

**DC/2016/01453**

**DEMOLITION OF EXISTING STRUCTURES ON SITE, CONSTRUCTION OF 25 NEW DWELLINGS AND ASSOCIATED WORKS**

**BROOKSIDE, NEDDERN WAY, CALDICOT**

**RECOMMENDATION: APPROVE**

Case Officer: Nia Morrison

Date Registered: 15/12/2016

**1.0 APPLICATION DETAILS**

- 1.1 This application seeks the redevelopment of the former Brookside sheltered housing accommodation. The proposed development comprises demolition of the existing 1970s vacant block, which provided 42 single accommodation units, in order to facilitate the construction of 25 affordable dwellings.
- 1.2 The site comprises a roughly rectangular shaped parcel of land measuring 0.97ha. The site is bounded to the south by a public footpath that separates the south boundary with Bethany Baptist Church. Running parallel to the eastern boundary of the site is another well-established footpath/cycle link which connects to public open amenity space to the north of the site, as well as providing links to properties in Wentwood View. The footpath also provides a safe pedestrian route to Caldicot Town Centre, south of the site. The site is fairly level sloping slightly downwards from the east to the west. Bounding the west boundary of the site are the gardens of no's. 11- 17 Neddern Way and it is noted that no's 12-17 have pedestrian access from their gardens into the site. The site is characterised, particularly to the north, by a mixture of ornamental specimen trees including large, mature and smaller specimen trees.
- 1.3 The site is accessed to the south-west via Neddern Way. It is understood that the adopted highway reaches the junction with Neddern Way but does not include any of the road which acts to serve Brookside and this is third party private land owned by the County Council. Following an amendment to the application it is proposed to include this section of private highway within the application site to bring the entrance road that serves the development to an adoptable standard. There is also currently a Public Right Of Way (PROW) No. 354/34 that is shown on the Definitive Map as running north to south through the site and through the Brookside building; therefore it has not been in use since Brookside was constructed in the 1970s. The proposed development has been advertised accordingly as development that affects the route of a PROW.
- 1.4 The site is within the development boundary of Caldicot and is not constrained by any flooding, ecological or conservation designations. To the north of the site approximately 540m away is the Neddern Brook Wetlands Site of Special Scientific Interest (SSSI). It has also been identified that the site is located within Zone 1 of the Great Spring Source Protection Zone (SPZ1).
- 1.5 Prior to the formal submission of this application a pre-application consultation was undertaken by the developer with the local community in accordance with the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

## **2.0 RELEVANT PLANNING HISTORY**

There is no relevant history in relation to the site, although it is noted there is planning permission recently granted for extension to Bethany Baptist Church adjacent to the southern boundary of the site:

DC/2011/00577 – Side extension to church building – Approved 26.08.2011

DC/2014/01405 – Amendments to 2011/00577 – Approved 05.12.2014

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

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

### Development Management Policies

- H1 – Residential Development within Main Towns
- DES1 – General Design Considerations
- EP1 – Amenity and Environmental Protection
- NE1 – Nature Conservation and Development
- G11 – Green Infrastructure Provision
- LC5 – Protection and Enhancement of Landscape Character
- MV1 – Development and Highway Considerations

## **4.0 REPRESENTATIONS**

### 4.1 Consultations Replies

- 4.1.1 Caldicot Town Council – recommends refusal with the following comments:
- Support developments which bring affordable housing into the area.
  - However, significant concerns were expressed regarding the lack of consultation concerning the site and inability of time for consultation during the pre-application process.
  - Representation made to local ward member by the public.
  - Concerns were expressed regarding traffic and access around the development.
- 4.1.2 MCC Planning Policy - It is noted the site was previously an elderly peoples' complex but has been vacant for some time. The site is located within the Town Development Boundary (TDB) for Caldicot; a small area outside the boundary but within the red line boundary relates to an area of existing Area of Amenity Importance that is proposed to be retained and incorporated into the scheme. The location of the proposed residential development within the TDB meets the requirements of Strategic Policy S1 and Policy H1 of the LDP in principle, subject to detailed planning considerations. As the site relates to a scheme for 100% affordable housing Strategic Policy S4 relating to affordable housing provision is satisfied.

