of 20mph or less.

5.7.2 There would be standard footpath width on either side of the distributor road. The Development provides a total of 611 car parking spaces within the site (this accords with the 2008 Wales Parking Standards). In 2012 Monmouthshire County Council adopted their own parking standards and under these standards a total of 617 car parking spaces would be required, therefore there is a shortfall of 6 spaces.

5.7.3 Assessed strictly against the Council's SPG on parking provision and garages, the proposal has a shortfall of parking spaces. The applicant has amended the plans to provide 3 spaces to all but 7 of the 3+ bedroom dwellings, and those still short by one space have visitor layby spaces in close proximity. It should also be noted that the plots affected are the smallest three-bedroom dwelling, which in reality are highly unlikely to accommodate three car-owning adults. The other key shortfalls relate to properties served by private driveways and are only a shortfall because the Council's Garages SPG states that integral and attached garages should be excluded from the parking provision figures. While it is accepted that garages are often used for storage, the developer has provided 3m by 6m (internal dimension) garages in accordance with our guidance and Manual for Streets. The purpose of these larger garages is to accommodate both a car and the usual domestic paraphernalia such as lawn mowers and bicycles and bins. Given that a condition can be imposed to prevent the conversion of garages to specific plots into living accommodation, and given that any parking overspill will be contained within private shared driveways rather than the main access road, any impact on highway safety is considered to be negligible. No action can be taken to make people park their car in their garage, whether attached, integral or detached, and residents need to behave in a sensible, considerate and neighbourly fashion, as well as exercising an element of *caveat emptor* before purchasing their home. Consequently, planning officers have no objection to the level of parking proposed.

5.8 Sustainability and Public Transport

5.8.1 When considering the allocation of this site for housing in the LDP, the issue of sustainability and infrastructure provision was paramount. There are two bus stops within Sudbrook but there is currently no bus service running to Sudbrook. The nearest railway stations are located in Caldicot and Severn Tunnel Junction. Caldicot Station provides hourly services to Maesteg and Cheltenham Spa, as well several services per day to Fishguard Harbour. Severn Tunnel Junction Station provides half-hourly services to Cardiff and hourly services to Taunton and Bristol Temple Meads. As part of this planning application a Travel Plan was submitted which included:

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

5.8.2 In order to ensure that the new housing development meets with sustainability criteria it was recommended that the developer make a financial contribution, though the S106 legal agreement, to pump prime a new bus service serving Sudbrook. The cost of providing this service is £200,000 for three years and the developers have agreed to this. The pump-priming of the bus service with a financial contribution from the developer is necessary to comply with the LDP strategic objective for sustainable development.

5.8.3 During negotiations between the developers and planning officers it was agreed that not all of the elements of the Travel Plan were strictly required to enable the development to come forward. In light of the very marginal viability of the site it was agreed that there was no need for an audit of the existing footpaths and cycle ways to be undertaken and that the personalised travel planning could be omitted. The scooter rack and shelter for the local primary school, could also be omitted. A financial contribution of £10,000 will be provided for Information Travel Packs.

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

5.9 Flooding

5.9.1 The proposed dwellings would be located on Zone A or, to a much lesser extent, on Zone C1. The latter area would be raised and the applicants have submitted a Flood Consequences Assessment (FCA) to demonstrate that the risks of flooding are acceptable.

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

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

5.10 Contamination of the Site

5.10.1 MCC Environmental Health Officers have reviewed several contaminated land reports for the site, submitted for previous applications, the most recent of which was 'Phase II Site Investigation, Detailed Quantitative Risk Assessment' (Wardell Armstrong, February 2012, Report No. RPT-001). This report details desk studies and intrusive site investigation programmes undertaken between 2001 and 2007 and Warden Armstrong's own intrusive site investigation between November 2011 and February 2012. The report presents the findings of the chemical testing of soil samples, ground water monitoring and ground gas monitoring. The results were compared to Generic Assessment Criteria and use a generic quantitative risk assessment for an end land use of residential with home grown produce to assess the risk to human health.

