

DC/2018/01801

ERECTION OF ONE DWELLING

12 ELM AVENUE, UNDY

RECOMMENDATION: APPROVE SUBJECT TO S106 AGREEMENT

Case Officer: Kate Young
Date Registered: 30/10/18

1.0 APPLICATION DETAILS

- 1.1 This full application for a detached two storey dwelling in the rear garden of 12 The Elms was presented to Members of Planning Committee at the meeting on the 8th January 2019 with a recommendation for approval. Members deferred consideration of the application to a future meeting to allow officers to liaise with the applicant with a view to reducing the proposed dwelling's scale and height and to address issues of the overlooking of Carreg Goch and dwellings at numbers 11 and 12 Elm Avenue, and any overbearing impact on those properties.
- 1.2 Following negotiations with officers, the applicant has submitted amended plans and all interested parties have been re-consulted. The application is now represented to Committee with a recommendation for approval subject to conditions and a 106 legal agreement for the provision of affordable housing in the local area. The previous committee report is attached below.
- 1.3 The alterations to the scheme are as follows:
- A) The scale of the proposed dwelling has been reduced and now the property would measure 6.6 metres by 9.2 metres and 7.2 metres in height to the ridge. The previous scheme measured 9 by 9 metres and 8 metres in height to the ridge. In addition the proposed floor level of the proposed dwelling is now 200mm lower than the previous scheme, and this combined with the lower ridge height, gives an overall reduction in height of 1.4m
 - B) The double garage has been removed and off street parking spaces are being provided; three for the proposed dwelling and three for the existing
 - C) The property has been moved further back into the plot, further from the road
 - D) With regards to the first floor bedroom window on the front elevation, the glazing to the lower section will now be of obscured glass. An additional window to that bedroom is now proposed on the side elevation facing towards no 12 Elm Avenue.
 - E) The proposal is now for a three-bedroom dwelling while the original proposal was for a four-bedroom one.
- 1.4 Officers have re-consulted the statutory consultees and the neighbouring parties on the amended scheme.

2.0 Representations Received after the January Committee and relating to the amended plans

2.1 Consultations Replies

MCC Highways - No Objection. The Applicant has provided an amended drawing – Drg. No. 2273/2C, in which the extents of the proposed drop kerbs and footway strengthening works have been detailed and the proposed parking bay sizes amended to conform to the requirements of MCC Parking Guidelines standard SPG as requested.

Welsh Water- We request that our previous comments dated 19th December are upheld.

MCC Housing - The new calculation for affordable housing is slightly more. £13,636. This is due to house prices in relation to ACGs.

MCC Biodiversity - Our previous comments are still applicable.

2.2 Neighbour Notification

Objection letters received from three addresses following re-consultation on the amended plans.

Close to adjoining properties
Development too high
General dislike of proposal
Inadequate access
Inadequate parking provision
Increase in traffic
Loss of light
Loss of privacy
More open space needed on development
Noise nuisance
Out of keeping with character of area
Over development
Strain on existing community facilities
Loss of Sunlight to neighbouring properties
Loss of views over the Severn Estuary
Will see the side elevation of the proposed dwelling
Overbearing impact on neighbouring dwelling due to elevated position
Loss of privacy
Out of keeping with the character of surrounding properties
Exacerbates the problems with the water pressure
Undy, as a village, is being over-developed
This plot is unnecessary as hundreds of new homes are being built at Rockfield Farm
Amendments mean that the proposal will now be closer to no 11 Elm Avenue
Overlooking neighbour's garden
Out of keeping with the character of Elm Avenue
Adverse impact on the parking provision on Elm Avenue
Loss of garden to host property
Carreg Goch is incorrectly shown on the site plan
Incorrect measurements.

3.0 **Evaluation of amended scheme**

3.1 This evaluation relates only to the issues raised by the amendments to the scheme; all other issues raised in the previous report (attached below) remain relevant.