A small portion of the site within the red line boundary is also located within a Minerals Safeguarding Area as designated in Policy M2, this also appears to relate to the area of open space. There would need to be a buffer to protect existing residential dwellings in the locality from the impact of minerals working, as a consequence, minerals extraction would not be feasible in this location. The development would not sterilise land beyond the existing buffer zone site as the proposal includes this as open space, there is therefore considered to be no conflict with Policy M2. A small area to the east of the site is also located within an Area of Amenity Importance as designated in Policy DES2. This is located within an area retained as open space and there is subsequently no conflict with Policy DES2.

Policy DES1 in relation to General Design, Policy EP1 relating to Amenity and Environmental Protection and Strategic Policy S17 relating to Place Making and Design would also need to be considered. Policy G11 should also be referred to in relation to Green Infrastructure. Policy MV1 regarding access and car parking and Policy MV2 relating to highway considerations and sustainable transport access are also of relevance. The proposed new pedestrian links through the site are welcomed.

- 4.1.3 MCC Highways Officer - No Objections. There are no highway grounds to sustain an objection to the application subject to conditions.
- 4.1.4 MCC Urban Design, Landscape and Green Infrastructure – The scheme demonstrates a good understanding of the site and its urban context and it has considered opportunities to improve the general design; the proposal also contributes to MCC's wider green infrastructure network. The proposed open space, access, retained trees and vegetation will enhance the appearance of the development and area of amenity importance. We are supportive of the proposal, subject to conditions.
- 4.1.5 MCC Tree Officer – Supports the proposal and recommends conditions to protect the existing trees within the site
- 4.1.6 MCC Ecology Officer - Satisfied that the submitted ecological report and method statement report recommendations are implemented and there should be no negative impacts on biodiversity as a result of the proposed development subject to conditions.
- 4.1.7 MCC Public Rights of Way Officer – Requests the footpath to be legally diverted.
- 4.1.8 MCC Affordable Housing Officer - Fully supportive of the proposal. There are 876 households on the Council's Housing Register requiring a home in Caldicot. The highest need for affordable housing in the area is for general needs accommodation with 756 households requesting one, two and three bed homes. The scheme is being supported with Social Housing Grant and is in the current SHG Programme.
- 4.1.9 MCC Building Control Officer – Makes the following comments:
  - A Section 80 Notice of Demolition to be submitted 6 weeks prior to the date of intended demolition.
  - The dwellings will be subject to Regulation 37A, Automatic Fire Suppression system to BS9251:2014 are to be installed in each dwelling.
  - A geotechnical site investigation to be submitted with a Building Regulations application identifying the foundation/substructure design due to the presence of trees etc. A Radon report is also required.
  - Necessary consents should be obtained from Welsh Water in relation to Adoption and connections to the Foul drainage system. Details required for the surface water disposal from dwellings and hard landscaping.

4.1.10 Dwr Cymru Welsh Water (DCWW) – Requests condition for drainage strategy to be approved prior to works commencing.

4.1.11 South Wales Police (Crime Prevention) – No response to date.

4.1.12 SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

## 4.2 Neighbour Representations

At the time of writing 9 representations were received in relation to the original submission and a further 3 following the re-consultation in relation to the inclusion of the unadopted highway. The concerns raised have been summarised below:

### Principle of the development

- Loss of housing for the elderly
- It's too large a development on a relatively small site

### Highway concerns

- Increase of traffic within the area
- Not enough parking proposed
- Dangerous access bend, which is too narrow
- An alternative route into the site is required that does not go via Avon Close/Neddern Way

### Visual amenity concerns

- Poor layout - no need to build so close to the properties in Neddern Way
- Plots 1 & 2 do not blend in with the surroundings of the bungalows on Neddern Way and the single storey Bethany Baptist Church.
- Proximity of plots 1-6 with the proposed extension of Bethany Baptist Chapel
- Layout should be changed so the road into the site runs past the boundary with the Church

### Privacy concerns

- Overlooking from proposed plots 1 & 2 into No. 17 Neddern Way
- Overlooking from proposed plots 22 & 23 into No. 13 Neddern Way
- Overlooking from proposed plots 7 & 8 towards No. 79 Wentwood View
- Noise from residential gardens that could impact on Church activities, such as funerals and vice versa; Church activities impacting on the amenity of the occupiers

### Other issues

- Potential Anti-social behaviour
- What services/public realm will the development provide?
- Construction disturbance and noise; damage to the highway and impact on human health
- Access to build the Church extension
- Access for the owners of 12-17 Neddern Way to maintain their front boundary enclosures

One comment of support is received commenting that this redevelopment will contribute significantly to greater social mobility and help local families and people.