5.10.2 The investigation has identified the presence of contamination that could give risk to harm to human health (arsenic, lead, total petroleum hydrocarbons, polycyclic aromatic hydrocarbons and asbestos), as well as concentrations of methane and carbon dioxide. Therefore remediation and validation will be required if this site is to be used for residential purposes. It is therefore recommended that the developer be required to undertake a site investigation/risk assessment procedure in accordance with CLR11 "Model Procedures for the Management of Land Contamination" and this is covered by condition.

5.11 Layout and Design

5.11.1 The general layout of the site is acceptable with a mix of house types including some smaller two bedroom units and some terraced properties. The dwellings themselves are from Redrow's Heritage range, which are attractively designed homes influenced by the Arts and Craft movement. The design is welcomed, and examples elsewhere show the high quality environment that can be achieved with good design from a volume housebuilder. The affordable housing will match the design concept, materials and appearance of the market dwellings.

5.11.2 The boundaries of the site will be substantially landscaped with buffer zones and tree planting. To the centre of the site is a LAP (Local Area of Play) with an area of open space and a footpath link which will provide an interesting focal point. The areas of public open space will be overlooked by the proposed dwellings thereby providing a safe environment. The northern boundary of the site is adjacent to the existing railway track which contains some semi-mature vegetation, there is a natural stone wall before reaching the main road through Sudbrook. The majority of the existing houses in Sudbrook face into the development site. It is very important that the new development relates well to the existing properties. In order to achieve this, where possible the existing vegetation along this boundary will be retained and enhanced, and the natural stone wall will be retained. There will be a mix of finishing materials to match those finishing material in the existing village and would feature red and brown brick, render with stone detailing, window sills on both front and rear elevations and overhanging eaves. The general design considerations comply with the objectives of Policy DES1 of the LDP

5.12 Recreational Provision

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

Public Recreation and open space:

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

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

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

5.12.3 On this development, it is proposed to provide a large amount of public open space and recreational facilities on site. There would be public open space at the entrance to the site as well as in the “central corridor” and on the eastern side of the site, close to the existing settlement. In addition to this a very large area of open space will be provided that includes the area of ecological importance and is also in Flood Zone C1. Here the existing hard standing would be broken up and grass planted. The proposed development provides more play space and public open space than is required by adopted standards and complies with Policy CRF2. The Council requires that a LAP be provided in the centre of the site and that a commuted sum be provided by the developer for its maintenance. In addition the applicant has agreed to transfer the adjacent play area to the Community Council for £1. The large lower-tier informal public open space area will be landscaped by the developer and then managed via a management company funded by the occupiers of the market dwellings. The remainder of the open spaces will be adopted by the Council, with associated commuted sums agreed. No allotment space is being proposed given that Sudbrook already provides an area of allotments within the village. The proposal complies with the objectives of Policy CFR2 of the LDP and provides more open space than is required by the policy.

5.13 Biodiversity

5.13.1 The site contains many biodiversity interests which have been considered in great detail by both the MCC Biodiversity Officer and NRW. With regards to reptiles, slow worms and grass snakes were found to be present on the site. The applicants have put forward a strategy for their translocation which is considered to be acceptable and can be secured by condition. A Bat Survey has been carried out for the site and it was found that the main paper mill building and several of the ancillary buildings contained bat roosts for various species. Mitigation has already been provided in the form of a bat house (evidence has shown that this is being used). NRW and MCC Biodiversity Officers consider that it is necessary that the maintenance, management and monitoring of the bat house continue for 25 years; this may be addressed as part of the Bat Licence. A Bat Licence will be required from NRW as well as other mitigation measures and this can be secured by condition. A Site of Importance for Nature Conservation (SINC) has been identified on the south-west corner of the site. A small part of the SINC will be lost as part of the development but the MCC Biodiversity Officer is satisfied that as this is not the most valuable part of the site and because connectivity is retained this small loss is acceptable, however a condition will be imposed to secure the future management of the SINC. A Habitats Regulations Assessment (HRA) has been completed by officers of the Council and concluded that there will be no significant impact in the integrity and the Wye Valley and Forest of Dean Bat Site SAC. With regards to the Severn Estuary SAC, RAMSAR and SSSI, avoidance measures will be adopted to limit the risks of pollution. Increased residential pressures are not considered to be so significant as to have a negative effect on the designations. Again avoidance measures and mitigation can be secured by condition. NRW are satisfied with the provision made for bats as a result of this development provided that there is long term management and monitoring of the bat house. With regards to the impact on birds in the Severn Estuary, NRW are of the opinion that the development will not cause an increased disturbance to birds.

