

**Application Number: DM/2018/01784**

**Proposal:** Erection of two, two-bedroom semi-detached houses

**Address:** 72, The Close, Portskewett, NP26 5SN

**Applicant:** Ms. Emma Reid

**Plans:** All Proposed Plans

**RECOMMENDATION: REFUSE**

Case Officer: Helen Hinton

Date Valid: 23.11.2018

**1.0 APPLICATION DETAILS**

- 1.1 This application was originally reported to the Council's Planning Application Delegation Panel on 13<sup>th</sup> February 2019. Following a site visit and consideration of the report, Members resolved to refer the matter to the Planning Committee for further consideration.
- 1.2 The application was presented to Planning Committee on 5<sup>th</sup> March 2019 (a copy of the original report is reproduced below).
- 1.3 At that meeting Members resolved that they were of a mind to refuse planning permission for the development on the basis of design and overdevelopment of the plot.
- 1.4 On the 19<sup>th</sup> March 2019, the Authority received notification from the Planning Inspectorate that an appeal, on the grounds of non-determination, had been submitted and made valid. Under the dual jurisdiction allowances granted by the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015, the Authority has until the 10<sup>th</sup> April to determine the application.
- 1.5 Whilst during the planning application procedure, the Applicant indicated that they were willing to make a commuted sum provision towards the development of affordable housing in the area, following the instigation of the appeal it is necessary to introduce a further reason for refusal on the grounds that the applicant has failed to provide a draft Unilateral Undertaking to secure the commuted sum provision.
- 1.6. On the basis of the above, the following three reasons are considered representative of the views expressed by Members:
  1. The dwellings proposed, as a result of their external appearance, mass and scale, would fail to be in keeping with the existing form and scale of the dwellings adjacent to the site. As a result the development would be out keeping with the character and appearance of the area and would have an unacceptable impact on local amenity, contrary to the requirements of policies EP1 and DES1 of the Monmouthshire County Council Local Development Plan (LDP).
  2. Owing to their scale and layout, the proposed dwellings would represent an overdevelopment of the plot, in that insufficient amenity space would be retained around the dwellings in comparison to the general pattern of development in the locality. The dwellings would therefore fail to respect the existing form, massing and layout of the area, contrary to the requirements of policies EP1 and DES1 of the Monmouthshire LDP.
  3. The applicant has failed to provide a Unilateral Undertaking to secure a commuted sum to be used for the provision of affordable housing within the County, contrary to the requirements of LDP Policy S4 – Affordable Housing Provision and the associated Affordable Housing Supplementary Planning Guidance March 2016.

## PREVIOUS REPORT to meeting of Committee held on 5 March 2019

### 1.0 APPLICATION DETAILS

1.1.1 Full planning permission is sought for the development of two dwellings on land forming part of the residential curtilage of 71 and 72 The Close, Portskewett.

1.1.2 The plans submitted in support of the application, detail the development of a pair of semi-detached, two and half storey dwellings, each measuring 4.75m wide, 10m deep at ground floor level and 7.1m deep at first floor level with a maximum height of 8.1m falling to 4.6m at eaves level. The dwellings would be positioned 1m to the south-east of 72 The Close and would be positioned 4m behind the established building line of 70-72 The Close. An area of off street parking for four vehicles, accessed from The Close would be provided to the front (north-east) of the properties. Internally the accommodation would comprise a kitchen-diner; living room and WC at ground floor level with a bedroom an ensuite bathroom at first floor and within the loft space. Externally the dwelling would be finished with rendered elevations, uPVC windows and doors and composite slate tiled roofs.

#### 1.2 Site Appraisal

1.2.1 The application site comprises a wedge shaped parcel of land with a road frontage of 14.4m and a maximum depth of 30m. As specified above, the land forms part of the residential curtilage of 71 and 72 The Close.

1.2.2 The application site and area as a whole are positioned on a slope falling gently from north-west to south-east and north-east to south-west. As a result the plot is set below the level of 1 The Close to the north, is slightly below the internal floor level of 72 to the north-west and is raised in relation to 21 Manor Way to the south-east and Portskewett and Sudbook Recreation Centre to the south. The boundaries of the application site are currently defined by close boarded fences. Access to the Recreation Centre is gained via a lane immediately adjacent to the south-eastern boundary of the site.