#### 4.3 Local member representations

Local Member Cllr Easson has raised the following points summarised below:

1. There will be a potential increase in traffic movements whilst demolition and construction is underway – it is put forward by some residents that a dedicated roadway is constructed at the top end of Sandy Lane or a direct link to Church Road at the rear of Wentwood View.
2. Endorses the need for a Traffic Impact Assessment to be submitted to ensure traffic into the site and within the site is managed.
3. Residents occupying No.s 11-17 Neddern Way have enjoyed access into the site from the front (eastern boundary) of their properties as outlined in the deeds dated 9<sup>th</sup> July 1917 – a footpath should therefore be incorporated into the scheme to run past the properties 11 - 17 Neddern Way so they can maintain their boundaries.
4. As proposed No's. 12 - 13 Neddern Way will not have access to maintain their properties. No's. 14 - 16 Neddern Way will lose the space where they currently park their car.
5. A Public Right of Way currently passes through the site and this will need to be extinguished and re-routed. I suggest it is re-routed across the front entrances of house No.s 12-17 Neddern Way into the open access beyond plots 20, 21, 22 and 23.
6. The resident at No. 17 is extremely concerned with the aspect of plots 1 and 2 which are oriented directly upon his garden and window. I would ask the positioning of these plots is reconsidered in light of his concerns.
7. The planned roadway leading into the estate will have four sharp turns and may create traffic hazards. I believe that a straight left hand turn off Neddern Way then having one left hand turn into the development opposite the Church would create a safer environment. This would allow the reconfiguration of plots 1 and 2 (plus 3-6) to satisfy the desire to plan frontages and alleviate the concerns of No. 17 Neddern Way.
8. Elders of the adjacent Church have expressed concerns of potential increase in noise and the proximity of proposed houses to the boundary of the Church, bearing in mind there is an agreed plan to extend the church.
9. Having the entry road directly opposite the church would create a buffer between them and plots 1-6.
10. A footpath should have been constructed along the frontages of 11-17 Neddern Way. This has partially been constructed but I believe not completed as funds were exhausted at the time of construction. Subsequently when MHA took over Brookside the entry road was never adopted by MCC Highways, but still remains under the ownership of MCC CC Estates.
11. Positive that a number of trees that are removed are replaced as over time some trees have grown out of control.
12. The roadway from Neddern Way up to the entry road at Brookside has not been adopted by MCC Highways and as a consequence drainage, road repairs, street lighting, etc., are not carried out by MCC Highways even though Estates hold the land in their portfolio. This situation will continue to be the case if it is not resolved as part of this planning development. It is important that Brookside estate and service roads should be built to an adoptable standard which would include the roadway between Neddern Way and Brookside.
13. The footpath running alongside Bethany Church from Neddern Way to Wentwood View has enjoyed the service of lighting fed from the Brookside supply. Recently power was isolated from the Brookside building plunging the footpath into darkness. This has been restored in the interim but a solution must be found by MCC to permanently resolve this lighting issue.
14. Residents of two properties in Wentwood View have expressed concerns. The Caldicot Castle Ward Member cannot comment as she is a Member of the Planning Committee.

Following the amendment to include the unadopted highway as part of the scheme (submission of (04 100 C) Location plan and (04 101 D) Site layout) the further following comments were made:

- Pleased to see that the curtilage has been extended to allow for a full adoption of the roads
- Concerns still remain in relation to the frontages along Neddern Way that remain impounded
- Concerns that the suggestion to redirect the road so that there is a buffer with Bethany Baptist Church has not been accepted. This suggestion would have also alleviated the concerns of the resident at No. 17 Neddern Way.
- Have requests to seek alternative routes into the development been considered?
- Traffic Management Assessments need to be in place after completion of the development to reconsider the situation then.

## **5.0 EVALUATION**

### **5.1 Principle of Development**

5.1.1 The site is within the Caldicot's development boundary and therefore the principle of housing on this site is in accordance with Monmouthshire's housing strategy set out in policies S1, S4 and H1 of the LDP which seeks to provide housing and affordable housing in sustainable locations. This is subject to detailed planning considerations and other policy requirements of the LDP which are explored in detail in the ensuing sections.

