

Application Number: DC/2018/00096

Proposal: Erection of new detached dwelling house.

Address: 6 Caestory Avenue, Raglan, Monmouthshire, NP15 2EH

Applicant: Mrs Clare O'Keeffe

Plans: P586 L_212 - B, P586 A_100 - , P586 A_101 - , P586 L_001 - , P586 L_002 - , P586 L_003 - A, P586 L_211 - B, P586 L_210 - B

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham

Date Valid: 24.01.2018

1.0 APPLICATION DETAILS

1.1 This is a full application for a single dwelling in the rear garden of an existing semi-detached property in the village of Raglan which is designated within the Local Development Plan (LDP) as a Rural Secondary Settlement under Policy H1. Within such settlements the principle of new residential development is acceptable.

1.2 The proposed new dwelling will be two storey with additional accommodation within the roof area. The ridge height of the proposed dwelling has been reduced by approximately 1.2m following advice from officers, the garage element has also been reduced to single storey and the external chimney removed. The access and parking/turning area has also been amended so as to require the removal of fewer trees.

1.3 The site is not within a flood zone, conservation area or other designated area and is considered to be of sufficient size to accommodate a new dwelling and associated garden, parking and turning area.

2.0 RELEVANT PLANNING HISTORY (if any)

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP the Spatial Distribution of New Housing Provision

S16 LDP Transport

S17 LDP Place Making and Design

S4 LDP Affordable Housing Provision

S13 LDP Landscape, Green Infrastructure and the Natural Environment

Development Management Policies

DES1 LDP General Design Considerations

EP1 LDP Amenity and Environmental Protection

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

MV1 LDP Proposed Developments and Highway Considerations

NE1 LDP Nature Conservation and Development

4.0 REPRESENTATIONS

4.1 Consultation Replies

Raglan Community Council - recommends refusal:

1. The development will have a detrimental impact on neighbouring dwellings due to its design, bulk, size, layout and scale.
2. Loss of privacy via a Juliette balcony serving a sitting room.
3. Vehicle tracking information requested by Highways has not been provided.
4. Contrary to the Well Being of Future Generations (Wales) Act 2015.

The above is to be read in conjunction with previous objections:

1. The Arboricultural Impact Assessment, has identified that the removal of the mature Birch trees will be a loss of a visual amenity as well as habitat. Therefore this proposed development is in conflict with policy NE1.
2. Consideration should be given to the ground water and surface water from this proposed development. Welsh Water in their consultation has identified that surface water and ground water from this development should not be discharged into the existing drainage systems. It would appear the plans have not shown any secondary drainage indicating how the water will be discharged from the proposed soakaway catchment pit. This could have an adverse effect on neighbouring properties due to the existing ground conditions (Drawing P586). The same drawing doesn't show how the surface water is going to be managed from the other elevation of the proposed dwelling. Therefore this proposed development does not follow policy and is in conflict with policy SD4 to reduce surface water run-off and minimise its contribution to flood risk elsewhere. This location is subject and prone to water logging and the current land becomes water logged. This water logging will only increase due to the amount of hard landscaping around this proposed development. There will be an increase in surface water and ground water from this development which will affect neighbouring properties which is in conflict with Policy EP5
3. Consideration should be given to this proposed development and policy EP5 - Foul Sewage Disposal. Welsh Water in their consultation have identified that a main sewerage line runs through the proposed site. The current Policy EP5 6.3.74 has identified some rural parts of the County and a number of rural villages in the county where the existing connections and sewage treatment plants are inadequate. There is a history of foul sewage with blockages and flooding in local gardens in both Caestory and Ethley Drive that adding additional drains to the system will put more strain on system. The Welsh Water (drawing 341109,207411) is indicating the existing line of the drainage system. It can only be assumed that any drainage connection will be into one of the inspection chambers on the south or south east side of the proposed development. Therefore any connection required is outside the red line development, therefore substantial disruption may be required to connect to the existing systems. The site layout drawing indicates that the foul sewage connection will be outside the development. Therefore there doesn't appear to have been any application to Welsh Water or Monmouthshire County Council to make this connection. Local knowledge has identified that there is a current issue with foul sewage disposal in this location. The proposed development does not follow policy EP5 and consideration must be given to the connection into the existing drainage system.
4. Consideration should be given to this proposed development policy MV1 the adopted highway design guide, where a vehicle should be able to drive into a parking space and leave the property in a forward motion. The existing site location plan indicates that the current garage will be demolished to provide access to the back land development. On visual inspection of 6 Caestory Avenue, there doesn't appear to be the amount of space as indicated on drawing P586 L_003. Whilst infill and back land developments may plug into existing infrastructure, they should be accessible in their own right. In this case the back land development would appear to be reducing the off road parking to 6 Caestory Avenue. Access for all is a consideration of scales of development. This should include consideration of all approach routes, parking areas and entrances to buildings both from an occupant's and visitor perspective. It would appear from drawing P586 L_003 there is insufficient room to park 6 vehicles and be able to drive in a forward direction, turn within the boundaries of the

