

Application Number: DM/2018/01349

Proposal: Construction of one bungalow. Change of use of land.

Address: Plot Between 4 And 5 Ebbw Road Caldicot Monmouthshire

Applicant: Mr Mervyn Webber

Plans: Site Plan MH-7048 - Rev D, All Drawings/Plans MH-7049 - Rev D,

RECOMMENDATION: Approve

Case Officer: Mrs Helen Hinton

Date Valid: 01.11.2018

This application is presented to Planning Committee as it is the subject of a highway and public rights of way objection and is in receipt of 9 letters of public objections.

1.0 APPLICATION DETAILS

1.0.1 The application seeks full planning permission for the development of a detached, bungalow on land between 4 and 5 Ebbw Road, Caldicot.

1.0.2 The site is rectangular in shape measuring approximately 8.8m wide and 30m deep. The proposed dwelling would be positioned in the south-eastern part of the site and would measure 7.1m wide, 13m deep with a pitched roof with a maximum height of 4.3m falling to 2.35m at eaves level. 9.5m distance would be maintained between the proposal and 4 Ebbw Road to the north-east and 10.5m to 5 Ebbw Road to the south-west. Internally the accommodation would comprise an entrance hallway; kitchen; utility room; living-dining room; two double bedrooms and a bathroom. The property would benefit from at least two off street parking spaces to the front (south-east) with access gained from Ebbw Road. An enclosed garden would be provided to the rear (north-west) of the property.

1.0.3 The property would be finished externally with brick faced elevations, upvc windows and doors and a concrete tiled roof. The boundaries of the site would be defined by dwarf brick walls and close boarded timber fencing. The proposed site layout plan indicates the maintenance of a pavement along the south-western boundary of the plot in order to maintain the established route of public footpath 354/36.

1.1 Site appraisal

1.1.1 The application site forms an area of land positioned between 4 and 5 Ebbw Road. The area was previously used as a two way highway junction serving the residential properties in Wentwood View to the north-west (rear). Aerial photographs of the area indicate that vehicular access over the land was restricted prior to 2000.

1.1.2 Whilst the land is owned by the applicant, the Highways department have confirmed that the area is maintained at public expense and as a result is surfaced with tarmac with white junction markings provided on the south-eastern edge adjacent to Ebbw Road. Tarmac surface pavements are provided on either side of the site providing access to Wentwood View. Concrete bollards define the north-western edge of the plot. It is evident from various inspection covers and markers that a number of services are located beneath the plot.

1.1.3 The properties to either side of the site are all single storey. However there are two storey dwellings in the immediate vicinity.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01349	Construction of one bungalow. Change of use of land.	Pending Determination	
M12018	Erection Of Detached Dwelling. (Ref: M/10909 Previous Application That Was Refused)		11.01.2007
M10909	Erection Of Detached Dwelling.	Refused	06.04.2005
28539	Erection Of One Dwelling.	Refused	05.02.1988

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
MV3 LDP Public Rights of Way
DES1 LDP General Design Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Highways - The amended plans submitted do not alter the Highway Authority position on this matter, the comments and observations made on the 9th November 2018 stand:

The land in question is publically maintained highway and highway rights exist over the road, the highway authority consider the highway link is necessary and provides an important highway link and would not consider the extinguishment of the highway in any circumstance.

The existing footways have remained unfettered providing pedestrian access since its construction. The road is street lit and the feeder pillar is located within the section of highway/footway in question.

Public Rights of Way - Information suggests that the whole of the proposed site including both walkways is adopted Highway. If not, because of its location, appearance and the way it is used there is a strong possibility that the site carries unrecorded public rights. Public Rights of Way therefore objects to the proposal.

Environmental Health - Raise no objection. However given the close proximity of the site to neighbouring dwellings a hours of construction condition is recommended.

Affordable housing - Policy S4 requires all residential developments (including at the scale of a single dwelling) to make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, a commuted sum of £9,982 is required.

Wales and West Utilities - Wales and West utilities has pipes in the area which may be affected and at risk during construction works. Should the planning application be approved, we require the promotor of these works to contact us directly to discuss our requirements in detail before any works commence.