5.1.2 In terms of the principle of the demolition of the existing building although true to its 1970s architectural time the building is in a poor state of repair, it is not listed and the site is not within a Conservation Area and therefore the existing building can be demolished without the need for planning consent, subject to ecology reports and approval of the means of demolition and site restoration. There is no concern in principle therefore in relation to the loss of the building to be demolished.

### **5.2. Site layout and Design, Landscape Impact and Trees**

5.2.1 The proposed development comprises 25 dwellings on a site area of 0.97ha mainly made up of semi-detached 2 and 3 bedroom two-storey houses, with one terrace of three (house types A,B and C), 2 no. bungalows (house type E) and 4 no. one bed flats (house type D). It is therefore noted that the proposed housing is low density for the size of the site whereby DES1 (I) states that '*the minimum net density of development should be 30 dwellings per hectare*' subject to the characteristics of this site. In this case having a lower density than the desired minimum is considered acceptable having regard to the mature trees that are to be retained as a visual asset to the development.

5.2.2 The layout of the proposed development is formed around the access road which enters the site off Brookside's existing access road and forms a cul-de-sac road layout, that has been designed to be brought up to adoptable standards. The majority of dwellings front the internal access road with private gardens to the rear. Plots 1 and 2 face out onto the public entrance of the site. The layout has been influenced by the desire to retain and protect existing mature trees that are within the site and provide a permeable relationship with the open space and public footpath along the eastern boundary of the site. The existing open space along the eastern boundary of the site, is retained and enclosures onto this land will be railings with the open shared spaces of the site. Where rear private gardens bound this open space these gardens are proposed to be enclosed with a 1.8m high brick wall. The same enclosure treatment is

also applied with the footpath link that runs parallel with the southern boundary of the site. To the north of the site this will be enclosed with a close boarded fence and to the western site boundary close boarded fences are proposed with the gardens of Neddern Way.

- 5.2.3 It is considered that the enclosure treatment proposed is acceptable and there has been thought put into the visual impact of the proposed enclosures. The railings along the eastern and southern boundary will provide transparency and open surveillance onto this public open space and footpaths and the brick wall for the private rear gardens will be a visually pleasing enclosure. It is anticipated there will be limited public view points of the boarded fences, the close boarded fence along the northern boundary of the site will be screened by the existing protected mature trees.
- 5.2.4 The houses are designed to Design Quality Requirements (DQR) set by the Welsh Government for affordable homes. This ensures houses meet space standards, are secure, are accessible for all and designed to maximise energy efficiency. In terms of external materials of the dwellings a traditional palette has been chosen of red clay brick (all units except 14-16, 21-24) and rendered walls for 14-16, 21 and 24 with reconstituted stone door heads and window cills and reconstituted tiles for the roofs. Windows would be uPVC but with a traditional glazing pattern and bay windows to house types C and D. Chimneys have been added to dwellings that have key/prominent vistas (these have been identified as plots 1, 2, 6, 7, 8, 15, 16 and 21). All house types are to have at least one window to the side elevations to provide surveillance onto open public areas and add interest to the gable ends. Further conditions are requested to agree samples of materials and also surface materials to ensure a high quality and aesthetically pleasing finish.
- 5.2.5 With regards to the mature trees on the site, some trees will have to be removed to facilitate the development. The Arboricultural Implications Assessment (AIA) shows that the tree losses consist of mainly low quality species. There are opportunities to mitigate trees loss via additional tree planting to supplement the existing and a comprehensive planting plan has been submitted. The Council's Tree Officer is supportive of the proposals and recommends a condition to be used to prevent damage of the trees to be retained during the construction phase.
- 5.2.6 Overall, it is considered that the proposed visual impact of the development will be in keeping with the surrounding area in terms of scale, density and design. The proposed layout, design of houses, materials and the desire to design the layout to incorporate and retain the existing trees within the site and introduce Green Infrastructure management will further help the proposed development to assimilate into the wider landscape without harming the existing character and appearance of the area. The proposal is considered to enhance this area of Caldicot. This view is echoed by the Council's Urban Design and Landscape Officer who comments that *'the scheme demonstrates a good understanding of the site and its urban context and it has considered opportunities to improve the general design. The proposed open space, access, retained trees and vegetation will enhance the appearance of the development and area of amenity importance.'* A planning condition will ensure the proper management of the 'Green Assets' of the site for the next 20 years.