proposed dwelling and drive out in a forward gear. Therefore this proposed development does not follow the Highway Authorities guidance for off street parking. Concern must also be expressed regarding parking to 6 Caestory Avenue, and vehicles able to drive in a forward direction and turn within the boundaries of the existing dwelling and drive out in a forward gear. If the Planning Authority are minded to permit development the traffic movement in this location will increase and the potential of accidents occurring will increase.

5. This proposed development can be classed as back land development. Any Planning Application of this nature should integrate into the existing landscape features, where trees or landscape features form part of a back land plot, the design should seek to retain these and integrate them into the new development. Any development proposals should be expected to follow the established building line where this is a strong characteristic of an area. In this case the proposed development is set back from the building line and will disrupt the quality of the street scene. This proposed development is in conflict with MCC LDP policy DES1 along with other policies. The development should be of a form and scale which respects the local area. It is important to ensure that new development respects the scale and density of existing properties. In general the scale and massing of new housing in back land areas should not exceed that of the existing dwellings fronting the surrounding streets.

6. Any back land development site should retain or replace trees and hedges. This proposed development has indicated that it is going to remove existing Silver Birch trees. The Arboricultural Impact Assessment indicates the trees and hedges could be replaced by replanting. Any replanting would not be comparable and the length of time it would take to replace the current privacy and amenity of occupiers of neighbouring properties would be decades. It would be expected in general the height, form and massing of the proposed development should be similar to that of those in the existing street frontage and surrounding dwellings. This proposal is more of a new type of a town house which can be found on new development sites. The existing properties in this location are of a typical two storey design. This proposed development does not help or ensure the proposed development meets the expectations of MCC LDP, and does not integrate into the existing environment nor does it take account of the character of the area.

7. The community council has concerns over the increase in traffic movement in this location and the proposed access to the development. The access to this development is situated on an existing bend, increasing the danger to existing road users. The applicant should contact the Highway Authority relating to Section 184 of the Highways Act 1980 which must be acknowledged and satisfied, and permission pursuant to Section 184 of the Highways Act 1980 granted by MCC Highways, prior to the Planning Authority granting any consent or before commencement of access works.

8. Raglan Community Council's primary objection relates to the overbearing impact on neighbouring properties, and that it would be out of character with the area. The development will create a loss of privacy for the adjoining properties.

It can be considered the proposed application is in conflict with the following policies in Monmouthshire County Councils LDP that was adopted in February 2014.

Policy H3,
Policy SD4
Policy NE1,
Policy EP5
Policy MV1
Policy DES1

The following issues of environmental concern have been identified with the above. If the Planning Authority are minded to grant consent for the proposed development, the community council would ask for the following conditions to be included in the decision notice:

- a) Before the development commences, a scheme shall be submitted and agreed in writing by the Local Planning Authority in respect of the control of noise/dust emanating from the construction phases of the development. Such a mitigation scheme shall be implemented and maintained and shall not be altered without the written approval of the Local Planning Authority.
- b) The applicant should contact the Highway Authority relating to Section 184 of the Highways Act 1980 which must be acknowledged and satisfied, and permission pursuant to Section 184 of the Highways Act 1980 granted by MCC Highways, prior to the Planning Authority granting any consent or before commencement of access works.

c) The applicant should be made aware that there should contact Dwr-Cymru / Welsh Water, in relation to any new connection to existing sewer, it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

d) It is recommended that the applicant obtains consent from Dwr-Cymru / Welsh Water for any connection to the public sewer under s106 of the Water industry Act 1991 before consent is granted by the Planning Authority.

e) All works and ancillary operations during the construction phases of the development shall be carried out only between the following hours:

0800 - 1800 hrs

Monday to Friday

0800 - 1300 hrs

Saturday

At no time on Sundays and Bank Holidays.