5.13.2 Although this is a very sensitive site with regards to biodiversity, the applicants have provided sufficient mitigation and avoidance measures to ensure that there is not a significant impact on the various designations. Both NRW and MCC's Biodiversity Officer are satisfied that the proposal is acceptable on biodiversity grounds provided that all of the conditions suggested are adhered to.

5.14 Green Infrastructure and Landscaping

5.14.1 The supporting ES documents and the DAS have provided information in relation to Green Infrastructure (GI). The proposed development is largely acceptable in terms of landscaping and GI although MCC landscape officers would like to see more details at this stage including a landscape strategy. It is recognised that "the public realm area" in the centre of the site and the public open space at the entrance of the site are the main focal points of the site and will contribute to a strong sense of place which will comply with the objectives of Policy DES1 of the LDP. Details of the landscaping can be secured by condition. The pedestrian links from the proposed development to the Wales Coast Path and the existing settlement will provide permeability through the site and will encourage walking and cycling. Policy GI1 of the LDP seeks to ensure that individual green assets are retained wherever possible and encourages the incorporation of new or enhanced GI. This is a brown field site with few green areas on the northern portion of the site where the industrial buildings now stand. However in the southern part of the site it is proposed to provide a large area of informal public open space including the creation of a lowland grassland habitat, appropriate landscaping and the retention of the pond which had been designated as a SINC. Footpath links between the new housing and the informal public space will be provided. A management company funded by the occupiers of the market houses on the site will be responsible for future maintenance. With this level of GI being provided on the site the development does realistically accord with the objectives of Policy GI1 of the LDP. It has been suggested by MCC landscape officers that it would be better to have the avenue trees outside of the private gardens and in the public highway. This has been considered, and although desirable, it would add to the highway maintenance costs and would lead to a reduction in plot sizes or plot numbers which would impact on the very fragile viability of this site.

5.15 Footpaths and Cycle Ways

5.15.1 The All Wales Coastal Path runs along the southern boundary of the site and there are some informal footpaths crossing the Old Camp to the east of the site. The layout plan shows a pedestrian link from the public open space in the north east corner of the site to the existing village of Sudbrook, close to the existing children's play area. There are also pedestrian links from the development onto the Wales Coastal Path and links from the development to the large area of public open space to the south of the site. There is therefore a lot of permeability and connectivity between the proposed dwellings, the existing village and the Wales Coast Path. The Council's Countryside Section would like to see all of these routes made up to suitable standards and given formal status. They would also like to see Footpath 13 formalised with a Cycle Track Order and the All Wales Path include a bridle route. Given the marginal viability of this site and other demands on the development it is considered that this request is not realistic especially as the development has provided such a high level of permeability.

5.16 Impact on Local Services

5.16.1 The Council's Education Department has confirmed that there are 23 spaces in the nearby primary schools, but because the development generates a greater demand than 23 spaces, a S106 contribution of £439,286 is required to provide additional capacity in the local primary school. There is surplus capacity at the catchment secondary school, and this LDP allocation was factored in when designing the 21st Century replacement school. Therefore no contribution is required for secondary education.