1.2.3 The dwellings surrounding the site are of a mix of architectural styles, design and external finishes. A variety of plot sizes are also evident.

1.2.4 The site is unallocated and located within the settlement development boundary of Portskewett as defined by the proposals map of the Monmouthshire Local Development Plan (LDP). The site is outside of but immediately adjacent to the C1 Flood zone as defined by the Development Advice Maps (DAM) of Technical Advice Note (TAN) 15: Development and Flood Risk (2004).

1.2.5 The application is before Members having been referred to Committee by the Council's Delegation Panel, which considered the application on 13th February 2019.

### 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision Date
DM/2018/00958	Building two new four bed semi-detached houses in the garden of 72, The Close, Portskewett.	03.08.2018 Withdrawn
DC/2002/00517	uPVC Conservatory to Side Elevation	19.06.2002 Approved

### 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  
MV1 LDP Proposed Developments and Highway Considerations  
EP1 LDP Amenity and Environmental Protection  
DES1 LDP General Design Considerations

### 4.0 REPRESENTATIONS

#### 4.1 Consultation Replies

**Portskewett Community Council** - Recommends refusal on the grounds of highway safety

**MCC Highways** - No objections but additional information requested with regards to the relation of the telegraph pole and street lamp and the constructional make up of the parking area.

**MCC Affordable Housing** - A commuted sum of £19,964 toward the provision of affordable housing within the County is requested.

**Glamorgan Gwent Archaeological Trust** - The proposal will require archaeological mitigation

**Natural Resources Wales** - As no development is going to take place within the recognised flood plain area, we have no objection to the application as submitted.

**Dwr Cymru - Welsh Water** - Advice provided regarding the position of apparatus in the area.

#### 4.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. One letter of representation has been received and is summarised as follows:

The site is positioned on a corner, on a gradient.

The parking in the area is out of control i.e. parking on pavement, no free movement for mothers with small children and pushchairs able to pass in safety, having to use the road. This would be exacerbated by more vehicles accessing this corner, where in the past there has been a number of accidents causing injuries and property damage.

### 5.0 EVALUATION

#### 5.1 Principle of the proposed development

5.1.1 The application seeks full planning permission for the development of a pair of semi-detached dwellings to the side of 72 The Close, Portskewett. The application site forms part of the garden of two existing dwellings (71 and 72) within an established residential area. It is unallocated and within the settlement boundary of Portskewett as identified by the Local Development Plan (LDP). Policies S1 and H1 presume in favour of new residential developments in such locations. As a result the principle of developing the site for residential purposes is considered appropriate relative to the context and subject to the application satisfying a number of material considerations. The key considerations with regards to the proposal are: design; highway safety; residential amenity; affordable housing and archaeology.

#### 5.2 Design

5.2.1 The proposed properties would comprise two, two-bedroom, two and half storey dwellings. Although the plot is smaller than some in the area, it is considered large enough to accommodate the properties with adequate off street parking and a modest amount of amenity space. The dwellings have been designed to have a width, depth and ridge height comparable to number 72. Although the positioning of the dwellings, 4m back into the site does break the building line established by 70-72, such a position is necessary to accommodate the required number of off street parking spaces.

5.2.2 It is considered that proposal would not result in over development of the plot. Being mindful of the mix of architectural styles and external finishes in the immediate vicinity, it is considered that the development would not be significantly detrimental to the overall character, appearance or pattern of development in the area. The siting of two new dwellings on this site is considered to be an efficient use of land in this predominantly residential area and as a result, the proposal accords with the objectives of Policy DES1 of the LDP.

### 5.3 Highway Safety

5.3.1 The MCC adopted parking standards requires two off street parking spaces to be provided for each dwelling. These can be accommodated on the area to the front of the dwellings with access gained from The Close.