Deliveries to site and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.

Reason: to protect the amenity of the locality especially people living nearby

MCC Highways - No objection. No Highway objection to the principle of the proposed development, however we would request the application be deferred until the applicant has submitted vehicle tracking details.

MCC Tree Officer - Initial response: I note from the tree report that it will be necessary to remove 8 no. Birch trees from the rear garden, plus some hedgerow. According to BS5837:2012 Trees in relation to Design, Demolition and Construction Recommendations the Birch trees are listed as Category B2 i.e. trees of moderate quality that make a significant visual contribution, the retention of which is desirable. The trees are highly visible, particularly when viewed from Prince Charles Road to the southwest. In my opinion the loss of these trees will have a significant detrimental impact on the landscape.

In conclusion the proposed loss of these trees precludes me from supporting this application and my recommendation is that it be refused in its current form.

*Awaiting further comments following amendments to driveway leading to loss of 3 no. Birch trees.

MCC Housing Officer - Financial contribution of £27, 685 required towards the provision of affordable housing in the local area.

MCC Public Rights of Way - Further to previous comments, Monmouthshire County Council is in receipt of a path order application that would accommodate the proposed development. Countryside Access therefore withdraws its objection. Please be advised however that path orders are subject to consultation, legal tests and can fail.

Neighbour Notification

16 representations received. Object on the following grounds:

1. Concerned about the roots of all the Birch trees listed, some more than others e.g. Birch 885 and the proposal to build so close to Birch 886. The proposed wall of the house is about a metre away from the tree trunk. So if the house is built the majority of the branches would be taken off and the root system disturbed under the West side of the house.

2. The turning and parking area in front of the build has been reduced. Therefore, if any vehicle larger than a car (delivery vans, utility vans, tradesmen etc.) goes down the driveway the only way out is to reverse onto the blind bends.

3. Whilst some small effort has been made with regards to the existing mature trees, we still feel the development will have a major impact on the surrounding natural environment, specifically the habitats of many various types of wildlife.

4. The property is not at all in keeping with the neighbourhood and is far too large.

5. The proposed property will overlook several gardens due to the height of the build.

6. Against the loss of the trees which offer some privacy at the rear of the garden of no. 12 The Willows.
7. Even following amendments, the building is still large and overbearing and totally not in keeping with any other neighbouring properties and the close proximity of the proposed building will only exaggerate that.
8. The windows on the top floors will still have an uninterrupted view of neighbouring properties and gardens.
9. Access to the property is still gained via a blind bend which is already dangerous for both pedestrians and drivers alike, the potential for extra traffic/parked cars there will only seek to make this worse.
10. All 8 trees should be retained.
11. Bats noted living in the trees.
12. Environmental impact on drainage due to large increase in hard surface.
13. Loss of residential amenity for the occupiers of the host dwelling who will be overlooked and closed in by a fence.
14. Proposed house is still too imposing and will overshadow and block light to surrounding dwellings.
15. Drainage that connects to 6 Caestory Avenue will now run under the drive and may crack with vehicles running over the top as we understand the drains are not down very deep.
16. PPW states that: Development plans should include clear policy criteria against which applications for development of unallocated sites will be considered. Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas. 'Tandem' development, consisting of one house immediately behind another and sharing the same access, may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front, and should be avoided. Also that: Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.
17. The scale of the proposed development is of an executive 4 bedroom property, exceeding the scale of the semi-detached property in whose grounds it sits.
18. Lack of public frontage to the property makes this property vulnerable to the residents, and is out of keeping with the neighbourhood where all front doors are onto public spaces and/or roads. A dangerous precedent.
19. Dropping the ridge height has done little to me to suggest that this development is appropriate for the site, which essentially is utilising a back garden for development of a property out of scale and out of keeping with the general feel and scale of properties in the immediate area.
20. The building is over 2m higher than anything else in the area. The eaves height is only 22 cm lower than as submitted. When you link this to the proposal being 17m long and 11m wide the revision has no significant effect on how out of character, overshadowing and overbearing this proposal still is and the significant effects on the neighbouring homes. The developer again shows no consideration for the community.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site lies within the development boundary of Raglan as defined by Policy H1 of the Local Development Plan, within which new residential development is acceptable in principle. The size of the plot is considered to be large enough to comfortably accommodate a single detached dwelling with associated parking/turning area and private garden area. Although located to the rear of an existing dwelling, being a corner plot access is achievable without significant disturbance to the host or neighbouring dwelling. Only the application site and the neighbouring two plots that are also on the corner, are large enough to accommodate a detached dwelling within the garden with access within the vicinity of the site and therefore an unwelcome precedent is unlikely to be set should the application be approved.