3.2 Reduction in Scale

The proposed property has been significantly reduced in scale and height in line with Members' request. The main reduction has been to the depth of the property, from front to back. Initially this was proposed to be 9 metres, the amended plan indicates this to be 6.6 metres. The width of the property has increased slightly from 9 metres to 9.2 metres. The attached double garage has been removed from the scheme and this reduces the footprint of the building significantly. The main difference has been the reduction in the ridge height. By altering the design and lowering the floor level by 200mm, the total reduction on the ridge height is 1.4 metres. The number of bedrooms has been reduced from four to three. The proposed design of the dwelling is appropriate for the site and the resultant dwelling would not harm the character and appearance of the area. The development would be in accordance with Policy DES1 of the LDP.

3.3 Position in the plot

The footprint of the dwelling has been moved back within the plot in a westerly direction. The original submission showed the main front elevation (excluding the porch) to be 2.9 metres from the edge of the carriageway the amended plan shows this to be 6.2 metres from the edge of the carriageway. The amended layout therefore shows the footprint of the proposed dwelling to be further away from Carreg Goch but this has resulted in it being closer to the rear garden to 11 Elm Avenue. At its closest point the rear elevation of the proposed dwelling would be approximately 11 metres from the rear boundary of the garden to no. 11 Elm Avenue. At its nearest point, the front elevation of the proposed dwelling would be approximately 17 metres from the side elevation of Carreg Goch.

3.4 Alterations to the windows

There is concern about the first floor window to the bedroom in the north-east corner of the proposed dwelling which would look over the close-boarded fence on the boundary of Carreg Goch toward the ground floor living room. To overcome this concern it is proposed that this window would be entirely obscure glazed. This would have to be conditioned to ensure that it remained so in perpetuity. To remove the window completely would have an adverse impact on the design of the new dwelling giving it an asymmetrical appearance. In order to compensate for the loss of light and outlook a small additional window has been added to the side elevation.

3.5 Parking Provision

The attached double garage has been removed from the scheme. The proposed scheme provides three off street parking spaces for the new dwelling. In addition three off-street parking spaces have been provided for the existing dwelling at 12 Elm Avenue. This represents a net benefit for the existing house which currently has off-street parking provision by way of the undersized single garage. The parking provision for the proposed development accords with the adopted Monmouthshire Parking Standards.

3.6 Accuracy of the plans

The neighbours have questioned the accuracy of the submitted plans especially with regard to the distance of the proposed dwelling to the side elevation of Carreg Goch. The agents have submitted a topographical Survey prepared by an independent specialist surveying company. Officers believe this to be correct. Members were able to see the relevant distances when they attended the site visit prior to the January meeting. If there are any inaccuracies these are likely to be minimal - in the terms of a few millimetres - and not so significant as to alter the outcome of the planning application. The submitted plan indicated that there is approximately 17.9 metres between the centre of the first floor bedroom window of the proposed dwelling and the side elevation of Carreg Goch

3.7 Affordable housing contribution.

Policy S4 of the LDP requires that all new housing developments contribute to affordable housing within the County. Single dwellings are required to make a financial contribution for this and the amount will depend on the size and location of the proposed dwelling. The original scheme required a financial contribution of £13,230 to be secured through a section 106 Legal Agreement. The amended scheme, because of how the contribution is calculated in relation to house prices and ACG's would require a contribution of £13,636.

3.8 Response to neighbour objections.

The property that objected to the loss of sunlight making its rooms darker is located approximately 21 metres to the north east of the proposed dwelling and is situated in a more elevated position than the proposed dwelling so will not suffer from a significant loss of sunlight to its habitable rooms. Concerns over the loss of a view is not a material planning consideration. The privacy issue towards Carreg Goch has been addressed within the amended proposals: the obscure glazing and distance between the proposed and existing

dwelling means that there will be no significant loss of privacy for the occupiers of Carreg Goch, The amended scheme does result in the proposed dwelling being closer to the rear garden of 11 Elm Avenue. The proposed dwelling will be a minimum of 11 metres from that garden and set at a higher level. Despite this change in levels, the proposal will not have an overbearing impact given its distance from the end of the garden and the dwelling itself. The proposed dwelling will be to the north-east of the garden of no. 11 so will not result in loss of sunlight to that garden. The host property still maintains a reasonable amount of garden space. The garden remaining for no. 12 Elm Avenue will be at least 10 metres by 13 metres. Adequate parking is being provided for the new dwelling and the existing dwelling will benefit from three new parking spaces, improving the parking situation along Elm Avenue. All other issues raised by the neighbours have been addressed in this report and the previous report which is attached.