5.17 Impact on Local Residents

5.17.1 The proposal will inevitably impact on local residents in terms of increase in traffic compared to existing levels and because it will effectively double the size of the village. The impact of increased traffic has been considered as part of the Transport Assessment and it found that the increase in traffic generated by this development would not be as great as that relating to the paper mill when it was operational, and the site could revert back to an industrial use if residential development was not allowed. A new link road to Caldicot from the development site is not feasible or warranted on traffic grounds. In visual terms the proposed housing development represents a visual improvement, given that the existing site is derelict, overgrown and dilapidated. Many of the dwellings along Sudbrook Road face towards the site but their privacy will not be adversely affected due to the intervening road and railway line. Many of the proposed two storey dwellings will have their rear elevations facing towards the existing dwellings. Most of these are all above the minimum guideline distances between directly facing habitable room windows and are considered acceptable. However Plot no 122 is only 15 metres from the front elevation of nos. 25 and 26 Sea View. Nos. 25 and 26 will have their front elevations facing towards the blank two storey side elevation of Plot 122. Given that there are no windows on this side elevation and the fact that there is a road between the existing houses and the proposed unit, the distance of 15 metres is considered acceptable in terms of privacy and outlook. These relative distances are such that the residential amenity of the existing occupiers will not be significantly compromised. The proposed layout of the new development does comply with the objectives of Policy DES1 of the LDP.

5.18 Archaeology

Glamorgan Gwent Archaeological Trust has no objection to the application but requests a condition requiring a detailed programme of investigation for the archaeological resource. A buffer zone has been provided between the proposed development and the Scheduled Ancient Monument (SAM) of Sudbrook Camp and Chapel and Cadw are satisfied with this. The SAM is on land which is owned by the applicant and it is considered that the best way of preserving it is to leave it in situ. The red line on the site plan has now been amended so that it does not impinge on the area of the Scheduled Monument. This was a minor alteration that reduced the red line area very slightly and no one has been prejudiced by this alteration.

5.19 Sewage and Water Supply.

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharge from the site. Welsh Water have outlined conditions relating to the discharge of foul and surface water, details of which will need to be submitted and approved prior to work on site commencing. Welsh Water is however aware of problems with the water supply to the area and advises that no upgrades are planned. In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network. This would have to be done by the applicants prior to development and could be secured by condition.

5.20 Other issues raised by the Community Councils

The increase in traffic movements generated by this proposal are not sufficient to justify a roundabout being constructed at the entrance to the site. Highways are satisfied that the proposed altered priority at the entrance to the site is sufficient to ensure highway safety. The submitted Traffic Assessment has found that the increase in vehicular movements, over and above that which could be generated by the Papermill if it was still operational is not so great

as to justify improvements to the controlled crossing over the railway. There will be only one vehicular access into the site. This topic has already been considered at appeal for a larger development and was not found to be a problem. The access into Camp Row will be for pedestrians and cyclists only. Highways are opposed to speed restrictions within the site itself and the proposed layout / road geometry will help to control traffic speeds. The impact on local services has been addressed above.

6.0 RECOMMENDATION Approve subject to a 106 legal agreement requiring:

1. 20 no. (9.4%) of the units shall be for affordable housing and would be handed over to a housing provider at a specified time.
2. £200,000 to pump prime a new bus service serving Sudbrook for 3 years.
3. A financial contribution of £10,000 will be provided for Information Travel Packs.
4. Contribution £439,286 is required to provide additional capacity in the local primary school.
5. A financial contribution of £46,858 as the capital and adoption cost for the LAP to be provided on site.
6. £50,000 for offsite open space provision for one or more of the following of the Community Council priorities.
 - . The Cornfield Project
 - . The Quest
 - . Sudbrook Play Park
 - . Portskewett Heritage Centre
 - . Sudbrook Non Political Club.
7. £159,531 for the adoption by MCC of the on-site Public Open Space
8. Transfer of the existing play area to the Community Council for £1.