### 5.3 Access, Parking, Traffic and Sustainable Travel

- 5.3.1 Vehicular access to serve the development is proposed to connect directly onto the existing access road serving Brookside. Brookside is a private road in third party ownership which gains access directly onto Neddern Rise. There will be a single point of access into and out of the site with the estate road terminating in a turning head,

which has been designed to a standard in order to facilitate the turning of refuse vehicles and emergency vehicular services which will be able to enter the site. The access road would maintain its 5m width with 1.8m footways throughout the site. The proposed layout has therefore been designed in accordance with current adoptable design standards and there are no grounds to object to the proposed layout and access road.

- 5.3.2 In terms of parking, it is proposed to provide one space per bedroom for each house type, i.e the one bedroom flats have one space, the two bedroom houses have two parking spaces provided and the three bedroom houses have three parking spaces. Based on the number of dwellings proposed the parking requirements are 52 spaces and it is proposed to provide 52 car parking spaces for the development. The proposed development therefore is considered to be compliant with the Council's adopted parking standards.
- 5.3.3 With regards to traffic impact on the existing highway network, the Transport Statement (TS) submitted with the application has compared the site's extant use for sheltered housing and the proposed 25 dwellings' development vehicular trip rates. The site's extant use has an average of 13 two way trips in the AM peak and 15 two way trips in the PM peak. The projected trip rates from the proposed development are 13 in the AM peak and 10 in the PM peak. In comparison the AM peak period remains the same whereas there is a projected reduction of 5 trips in the PM peak period. The Council's Highway Officer has considered the TS and is satisfied that the level of traffic proposed from the development will have a minimal impact on the existing highway network and the proposed development will not exacerbate the existing situation to the detriment of highway safety.
- 5.3.4 In terms of sustainable travel, The Active Travel Bill (Wales) requires local authorities to continuously improve facilities and routes for pedestrians and cyclists and to consider their needs at design stage. It is considered that that this proposal has met this need providing a clear access route through the site and enhancing connections to the existing footpath and cycle links to the southern and eastern boundaries of the site, which connect the development to Caldicot Town Centre. (The proposed site plan currently indicates a footpath link between the rear boundaries of plots 1 & 2 with the side boundary of plot 3; this is to be removed from the scheme once the existing PROW route, which currently goes through the Brookside building, is legally diverted).
- 5.3.5 In terms of access to public transport there are bus stops within reasonable walking distance along Green Lane and Sandy Lane and a train station approximately 1.8 km from the site. Based on the site's location within Caldicot and proximity to the Town Centre and its active and sustainable transport links it is considered that the development satisfies the requirements set out in the Active Travel Act 2013.

#### 5.4 Biodiversity Considerations

- 5.4.1 Based on the current objective survey and assessment available, enough ecological information has been submitted to make a lawful planning decision. The bat surveys conducted identified that a non-maternity pipistrelle roost will be destroyed as part of the development. Impacts will therefore include the loss of this roost and some loss of some foraging habitat due to some loss of trees. Mitigation is recommended to reduce the impact of the roost's loss.
- 5.4.2 A European Protected Species derogation licence will be required in order to carry out the works (demolish the buildings). Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat



Regulations 2010 (as amended) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests have been considered in consultation with Council's Biodiversity and Ecology Officers as follows:

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

The site is a brownfield site within the development boundary of Caldicot wherein residential development is acceptable in principle and the need for housing is considered to outweigh the benefit of retaining the buildings as existing which serve no useful purpose.

- (ii) *There is no satisfactory alternative*

The proposal is necessarily site specific and the 'do nothing' option would not be in the public interest.

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

The requirement of a licence will secure the Method Statement and it is considered in these circumstances that a separate Method Statement condition is not necessary. On balance it is considered that the proposed development will not be detrimental to the maintenance of the population of bats in the area.

5.4.3 In the light of the circumstances outlined above, which demonstrate that the three tests would be met, and having regard for the advice of the Council's Biodiversity Officer, it is recommended that planning conditions are used to secure the following:

- Ecological enhancements for roosting bats
- Lighting strategy

## 5.5 Residential Amenity

5.5.1 In terms of privacy and overlooking and the impact of the proposed development on the existing residential properties of no's 12-17 Neddern Way, separation distances between the proposed and existing developments meet satisfactory planning standards and therefore no significant overlooking impact upon the properties of Neddern Way is anticipated as a result of the development. This is explained in detail for each property below:

- No. 17 - The distance from the front elevation of plots 1 and 2 with the existing first floor picture window on the rear elevation of no. 17 is approximately 28m. This window to window separation distance therefore exceeds the widely applied standard of 21m and thus, there would not be any unacceptable overlooking towards the rear of no.17. The distance of the windows of plots 1 and 2 with the rear garden boundary of n. 17 is approximately 15m and again this is considered an acceptable distance for there to be no unacceptable overlooking into the private rear garden of no.17.