3.10 Conclusion

The principle of erecting a new dwelling in this location is acceptable. The site is within the Magor with Undy Development Boundary and is of sufficient size to accommodate the dwelling. The amendments that have been made to the scheme, at the request of Members, means that the design of the proposal accords with the objectives of policies DES1 and EP1 of the LDP in that it will deliver a high quality dwelling in a sustainable location which contributes to the sense of place. The dwelling reflects the mixed character of house styles in this residential area. The amendments ensure that the proposal will maintain reasonable levels of privacy and amenity to the occupiers of existing dwellings. Officers re-present this application with the amended plans and one additional condition requiring that the obscure glazing on the first floor window remain as per the plan in perpetuity.

Proposed additional condition:

The bedroom window on the front elevation as shown on plan 2273/3c dated 18/02/19 shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

Previous report to Planning Committee on 8th January 2019

1.0 APPLICATION DETAILS

1.1 This is a full application for the erection of a two-storey detached dwelling in the rear garden of 12 The Elms. The proposal seeks the demolition of the existing garage and the provision of six new parking spaces from Elm Avenue as well as a double attached garage for the new property. A one metre high close-boarded fence would be erected between the existing and proposed dwelling. The site area measures 391 square metres. The footprint of the new dwelling (minus the garage) would be 9 metres by 9 metres and 8 metres in height to the ridge.

1.2 The site is located within the Magor and Undy Development Boundary.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S4 LDP Affordable Housing Provision

S1 LDP The Spatial Distribution of New 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

4.0 REPRESENTATIONS

4.1 Consultation Replies

Magor and Undy Community Council: response not yet received.

MCC Highways have no objection in principle to the development proposal; however, the Applicant should note the following:

Application drawings submitted for consideration should clearly define the extent of drop kerbs required for the proposed access arrangement off Elm Avenue. The Applicant should note that any such drop kerbs required are to be to MCC standards;

Application drawings submitted for consideration should clearly define the extent of the footway crossover strengthening works required for the proposed access arrangement off Elm Avenue. The Applicant should note that any such footway crossover strengthening works required are to be to MCC standards;

The proposed parking bays depicted on Drg. No. 2273/2 are too narrow. MCC Parking Guidelines standards require parking spaces to be 4.8m x 2.6m [N.B. This has since been addressed in an amended plan].

Welsh Water - No Objection.

Having reviewed the submission, we note that the applicant is proposing to discharge surface water to soakaway and SuDS. We are satisfied with this proposal as the sewers surrounding the site are for foul water only. DC-WW outlines conditions it wishes to be imposed if consent is granted.

MCC Ecology:

I have reviewed the photographs, part A and surrounding landscape via aerials and the SEWBReC data, subject to this I can confirm that we do not require any further bat assessment of the garage. I take it the tree identified in the existing plans has been removed, (stump in photo?). If not, some photographs to illustrate if there is any bat roosting potential would be required prior to felling.

In terms of other ecological impacts, the photographs show that there may be potential for common reptile species and nesting birds, given the garden status and stored materials present. I would recommend the following informative notes.

NESTING BIRDS - Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

Reptiles - Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and

an appropriately experienced ecologist must be contacted immediately.

4.2 Neighbour Notification

Objection letters received from five addresses

Loss of privacy to living room and garden

Over-development of site

Exacerbate problems with low water

pressure in the mains Poor drainage in the area

Removal of metal bollard at the end of Elm Avenue will increase traffic on Tump Lane

Concerned over family's safety as vehicles could travel at 30mph through our fence

The proposed dwelling will occupy an elevated position

Loss of views of the apple tree

Loss of privacy to home and garden

Visually dominant

General over development of this area

Takes away the open appearance of neighbouring property

Problems in the area with sewerage and drainage

Strain on resources, services and roads

Will block out the sky

Would be better as a single storey dormer bungalow

Out of keeping with the character of the area; too large

The barrier at the end of Elm Avenue was previously knocked down by construction traffic. Need confirmation that Elm Avenue will remain as a cu-de-ac, as through-traffic would be dangerous