5.3.2 As part of the consultation process a resident and the local Community Council have raised an objection to the development on the grounds of highway safety. The resident advises that parking in the area is already a significant issue with high levels of on street parking evident. They also allege that the junction to the north-east of the site has also been the subject to a number of traffic collisions. The Community Council have provided the following response:

"The access to the properties would be located near a corner where poor visibility is already an issue. Parking on Manor Way and The Close in the vicinity of the development is an ongoing issue which has already led to vehicular accidents and personal injury. The proximity of the development to the junction of Manor Way and Portskewett and Sudbrook Recreation Hall access road is of concern as visibility is poor on this junction and is further exacerbated by parked cars."

5.3.3 In response the Council's Highways Team have provided the following information:

"The current submission demonstrates that the proposed development has been scaled down to address highway concerns made in respect of car parking provision. Each dwelling now consists of 2 bedrooms and in accordance with the Monmouthshire Parking Standards each dwelling has the provision for 2 off-street car parking spaces with sufficient depth (5.5m) to prevent any vehicle overhang on the adjacent footway. Based on these revisions, the access and parking provision is acceptable.

The Highway Authority is aware that concerns have been raised over the principle of creating vehicular access at this location. It should be noted that there are no highway grounds to sustain an objection to the creation of a vehicular access at this location. The Close is a typical 'no through' residential estate road with vehicular access points throughout the estate serving existing residential dwellings. As such the design criteria for a vehicular access and off-street car parking provision at this location can be achieved in the same vein as existing residential dwellings."

5.3.4 Notwithstanding the above, the Highway Officer has identified that insufficient detail has been submitted with regards to the relocation of a telegraph pole which has a street lighting bracket arm and lantern attached to it and the construction make-up of the proposed parking area. It is considered, however, that these details could be adequately secured by condition.

5.3.5 Whilst concerns regarding highway safety as a result of the proximity of the proposed parking area to the junction is acknowledged, in this instance it is considered that the provision of an open boundary adjacent to The Close in order to allow vehicular access to the site, would discourage on-street parking across the width of the plot, which in turn could improve visibility for vehicles exiting the recreational ground junction and those climbing the hill past the site towards the bend. Being mindful that The Close and Manor Way are no-through cul-de-sacs, it is considered that the highway has sufficient capacity to accommodate the vehicle movements generated by the proposal and relative to the existing arrangement, the proposal would not be so detrimental to the highway safety and flow of traffic in the area to warrant refusal of the application on such grounds. Subject to conditions requiring the parking spaces to be provided prior to

beneficial occupation; details of the relocation of the telegraph pole and lamp; and the construction of the parking area being submitted, it is considered that the development proposed is compliant with requirements of Policy MV1 of the LDP.

#### 5.4 Residential Amenity

5.4.1 Concerns were initially raised with regards to the impact of the development on the residential amenity of 72 the Close as a result of increased overshadowing and loss of light. Such concerns have been alleviated by reducing the depth of the dwellings at first floor level and above. Although the development would cross the 25 and 45 degree light angles for the windows in number 72 closest to the site, being mindful of the south facing orientation of the existing rear elevation, it is considered that the increased level of overshadowing and loss of light experienced would not so significant or detrimental to warrant refusal of the application on such grounds.

5.4.2 The windows provided in the front elevation of the dwellings would overlook the gable elevation of number 1 The Close to the north, which is set at a slightly higher internal ground floor level relative to the application site. Although there are ground floor windows provided in that southern elevation of 1 The Close, these serve an integral garage. With regards to the impact on 21 Manor Way, it is considered that the position of the proposed rear elevation relative to the front elevation of the 21 Manor Chase would be of an obscure enough angle to prevent a level of direct overlooking or loss of privacy, detrimental to amenity

5.4.3 Following direct neighbour notification, no objections or representations have been received with regards to design or impacts on amenity. On the basis of the above, the application is considered compliant with the requirements of policies DES1 and EP1 of the LDP.

#### 5.5 Affordable Housing

5.5.1 Policy S4 of the LDP identifies that in the Severnside area development sites with a capacity for 5 or more dwellings will make provision for at least 25% of the total number of dwellings on the site to be affordable. In this instance it is considered that the site is only capable of providing two additional dwellings. As the site has a capacity below the thresholds set out, the developer will be required to make a financial contribution towards the provision of affordable housing in the local planning authority area. Following consultation the Affordable Housing Officer has requested a commuted sum contribution of £19,964. The applicant has confirmed that they are willing to enter into a Section 106 legal agreement to make such a contribution. The application is therefore considered compliant with the requirements of policies S4 of the LDP.