- No.s 15 & 16 - There are no properties proposed directly behind these properties and therefore no overlooking will impact these properties.
- No.14 – The distance from the single storey side gable elevation of plot 24 with the rear elevation of no. 14 is approximately 21m. As plot 24 is a bungalow and there would be no first floor windows on its side elevation there would be no overlooking impact. Plot 24 is set approximately 6m away from the shared boundary and as plot 24 is a bungalow the development is considered not to be overbearing towards the amenity area of the occupiers of no. 14 and also no. 15.
- No. 13 – The distance from the rear elevation of plots 23 and 22 with no. 13 is approximately 28m. The habitable window to window distance therefore exceeds the 21m standard and an acceptable impact is achieved.
- No.12 - The distance from the rear elevation of plot 23 with no. 12 is approximately 19m, falling below the 21m standard; however this is considered to be acceptable considering that no. 12 is a bungalow with a roof that pitches down towards the site and has no first floor windows. The distance of 19m is between the nearest points of the built structures rather than window separation distances.

5.5.2 In terms of the impact of the properties to the east of the site at Wentwood View again there is more than adequate window to window separation of approximately 34m.

5.5.3 With regards to the impact of the proposal on the Bethany Baptist Church immediately south of the site, it is noted that there is a proposal to extend the Church to the north with a single storey addition (approved under applications DC/2011/00577 and DC/2014/01405) but this has not yet been constructed. Nevertheless it is considered that if the Church extension was to be built the relationship between the rear gardens and the Church extension (and the use of the Church) is not considered to be detrimental to each other. There are several instances whereby residential uses are in close proximity/adjointing church sites and it does not affect the use and amenity of each of the users.

5.5.4 Within the site it is considered that the layout has been designed to ensure acceptable separation distances between dwellings and habitable rooms to ensure that normal standards of privacy are met.

5.5.5 Overall although it is acknowledged that the proposed development will change the outlook of the occupiers of no's 12-17 Neddern Way. However there is no right to a view and this is a built up area of Caldicot within the town's development boundary where residential housing is to be expected. It is appreciated that there could be changes to the layout that may alleviate the occupiers of no's 12-17 Neddern Way's outlook. This is not the scheme presented for assessment and based on the planning merits of the scheme before Members it is considered that there is an acceptable impact upon the amenity of the existing residents of Neddern Way, Wentwood View and the users of Bethany Baptist Church.

## 5.6 Other issues

- 5.6.1 The ownership of the land and the private rights of way over the application site are a private legal matter and not a material planning consideration. Nevertheless private access for no's 12-17 Neddern Way will remain, with each of these properties retaining private pedestrian access into the site, as illustrated on the submitted site plan (04)101 D.
- 5.6.2 Perceived anti-social behaviour by future residents occupying the proposed development is conjecture and not a material planning consideration.
- 5.6.3 In terms of suggestions to amend the scheme, this detailed planning assessment is considered on the merits of the development put before the Local Planning Authority and as addressed above the development is considered to propose a well-designed, sustainable housing layout that has pleasing amenity benefits and minimal amenity impact upon the existing surroundings.
- 5.6.4 In relation to construction disturbance from vehicles and noise of the build a pre-commencement condition will ensure a construction management plan is submitted to address hours of working and to ensure that best practice in terms of site management are adhered to.

## 5.7 Response to Local Member considerations and the Town Council's objections

- 5.7.1 The majority of the issues raised have been addressed in full in the main body of the report.
- 5.7.2 In terms of concerns regarding lack of pre-consultation there has been a thorough pre-consultation with the community prior to the formal submission of the application in full accordance with the legislation provided by the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 and this is evidenced in the pre-application consultation (PAC) report dated December 2016 and submitted as part of the application. This PAC report addresses issues raised by the community and demonstrates engagement with the community throughout the design process. In addition to this mandatory consultation the application also carried out a non-statutory public consultation in October 2016. Therefore two separate public consultations have taken place.
- 5.7.3 Furthermore the development was also discussed at the Sevenside Area Committee on the 25<sup>th</sup> January 2017, but following this meeting it was not considered by officers that amendments to the submitted scheme were required.