It will dominate the host property

The proposed dwelling will be in an elevated position, the front door and windows will overlook the neighbour's property

Block light to neighbouring property Dumpsie Dingle.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site is located within the Magor with Undy Village Development Boundary within which both LDP policies S1 and H1 presume in favour of new residential development subject to detailed planning considerations. Magor with Undy is considered as one of the Severnside settlements for the purposes of policy S1. The plot is of adequate size to accommodate a new residential dwelling with associated parking provision and amenity space. The principle of new residential development in this location is therefore acceptable. The proposed dwelling would be seen more in the context of Tump Lane than that of Elm Avenue. Elm Avenue is characterised by large, semi-detached ex-council houses but the proposed new dwelling will not impact on the character of the street scene of Elm Avenue. The properties along this part of Tump Lane are made up of various styles, some having been constructed relatively recently.

5.2 Affordable Housing

5.2.1 Policy S4 of the LDP requires that all new housing developments contribute to affordable housing within the County. Single dwellings are required to make a financial contribution for this and the amount will depend on the size and location of the proposed dwelling. In this case the financial contribution required for a four-bedroom dwelling of the size indicated would be £13,230 that would be secured through a section 106 Legal Agreement.

5.3 Highway Safety

5.3.1 The site would have vehicular access from Elm Avenue. At present, the existing property has vehicular access into a single garage off Elm Avenue. This would be removed and parking provision for both the existing and proposed dwellings would be provided between the dwellings adjacent to the highway. There is no indication or intention that the metal barrier between Tump Lane and Elm Avenue will be altered or removed as part of this proposal. The proposal will result in one additional dwelling being provided. Elm Avenue, a wide cul-de-sac, has sufficient capacity

to accommodate the traffic resulting from one additional dwelling.

5.3.2 The adopted Monmouthshire Parking Guidelines recommend one off-street parking space per bedroom up to a maximum of three. The site plan submitted as part of the application indicates that three off road parking spaces will be provided for the existing dwelling which is an improvement over the existing situation and that three parking spaces plus a double garage would be provided for the new dwelling. This would be in accordance with the guidelines. The proposal would actually improve the parking provision in the area. Access and parking provision for construction traffic during the construction phase is a temporary consideration. A condition could be imposed requiring that the access is provided before work on the dwelling commences and also a construction traffic management plan will be required that would be able to control the time and positioning of deliveries.

5.4 Design

5.4.1 It is proposed to erect a four-bedroom detached dwelling, facing onto Elm Avenue, with a porch to the front and a detached garage to the side. The dwelling would be finished in red-brown brickwork with artificial slates on the roof and there would be cills and headers to all windows on the front and rear elevations. The new dwelling would be set at the front of the plot very close to the road. This is acceptable as the proposed dwelling would be at the end of a no-through road and thus, there will not be disturbance from passing traffic. The private rear garden of the new dwelling would be a maximum of 12 metres in length and 15 metres in width. The existing dwelling would retain a private rear garden with an average depth of 10 metres. The land slopes upwards in a northerly direction so that the new dwelling would have a higher floor level than the existing dwelling but given the distance between the two this is acceptable. The new dwelling will not be over dominant as the existing dwellings to the north-west are also set at a higher level. There is no discernible, clearly-defined streetscene in this part of Elm Avenue into which the proposed new property should assimilate. Therefore the design is acceptable and complies with the objectives of Policy DES1 of the LDP. The new dwelling will be seen more in the context of the properties along Tump Lane and these comprise a mix of house types with no collective character.

5.5 Drainage

5.5.1 It is proposed that surface water will be disposed of by means of a sustainable drainage system. There is sufficient land available within the site to accommodate soakaways. Foul sewerage will go to the mains sewer. Welsh Water are satisfied with this arrangement and offer no objection.

5.6 Water Pressure

5.6.1 Welsh Water have commented on the application with regards to foul and surface water. They have not indicated that there is an issue with the water supply in the area.