Dwr Cymru/ Welsh Water - Dwr Cymru Welsh Water has apparatus in the area which may be affected and at risk during construction works. No development should take place within 3m of the centre line of any apparatus. Should the planning application be approved, we require the promotor of these works to contact us directly to discuss our requirements in detail before any works commence.

Caldicot Town Council - Recommend application be approved.

Ward Member - No response received to date.

4.2 Neighbour Notification

The application has been the subject of amendment.

The original application has been advertised by direct neighbour notification, the erection of a site notice and publication of a press notice. The amended plans have been advertised by direct notification with those who initially commented on the application.

Cumulatively 12 letters of representation from seven individuals have been received and are summarised as follows:

- The boundary shown in red on the plan for this application is incorrect. The Land Registry Title Plan for this plot shows a straight line continuing down each side of the plot to where it joins Ebbw Road. It does not curve round taking land for Numbers 4 and 5 Ebbw Road. Although these pieces of land are not included on the Title Plans of 4 and 5 either, that does not give this application the right to just take this land.
- A Welsh Water public sewer runs parallel with Ebbw Road through the back gardens of numbers 1, 2, 3, and 4 Ebbw Road, crossing. Welsh Water will not permit a new building within 3m of a public sewer.
- The proposal will affect services that are under the plot making any future maintenance a serious problem.
- Concerns regarding further vehicular access to and from Ebbw Road. This road is very highly addictive (sic) not only with residents of Ebbw Road but also all the substantial side road leading off.
- The development will have an adverse effect on the residential amenity of neighbours as a result of a significant reduction of privacy of neighbouring properties (both on Ebbw road and on Wentwood View).

- The development will have an adverse effect on the character of the neighbourhood and will involve the loss in the open-space of the neighbourhood.
- The loss of existing views of neighbouring properties on Wentwood View would adversely affect the residential amenity of these neighbouring owners.
- The neighbourhood around Ebbw Road and Wentwood View has been established for 40 years based on the current open area of this plot of land. The neighbourhood uses it for access and, crucially, as a feature of open-space and enjoyment. Removing this open plot of land will have a significant visual impact on the neighbourhood and significantly reduce the character of the neighbourhood.
- This has always been a road for at least 40 years and used by residents as parking and access to Wentwood View. It has become a right of way.
- The proposed building would be too close to the boundary fence of No4 for maintenance purposes.
- The land is in private ownership registered with the Land Registry. Bramble clearance works were undertaken on the site in 2018 by the Council without the landowner's permission. The land has been offered for sale to the highway department who declined to purchase the site.
- A right of way is being maintained from both directions to the post box.
- The Planning Department requested that the bungalow be redesigned to make it smaller on the plot. However, it is ironic that number 5 has been granted consent to extend their bungalow.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The application seeks full planning permission for the development of a detached dwelling on a plot of land within an established residential area within the settlement development limits and community of Caldicot. Previous applications for the development of the site were refused for the following reasons:

28539 -

1. The proposal is out of accord with the road layout previously permitted by Monmouthshire County Council under Application No 2929, issued on 15th July 1969 and its approval would prevent the satisfactory overall completion of the development.

2. The Hall Park Estate and Wentwood View estate have been designed with an overall and comprehensive layout and the internal estate road link is an integral part of this layout. The proposed development would prevent the provision of this road link and result in an unsatisfactory form of highway layout.

3. The proposal if allowed would give rise to precedent for further similar proposals involving the incomplete provision of the highway networks leading to a general erosion of the planning of housing estates.

M10909-

1. The proposed development would obstruct public right of way No 36 in the community of Caldicot, to the detriment of the amenity of local residents who widely use the facility;

2. The proposed development would represent an over development of the site, having regard to the relative space around the dwelling compared to the general space standards within this established housing estate, contrary to the provisions of policy D1 and H3 of the Monmouth Borough Local Plan.

3. The existing site plan fails to provide an accurate representation of the site, having omitted verge and fencing on the periphery of the site

5.1.2 Whilst mindful of the above, as a result of its location and position, the principle of developing the site for residential purposes is considered acceptable subject to a number of material considerations. The key considerations with regards to the application have been determined as design; highway safety and rights of way; residential amenity and affordable housing provision.