#### 5.6 Archaeology

5.6.1 The application site falls within an Archaeologically Sensitive Area (ASA). Following consultation, Glamorgan Gwent Archaeological Trust has provided the following response:

"The site is located within the Archaeologically Sensitive area of the Gwent Levels and is less than 50m from the Scheduled Monument of Harold's House (Site of) Cadw reference MM029. The scheduling description notes the likely 11th century foundation of the site as a hunting lodge and later manorial complex. The description also notes likely survival of related features outside the Scheduled Monument boundary, as well as the Medieval church to the immediate east there would have been other elements to the focus of the settlement. Access to the area may also partly have been via a tidal inlet. Archaeological work outside the boundary has identified remains of structures and finds of post medieval and medieval date; the proposed development has the potential to encounter archaeological remains.

Having considered the nature of the proposed development, we note that the area has undergone some disturbance associated with the existing extension and by services. Therefore we do not consider an evaluation to be appropriate and in order to mitigate the impact of the development on the archaeological remains we recommend that a condition, for a programme of archaeological work, taking the form of an archaeological watching brief during the ground works required for the development, including below ground works association with the demolition of the extension, should be attached to any consent granted."

5.6.2 Based on the above information a condition requiring such a watching brief to be undertaken is considered necessary and compliant with the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017).

## 5.7 Response to the Representations of Third Parties and the local Community Council

5.7.1 A member of the public and the Community Council have both raised objections to the development on the ground of highway safety. In this instance, being mindful that The Close is a no through road with numerous vehicular access points throughout the estate, it is considered that there are no highway grounds to sustain an objection to the proposal. Furthermore it is considered that opening the northern boundary of the site adjacent to the highway may inhibit on street parking outside the site which in turn would enhance visibility for those leaving the recreation road junction and those approaching the bend further up the hill to the north-west of the site.

## 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 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.

## 5.9 Conclusion

5.9.1 In light of the above, it is considered that the principle of residential development of this site is acceptable and that its development for residential purposes would be compatible with surrounding land uses. It is also considered that the proposed dwellings, relative to the context, would not be significantly detrimental to the character, appearance and pattern of development of the area or the residential amenity of those living closest to the site. Furthermore, subject to conditions it is considered that the proposal would not be so detrimental to the highway safety and free flow of traffic in the area, to warrant refusal of the application.

5.9.2 On the basis of the above the application is considered compliant with the relevant policies of the LDP and is recommended for approval subject to conditions and the applicant entering into a Section 106 Legal Agreement.

## **6.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

1. A commuted sum of £19,964 towards affordable housing provision within the County.

S106 Heads of Terms

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 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 dwellings 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.

4 Prior to the commencement of development, details of the constructional make-up of the proposed parking area to include surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be retained as such thereafter in perpetuity.

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

5 Prior to the commencement of development, details of the relocation of the existing telegraph pole and lamp, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the relocation of the telegraph pole and lamp has been carried out in accordance with the approved plans and the revised position shall be maintained as such thereafter.

Reason: In the interests of visibility, highway safety and free flow of traffic using The Close in accordance with the requirements of Policy MV1 of the LDP.

6 No occupation of the proposed dwellings shall take place until the car parking areas have been provided in accordance with the approved plan. The area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure adequate provision is made for the parking of vehicles and to ensure compliance with LDP Policy MV1.

7 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.

8 Notwithstanding the details of the approved plans, no development shall commence until details of the design, height and materials of all boundary treatments have been submitted to and approved in writing by, the Local Planning Authority. The approved means of boundary treatment shall be implemented before the respective dwelling is completed or occupied whichever is the earlier, and retained in perpetuity.

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

9 No development shall take place until the developer has secured agreement for a written scheme of historic environmental mitigation which has been submitted to and approved in writing by the Local Planning Authority, Thereafter the programme of works shall be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource. In accordance with the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017)