5.7 Residential Amenity

5.7.1 This is a residential area and the plot is surrounded on all sides by residential properties. Immediately to the south of the site is the host property, 12 Elm Avenue, its rear elevation faces into the plot. The rear elevation of the host property faces towards the side elevation of the proposed single story garage. The orientation of the proposed dwelling and the shape of the plot mean that the rear of the existing dwelling does not look directly towards the proposed dwelling. There would be one small ground floor window, serving a habitable room on the southern elevation and this would be looking towards the parking area and not towards the host property itself. Both properties would have sufficient private amenity space in the form of rear gardens.

5.7.2 To the south west of the plot is the rear garden of no.11 Elm Avenue. This garden is set at a lower level than the proposed dwelling. There is a mature hedge along the common boundary. The proposed dwelling is at least 12 metres from the common boundary. It will be set at an oblique angle and will only overlook the very end of the neighbouring garden. To the northern side of the plot is Tump Lane and beyond that is a bungalow that forms part of a plot that is currently subject to an outline application for two new dwellings (granted planning permission subject to a S106 agreement at Committee held in December 2018). One of those proposed dwellings would look straight towards this plot. There would be no first floor windows on the northern (side) elevation on

the dwelling that is the subject of this current application and in addition there is Tump Lane between the two dwellings in question. Therefore, there would be no adverse overlooking of the new dwellings in the grounds of either 12 Elm Avenue or the Slades.

5.7.3 To the east of the proposed plot is the end of Elm Avenue which has a metal barrier across it (allowing only pedestrian access). Beyond the road is a two storey brick-built dwelling, Carreg Goch. This property has one ground floor window facing into the plot. Between this window and the road is a 1.8 metre high close-boarded fence. There are no other windows on the side elevation facing towards the plot. The proposed dwelling will be set at a higher floor level than Carreg Goch and have its principal windows facing towards Carreg Goch. There is approximately 15 metres between the proposed dwelling and the existing property at Carreg Goch. Given this distance, the intervening road and the fact that the principal elevation of Carreg Goch faces towards Tump Lane there will be no unacceptable loss of outlook or loss of privacy. The first floor window on the side elevation of Carreg Goch is partly obscured by the existing close-boarded fence.

5.7.4 The proposed new dwellings would not have an adverse impact on the residential amenity of the occupiers of the neighbouring properties, and there would be no overbearing impact and no unacceptable loss of privacy as a result of this proposal. Therefore, the application accords with the objectives of policies DES1 and EP1 of the LDP.

5.8 Ecology

5.8.1 It is proposed that the mature hedge along the northern and western boundary of the plot be retained. Part of the hedgerow along the eastern boundary of the plot would be lost to accommodate the car parking. The existing garage on the site is to be demolished. MCC's ecologist does not consider that there is much potential for this garage to be used as a bat roost and no further survey work is required. There was an apple tree in the garden but this has recently been felled. The apple tree was not the subject of a Tree Preservation Order. The garden has been cultivated over many years, although there may be potential for common reptile species and nesting birds, given the garden status and stored materials present. An informative can be placed on the decision notice reminding the applicants of the requirements of the Wildlife and Countryside Act.

5.9 Response to other representations

5.9.1 Local residents are concerned that the proposal represents an over development of the plot. The application relates to a large plot. This area of Undy is characterised by similar sized dwellings on similar sized plots. The proposal will be in keeping with the prevailing character of the area. There has been some recent residential development along Tump Lane but each application has been determined on its own merits. The plot size is adequate to provide for a new dwelling. This proposal does not involve the removal of the metal bollard at the end of Elm Avenue. The bollard is outside the application site and the application makes no reference to the bollard. It has been suggested that a dormer bungalow may be more appropriate in this location, but there is no precedent for this and the area is characterised by two-storey dwellings. One additional dwelling will not in itself, put a strain on resources so as to warrant refusal of this application.

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

5.10.1 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.

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:
- a financial contribution for affordable housing.

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 Prior to work commencing on site a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. All of the works shall be carried out in accordance with the approved construction management plan.

REASON: In the interests of residential amenity.

4 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

REASON: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of the existing residents and ensure no pollution to the environment.

INFORMATIVES

1 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September

Reptiles - Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.