5.2 Design

5.2.1 The application seeks consent to develop a modest two bedroom bungalow on the northern side of Ebbw Road which forms part of an established residential area of Caldicot. Although there are a mix of house types and designs in the vicinity, the properties either side of the site (4 and 5 Ebbw Road), in relation to which the development would be predominantly viewed, are single storey bungalows of a similar design, size and scale to that proposed.

5.2.2 Whilst it is appreciated that the proposal may result in the development of an area that was previously used as a highway junction, which adds to the site's open feel, on balance it is considered that the design, size and scale of the development proposed, in conjunction with the building's siting, that follows the established building line development proposed, would not result in overdevelopment of the plot and as a result would not be so detrimental to the overall character and appearance of the area to warrant refusal of the application on such grounds.

5.2.3 On the basis of the above the application is considered compliant with the requirements of policies S17 and DES1 of the LDP.

5.3 Highway Safety and Rights of Way

5.3.1 Following consultation with regards to the initial and re-designed scheme, the Highways Department have raised and maintained an objection to the application and have provided the following response:

"The land in question is publically maintained highway and highway rights exist over the road. The highway authority considers the highway link is necessary and provides an important highway link and would not consider the extinguishment of the highway in any circumstance. Vehicle use has been restricted for a number of years, firstly by the placement of material and more recently by the removal of the material and installation of bollards. The existing footways have remained unfettered providing pedestrian access since its construction. The road is street lit and the feeder pillar is located within the section of highway/footway in question."

5.3.2 The site the subject of the application has been laid out, constructed and used as a vehicular highway/ junction with pavement either side, serving Wentwood View to the north-west of the site. Aerial photographs of the area indicate that vehicular access over the land was restricted prior to 2000 with all vehicular access to Wentwood View now gained via a junction with Church Road to the north-east. However, pedestrian movements have been maintained across this site. Despite this, Land Registry records for the plot indicate that the site is owned by the applicant and as a result it is within his right to submit an application for assessment and consideration.

5.3.3 Whilst it is acknowledged that site forms part of the publically maintained highway over which associated highway rights exist, the granting of planning permission to develop the site would not supersede these rights. Before any works could commence, the applicant would be required to apply to the Authority to extinguish the highway. Such an application could be refused which in turn would sterilise the development. The granting of planning permission on its own is not sufficient justification to extinguish a highway.

5.3.4 With regards to the specific details of the proposal, the plans submitted detail that vehicular access to the site would be gained from Ebbw Road with two parking spaces provided to the front of the property. Whilst an objector have raised concerns with regards to the provision of another point of access onto Ebbw Road and the potential increase in traffic that would be generated, in this instance it is considered that the increased number of vehicle movements generated by the development would not be so detrimental to the highway safety and free flow of traffic within the area to warrant refusal of the application on such grounds.

5.3.5 Due to the site forming part of the public highway it has become an established pathway for residents. The Council's Rights of Way Officer has raised an objection to the initial plans on the grounds that the whole of the proposed site including both walkways is adopted highway and the

proposal would extinguish the pathway. Furthermore there is a strong possibility that the site carries unrecorded public rights of way

5.3.6 In light of the above objection, amended plans have been received which indicate the maintenance of an 2m wide path along the south-western boundary of the site. This would maintain a pedestrian link between Ebbw Road and Wentwood View.

5.3.7 On the basis of the above, in light of the amendments to maintain pedestrian access across the site and the proposed provision associated with the development, it is considered that the proposal would not be detrimental to the highway safety and free flow of the application and is compliant with the requirements of policy S16, MV1 and MV3 of the LDP.

5.4 Residential Amenity

5.4.1 As part of the public consultation response, concerns have been raised that the development would have a detrimental impact on the residential amenity of those living closest to the site.

5.4.2 Based on the orientation of the site, the single storey design of the proposal, and its position within the plot, it is considered that the development would not generate an increased level of overshadowing or loss of light detrimental to those living closest to the site.