5.2 Design

5.2.1 The proposed dwelling is traditional in design having a pitched roof with dormers and an attached one and a half storey element containing a double garage. The other existing dwellings in the area are mainly former Local Authority houses which are generally in pairs of semi-detached blocks although there are some more modern detached two storey dwellings to the side/rear at The Willows. The proposed new dwelling will be finished with a slate grey roof, rendered walls, timber doors and grey uPVC windows. These materials are typical of the area and are considered to be in keeping.

5.2.2 The ridge height of the proposed dwelling has been reduced from approx. 9.5m as originally submitted, to approx. 8.3m. This reduction has been achieved by dropping the ceiling heights and also the eaves. The proposed development is set back from the building line but will not be prominent when viewed from Caestory Avenue. It will relate to the existing dwellings on The Willows to the south-east of the site when viewed from the adjacent public open space and it is not therefore considered that the proposed dwelling will appear incongruous within the local street scene - especially as the ridge line is now more in line with the heights of the other dwellings in the vicinity. An external chimney that was originally proposed has also been omitted from the scheme and the secondary garage element with accommodation above is now lower meaning that this part of the building is now 0.5m lower than as originally submitted.

5.2.3 The retention of six of the eight existing birch trees on the site is welcomed and will further help to soften the overall impact of the development and also screen the property from views from the south-west.

5.2.4 Overall, it is considered that following amendments, the proposed new dwelling now is in keeping in terms of design and scale with the character and appearance of the surrounding area and the proposed development is not therefore considered to be in conflict with LDP Policy DES1 or the advice in PPW.

5.3 Highway Safety

5.3.1 The existing plot will be separated into two individual residential properties, with a shared vehicle/pedestrian access serving both dwellings off Caestory Avenue as in the current arrangement for No. 6 - i.e. no change is proposed to the access off the public highway to the properties. The shared use driveway is proposed to be 3.6m wide and will be approximately 30m in length. At this point it will become the private drive for the new dwelling and accessed via an automated gate. The existing property will be served by three dedicated parking spaces. The proposed dwelling will include a double garage and additional parking to cater for three vehicles. No vehicle tracking information has been submitted by the applicant as requested by Highways. However, the proposal includes a turning head, approximately 5m x 5.5m, adjacent to the shared use driveway, for use by the existing house. A turning area of similar dimensions is also included adjacent to the double garage at the proposed dwelling. For a dwelling of the size proposed in this application the parking and turning arrangements are considered to be acceptable and it is also considered that increased use of the access for one additional dwelling will not significantly affect highway safety.

5.4 Residential Amenity

5.4.1 The proposed dwelling has been designed so as to avoid overlooking of neighbouring gardens and dwellings from habitable rooms. Furthermore, there is a distance of at least 11m between all elevations of the new dwelling and the boundaries with neighbouring properties. There will be approximately 30m between any windows on the proposed new dwelling and the existing dwellings on Caestory Avenue. The Juliette balcony on the south west elevation referred to by a neighbour and the Community Council overlooks a public open space and will not therefore harm the residential amenity of the neighbouring dwellings at The Willows. The distances between the proposed new dwelling, habitable windows and neighbouring gardens and dwellings is considered to be sufficient so as not to lead to a significant loss of privacy for any occupiers.