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

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

5.10 Section 106 Heads of Terms

5.10.1 The provision of the 100% affordable housing will be secured under a Section 106 legal agreement.

**6.0 RECOMMENDATION: APPROVE subject to a s106 agreement**

Conditions:

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.
	<b><u>Pre-commencement conditions</u></b>
3.	<p>Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority.</p> <p>(a) stating the date on which the development is to begin;</p> <p>(b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended (“the Order”).</p> <p>Reason: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.</p>
4.	No development shall commence on site until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved CTMP.
	<b><u>Pre- superstructure works conditions</u></b>
5.	No superstructure works shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
6.	<p>No superstructure works shall commence on site until a Green Infrastructure Management Plan is submitted to and approved in writing by the LPA. The content of the Management Plan shall include the following.</p> <p>a) Description and evaluation of Green Infrastructure assets to be managed.</p> <p>b) Trends and constraints on site that might influence management.</p> <p>c) Aims and objectives of management.</p> <p>d) Appropriate management options for achieving aims and objectives.</p> <p>e) Prescriptions for management actions.</p> <p>f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).</p>

	<p>g) Details of the body or organization responsible for implementation of the plan.</p> <p>h) Ongoing monitoring and remedial measures.</p> <p>The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</p>
7.	<p>No superstructure works shall commence 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 to which the estate streets serving each phase of the development will be completed. The development shall be carried out in accordance with the approved Estate Street Phasing and Completion Plan.</p> <p>Reason: 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.</p>
8.	<p>No superstructure works shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.</p>
9.	<p>No superstructure works shall commence until full engineering, drainage, street lighting and construction details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</p>
10.	<p>No superstructure works shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the LPA.</p> <p>Development shall be carried out in accordance with the approved details.</p>
11.	<p>No superstructure works shall commence on site until details of hard surface materials (footway) and minor artefacts/structures (the street furniture) have been submitted to and approved in writing by the LPA.</p>
12.	<p>Prior to the installation of external lighting, a "lighting design strategy" shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <p>a) identify those areas/features on site that are particularly sensitive for light sensitive bat species 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</p>

	<p>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 without prior consent from the local planning authority.</p> <p>Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1</p>
	<p><b><u>Compliance conditions</u></b></p>
13.	<p>Rigid, immovable fencing in accordance with BS 5837:2012 – Trees in relation to Design, Demolition and Construction – Recommendations (BS5837) shown at APPENDIX 3 A of the Tree Survey dated July 2016 and Site Layout Drawing no. (04) 101 Rev B, will be installed around the root protection areas of each of the retained trees before occupation of the site by the demolition team, and will remain in place until the completion of the scheme. Protective barriers may only be temporarily removed for access purposes with the express written permission of the Local Planning Authority (LPA). In the event of any works being unavoidable within the RPA of any retained tree an Arboricultural Method Statement (AMS) in accordance with BS 5837 will be submitted for approval by the LPA. This will include measures for ground protection to prevent soil compaction as detailed at APPENDIX 3 B of the Tree Report. The developer will appoint a professional Arborist to perform a watching brief for the duration of both the demolition and construction phases of the scheme. The Arborist will report in writing to the Tree Officer of the LPA at intervals to be agreed prior to commencement.</p>
14.	<p>No removal of hedgerows, trees or shrubs <i>brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds</i> shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence 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> <p>Reason: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).</p>
15.	<p>The scheme shall incorporate 4no artificial nest boxes for starling and 4no artificial nest boxes for house sparrows into the fabric of the new buildings in accordance with the details shown on drawing no.E1673701/002 Annotated bat mitigation plan.</p> <p>Reason: to compensate for the loss of bird nesting availability in the existing building in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policy NE1.</p>

### Informatives:

Major Development - Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

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

We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.

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

PROW – Public Right of Way No 354/34 in the Community of Caldicot must be kept open and free for use by the public at all times, or alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place. No barriers, structures or any other obstructions should be placed across the legal alignment of the paths. In accordance with the GDPO, please ensure that the application is advertised in a local newspaper and prescribed organisations are consulted. *(Please refer to guidance note available from Planning Section for further information)*

Public sewers - The proposed development site is crossed by two public sewers with their approximate positions being marked on the attached Statutory Public Sewer Record. Their positions shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of each public sewer.