Total £842,770

Conditions

Condition No.	Condition
1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. (NRW)
4	Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. (NRW)
5	Contamination – Site Investigation, Remediation and Validation No part of the development hereby permitted shall be occupied until:

	<p>a) Prior to remediation works taking place, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The outline remediation strategy shall be amended in order to address this condition.</p> <p>b) Following remediation a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>c) 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. (NRW and EH)</p>
6	<p>Contamination – Imported Material</p> <p>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 prior to the material's import. No other fill material shall be imported onto the site.</p>
7	<p>No development other than demolition and remediation works shall take place until a foul water drainage scheme to satisfactorily accommodate the foul water discharge from the site has been submitted to and approved in writing by the LPA. No dwelling shall be occupied until the approved foul drainage system for that dwelling has been constructed, completed and brought into use in accordance with the approved scheme. Reason: To prevent hydraulic overload of the public sewerage system and pollution to the environment.</p>
8	<p>No development, except for demolition, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.</p>
9	<p>No development other than demolition and remediation works shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The 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.</p>
10	<p>No development other than demolition and remediation works shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets</p>

	<p>serving each phase of the development will be completed. The development shall be carried out in accordance with the agreed details.</p>
11	<p>Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the LPA, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users (including school children) from construction works. The development shall be carried out in accordance with the approved CTMP.</p>
12	<p>Works including stripping / demolition of the paper mill building, shall not commence unless the local planning authority has been provided with either:</p> <ul style="list-style-type: none"> a) a licence issued By Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
13	<p>Management of bat house and core habitat - No development shall take place, including demolition, ground works and building stripping until a management plan for the replacement bat roost building has been submitted to and approved in writing by, the local planning authority. The purpose of the management plan shall be to secure the long term use of the bat house and the key connecting vegetation by bats.</p>
14	<p>Monitoring and Maintenance - No development shall take place, including demolition, ground works and building stripping, until a bat monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to safeguard roosting potential for bats in the compensatory bat house. The content of the Strategy shall include the following as a minimum:</p> <ul style="list-style-type: none"> a) Aims and objectives of monitoring to match the stated purpose. b) Identification of adequate baseline conditions prior to the start of development. c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged. d) Methods for data gathering and analysis. e) Location of monitoring. f) Timing and duration of monitoring. g) Responsible persons and lines of communication. h) Review, and where appropriate, publication of results and outcomes. <p>A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.</p>

	The monitoring strategy will be implemented in accordance with the approved details.
15	Construction phase Lighting Strategy and Plan - No construction shall take place until a scheme to illustrate the lighting on the development site during construction has been submitted to and approved in writing by the local planning authority. This scheme shall illustrate positioning and direction of lighting so as not to illuminate the Severn Estuary and semi-natural habitats at the site to maintain dark corridors for bats. Timings for artificial lighting shall be included. The approved scheme shall be fully complied with.
16	Lighting design strategy - Prior to the installation of any external lighting (other than the construction lighting referred to in Condition 15), a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for biodiversity and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed within the sensitive areas identified under part a) of this condition, without prior written consent from the local planning authority.
17	No Works within the Severn Estuary No works will take place within the boundary of the Severn Estuary SAC, SPA or Ramsar. Access routes shall not be located within the designated sites.
18	Construction Environment Management Plan (CEMP) - No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (biodiversity) shall include the following: a) Risk assessment of potentially damaging construction activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs.

	The approved CEMP shall be strictly adhered to and implemented throughout the construction.
19	<p>Nesting Bird Condition</p> <p>No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and buildings or structures for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p>
20	<p>Reptile mitigation</p> <p>The development shall be undertaken in strict accordance with Harrow Estates plc. Sudbrook Paper Mill, Reptile Mitigation Strategy by Hyder Consulting (UK) limited dated May 2015.</p>
21	<p>A Green Infrastructure Management Strategy shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development other than demolition or remediation works. The content of the strategy shall include the following;</p> <ul style="list-style-type: none"> a) Description and evaluation of Green Infrastructure assets to be managed to include but not be limited to: <ul style="list-style-type: none"> (i) Public open spaces (ii) Ecological areas of interest including the SINC (iii) Ecological enhancements including bat and bird box provision (iv) Public rights of way and informal access including cycleways (v) Informal and formal Play (vi) soft landscaping including but not limited to street trees and green corridors, and including a schedule of landscape maintenance for a minimum period of five years (vii) SUDS for surface water management (viii) Existing vegetation b) Trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period). g) Details of the body or organization responsible for implementation of the plan. h) Ongoing monitoring and remedial measures. <p>The Management Strategy shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Strategy are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved</p>