5.4.2 In terms of the new dwelling having an overbearing impact on the neighbouring occupiers, the height has now been reduced to 8.3m which is similar to a standard two storey dwelling, rather than 9.5m as originally submitted and the secondary garage element also reduced in height. As

such, the massing and bulk of the proposed dwelling at the distances away from neighbouring dwellings mentioned above, is not considered likely to have an overbearing impact on these occupiers. It is therefore considered that the proposed new dwelling will not harm the residential amenity of the any neighbouring occupiers and therefore is in accordance with Policy EP1 which relates to local amenity.

5.5 Ecology and Trees

5.5.1 The application has been amended so that 6 of the 8 existing Birch trees which have been identified as of moderate value are now to be retained. This has been achieved by re-routing the access around the trees and also reducing the parking and turning area. The root areas of the retained trees will be in the line of the proposed access and therefore it is advised that the construction of the driveway and parking area affecting these trees uses a no dig technique as detailed in Arboricultural Method Statement 1 to minimise the impact on these trees. This can be conditioned. Two new trees should be planted to compensate for the loss of two existing trees.

5.5.2 A neighbour has reported seeing bats in the area and suggests that they could be living in the Birch trees. As such the trees that are to be removed should be checked for bats prior to any clearance works on site. Should bats be found then the developer will have a duty under European Legislation to not disturb or harm the bats or their resting or roosting places.

5.5.3 The section of hedgerow across the site that is to be removed is Beech and has been assessed as offering little in the way of habitat for wildlife. All of the boundary hedges are to be retained.

5.5.4 Provided that conditions to ensure the protection of the trees that are to be retained are included on any consent and an informative added reminding the developer of their responsibility in relation to bats then it is considered that the proposed development will not have an adverse impact on nature conservation and therefore complies with Policy NE1 of the LDP.

5.5 Affordable Housing

5.5.1 It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. In this case the amount required has been calculated as £27,385. The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken. It should be noted that the Council does not wish to hinder the supply of dwellings from self-builders who could be building to meet their own needs. Therefore, such self-builders will not be required to make a financial contribution.

5.6 Well-Being of Future Generations (Wales) Act 2015

5.6.1 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. The reduction in the scale of the dwelling and the retention of 6 existing trees is considered to have significantly reduced the potential impact of the proposed new dwelling on the well-being of neighbouring occupiers. The proposed development will also provide the benefit of an additional home in an established settlement which is considered to be a sustainable location.

5.7 Response to the Representations of the Community/Town Council and Other Issues Raised

5.7.1 The objections raised by the Community Council in relation to loss of trees, highways, residential amenity, design and the Well-Being of Future Generations Act 2015 have been

addressed above. It is considered that the revisions made to the proposal have overcome these objections.

5.7.2 In relation to drainage, DCWW in their consultation have identified that surface water and ground water from this development should not be discharged into the existing foul drainage system. This is a standard response from DCWW on all new residential development. Detailed drainage drawings would not be expected at the planning stage but will be covered under the Building Regulations for this scale of proposal. Foul sewage disposal would be to the mains sewers. DCWW have not indicated that there is a capacity issue with the sewers in the area and therefore it would not be reasonable to refuse the proposed development on these grounds. Connection outside the red line development boundary is commonplace and disruption will be minimal. An application to DCWW to connect to the sewer would not be made until planning consent has been secured as there is a cost involved. Again, this is normal and should not affect the determination of the planning application.

5.7.3 The Community Council have also requested various conditions be imposed should consent be granted. Conditions in relation to the construction phase of the development are not normally imposed on small developments such as this and noise and dust is in any case controlled under Environmental Health Legislation. The request for the applicant to contact the Highway Authority relating to Section 184 of the Highways Act 1980 and DCWW in relation to Section 104 Adoption Agreement (Water Industry Act 1991) are not included as conditions as they relate to separate legislation that does not require duplication.

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

Financial contribution towards affordable housing in the local area to be paid on the completion of the sale of the new dwelling. If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Conditions:

1 This development shall be begun within 5 years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.
REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
REASON: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

4 The retained Birch trees shall be protected during construction in accordance with the recommendations in BS5837:2012 'TREES IN RELATION TO DESIGN, DEMOLITION AND CONSTRUCTION - RECOMMENDATIONS' by Cardiff Treescapes dated 19th March 2018 (Revised 8th May 2018).
REASON: In the interests of nature conservation and visual amenity.

INFORMATIVES

1 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

2 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

3 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. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.