5.4.3 The dwelling has been designed to ensure that all habitable room windows overlook the front and rear garden of the proposed site. Although the principal access and bathroom window would be provided in the north-eastern (side) elevation, the impact of these would be screened by an existing fence and large garage along the south-western boundary of number 4 Ebbw Road, which is outside the applicant's ownership or control. Although there are a number of dwellings in Wentwood View to the north-west and north of the site which overlook the site, being mindful of the single storey height of the proposal relative to the two storey dwellings in Wentwood View, and existing and proposed boundary treatments, it is considered that the development would not generate an increased level of overlooking or infringement of privacy significantly detrimental to the amenity of those living closest to the site.

5.4.4 On the basis of the above, the application is considered compliant with the requirements of policies S17 and EP1 of the LDP.

5.5 Affordable housing

5.5.1 Policy S4 of the LDP specifies 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. As this site falls below the threshold at which affordable housing is required on site, a financial contribution of £9,982 has been sought. Following consideration the applicant has confirmed that they are willing to enter into a Section 106 agreement to make the contribution. The application is therefore compliant with the requirements of the policy.

5.6 Response to the Representations of Third Parties

5.6.1 As part of the public consultation process, a number of respondents have identified that there are a number of major services beneath the site such as water, sewers, gas, electricity and telecoms. All of these matters have been brought to the attention of the applicant who believes they have altered the size and position of the dwelling to accommodate all the necessary buffers. The provision of services beneath a site does not prevent the granting of planning permission. However, neither does it supersede rights with regards to such the apparatus. Should it become apparent that the site is not capable of being developed in its current form due to the location of apparatus the applicant would either need to pay for a diversion of the service or submit a new application for planning permission or Section 73 amend any approved plans.

5.6.2 Following comments with regards to landownership, the redline boundary of the site has been amended to make the development consistent with the land registry title plan for the site.

5.6.3 Although the development of the site would generate increased number of vehicle movements, it is considered that the increase generated by the development would not be so detrimental to warrant refusal of the application on such grounds.

5.6.4 In relation to design and the loss of the open space, it is considered that the existing arrangement and layout of the site limits its benefit and that the development of the site for a dwelling of the design proposed would not result in overdevelopment of the plot, detrimental to the character and appearance of the area.

5.6.5 Given the position, size, scale and design of the dwelling in conjunction with the orientation of the site, it is considered that the development would not generate any increased level of overshadowing, loss of light, increased overlooking or infringement of privacy.

5.6.7 Concerns with regards to access to maintain an existing fence line is a private matter between the relevant landowners, within which the Council cannot be involved. However the amended site layout plan indicates that a minimum distance of 1m would be maintained between the proposed dwelling and the boundary of 4 Ebbw Road to the north-east

5.7 Conclusion

5.7.1 In conclusion, the provision of a new dwelling of the massing and design proposed is considered to be in keeping with the street scene within which it is located and the wider established residential area. It is considered that the position of the dwelling and windows have been carefully located so as not to have a detrimental impact upon the privacy of neighbouring properties, in accordance with LDP Policies DES1 and EP1. Sufficient parking provision has been provided whilst also retaining sufficient amenity space. The proposal is therefore considered acceptable, subject to conditions, and recommended for approval.

5.7.2 Although the site forms part of the public highway and contains a number of services, these matters been brought to the applicant's attention. Prior to the commencement, the developer would be required to apply to the Highway Authority and relevant service provider to extinguish the highway or alter or move the facility if they cannot be accommodated as part of the approval.

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

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

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

1. To provide a financial contribution of £9,982 toward the provision of affordable housing in the locality.

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 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

4 Notwithstanding the details of the approved plans, prior to the commencement of development, details, design and the proposed materials of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the area, in accordance with the requirements of the policy DES1 of the Monmouthshire County Council Local Development Plan.

5 No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

REASON: To ensure no surface water drains onto the highway and to ensure compliance with LDP Policy MV1.

6 No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is/are first occupied.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy EP5.

7 Before the approved development is first occupied the parking spaces shall be constructed in accordance with the approved plan.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.