	scheme. The approved plan will be implemented in accordance with the approved details.
22	Site of Importance for Nature Conservation Prior to the end of the first planting season following first occupation of any dwelling, the measures agreed by email on 22 nd January 2016 between Mark Hand (Monmouthshire County Council) and Michael Southall (Bilfinger GVA) for the protection, creation and enhancement of the 'ecology area', as identified on the Landscape Strategy Drawing 2462/5/2/1 (March 2016) shall be implemented in full. For the purposes of this condition, a planting season is defined as the period from 01 October to 31 March.
23	Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) all integrated garages on site shall be used so as not to prevent the parking of cars therein.
24	All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable that has first been submitted to and approved in writing by 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.
25	The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) produced by BWB Consulting FCA, Reference BMW/1516/FCA/Rev F dated 2nd December 2014 and the following mitigation measures detailed within the FCA. Development plateau levels are set to 10.880 metres above Ordnance Datum (AOD) (Newlyn). Finished floor levels are set no lower than 11.030 metres above Ordnance Datum (AOD) (Newlyn).

Reasons for conditions:

1.1	To comply with Section 91 of the Town and Country Planning Act 1990.
2.1	To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
3.1	To protect the water environment as the site is located within the Great Spring SPZ1.
4.1	To protect the water environment.
5.1	To protect the water environment and health of future occupiers. This site has had a previous industrial use as a paper mill and there is a degree of contamination on site that may be a risk to controlled waters. The site is within 10m of the River Severn and within SPZ1 of the Great Spring groundwater abstraction (250 m to the east).
6.1	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.
7.1	To prevent hydraulic overload of the public sewerage system and pollution to the environment.

8.1	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.
9.1	To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.
10.1	To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.
11.1	To safeguard the amenities of the locality and users of the highway.
12.1	To Safeguard species of conservation concern in accordance with the LPA duty under the Conservation of Habitats and Species Regulations 2010 (as amended).
13.1	To ensure long term roost compensation for species of conservation concern protected by the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2010 (as amended).
14.1	To ensure long term roost compensation for species of conservation concern protected by the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2010 (as amended).
15.1	To Safeguard the Severn Estuary SSSI, SAC, SPA and Ramsar Sites in accordance with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Species and Habitats Regulations 2010 (as amended). To Protect European Protected Species in accordance with The Conservation of Species and Habitats Regulations 2010 (as amended) and LDP policy EP3
16.1	To Safeguard the Severn Estuary SSSI, SAC, SPA and Ramsar Sites in accordance with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Species and Habitats Regulations 2010 (as amended). To Protect European Protected Species in accordance with The Conservation of Species and Habitats Regulations 2010 (as amended) and LDP policy EP3
17.1	To Safeguard the Severn Estuary SSSI, SAC, SPA and Ramsar Sites in accordance with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Species and Habitats Regulations 2010 (as amended). To Protect European Protected Species in accordance with The Conservation of Species and Habitats Regulations 2010 (as amended) and LDP policy EP3
18.1	To Safeguard the Severn Estuary SSSI, SAC, SPA and Ramsar Sites in accordance with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Species and Habitats Regulations 2010 (as amended). To Protect European Protected Species in accordance with The Conservation of Species and Habitats Regulations 2010 (as amended) and LDP policy EP3
19.1	To ensure long term roost compensation for species of conservation concern protected by the Wildlife and Countryside Act

	1981 (as amended) and Conservation of Habitats and Species Regulations 2010 (as amended).
20.1	To ensure Reptiles which are protected under the Wildlife and Countryside Act 1981 are not killed or injured by development works.
21.1	To safeguard all GI Assets and ensure long term sustainable management in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4.
22.1	To ensure the provision of an area of ecological value, afforded by the proper maintenance of existing and / or new landscape features; in the interests of nature conservation.
23.1	The garages provided form an essential element of the required off street parking as recommended in the Council's adopted Parking Standards, in the interests of highway safety and residential amenity
24.1	To ensure the provision of amenity areas afforded by the proper maintenance of existing and / or new landscape features.
25.1	To safeguard the development from the risk of flooding.

Informatives:

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Foul water and surface water discharges shall be drained separately from the site.

The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.

Approved Plans/ Documents

Plan Ref No.	Version No	Status
- 1581-01 (Site Location Plan) - 1581-02 (Planning Layout) - 1581-03 (Boundary Enclosures Layout) - 1581-04 (Materials Finishes Plan) - 1581-05 (Site Sections) - 1581-06 (Street scenes) - - 1581-07 (Public Open Space Provision)		
House type Plans - The Cambridge (Brick Finish)		

- The Cambridge (Render Finish)
- The Canterbury Rev A (Floorplans)
- The Canterbury Rev A (Elevations)
- The Letchworth (Floorplans)
- The Letchworth (Elevations – Brick Finish)
- The Letchworth (Elevations – Render Finish)
- Malvern & Ledbury (2 & 3) 4 Block (Elevations – Render)
- Malvern & Ledbury (2 & 3) 4 Block (Elevations – Brick)
- Malvern & Ledbury (2 & 3) 4 Block (Floorplans)
- The Oxford + (Floorplans & Elevations – Brick Finish)
- The Oxford + (Floorplans & Elevations – Render Finish)
- The Leamington (Floorplans & Elevations – Brick Finish)
- The Leamington (Floorplans & Elevations – Render Facade)
- The Shaftesbury Corner Rev A (Floorplans)
- The Shaftesbury Corner Rev A (Elevations)
- The Stratford (Floorplans & Elevations – Brick Finish)
- The Stratford (Floorplans & Elevations – Render Finish)
- The Warwick Rev A (Floorplans & Elevations – Brick Finish)
- The Warwick Rev A (Floorplans & Elevations – Render Finish)
- The Warwick Rev A Corner (Floorplans & Elevations – Brick)
- The Warwick Corner (Floorplans & Elevations – Render)
- The Worcester (Floorplans & Elevations – Brick)
- House Type 2.1.3 Rev A (Floorplans & Elevations)
- House Type 4.2.2 DQR (Floorplans & Elevations)
- House Type 5.3.3 (Floorplans & Elevations)

Landscaping Strategy drawing reference 2462/5/2/1
 Landscaping Strategy (Tuesday 8th March 2016)
 Tree Removal & Retention, drawing reference
 6507_Tech_38

Documents:

- Planning Statement;
- Environmental Statement ;V this comprises three volumes:
 Volume I - Non-Technical Summary; Volume II - Main Text;
 and Volume III - Appendix;
- Design & Access Statement (Inc. GI Concept Statement);
- Flood Consequences Assessment;
- Archaeological Assessment;
- Ground Conditions Report;
- Viability Assessment;
- Noise Impact Assessment;
- Travel Plan;
- Transport Assessment
- Bat Survey Report (September 2015);
- Reptile Mitigation Strategy (May 2015);
- Tree Survey;
- Parameters for Development Appraisal;
- Bat Survey Report (ancillary buildings – January 2016);
- Public Consultation Letter Drop;
- Viability Report (July 2015);

Viability Advice Letter from BGVA to HEp (Dec 2015); and Viability - Email from James Petherick to Andrew Golland (dated 7th January 2016).		
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