

Application Number: DM/2018/02053

Proposal: Proposed detached dwelling

Address: Green Acres Vinegar Hill Undy Caldicot Monmouthshire

Applicant: Mr. & Mrs. C Williams

Plans: Other S.03 - , Elevations - Proposed 02 - A, Site Sections S02 - A,

RECOMMENDATION: Approved subject to S106 agreement

Case Officer: Mrs Helen Hinton
Date Valid: 15.01.2019

This application is presented to Planning Committee following the receipt of five or more public objections and an objection from the Community Council

1.0 APPLICATION DETAILS

1.1 Full planning permission is sought for the development of one dwelling on land forming part of the part of the residential curtilage of a detached dormer property known as Green Acres, Undy.

1.2 The plans submitted, detail the development of a detached two storey, four bedroom dwelling, measuring at its greatest 9.85m wide, 13.8m deep with a maximum height of 7.6m. The dwelling would be positioned in the southern part of a wedge shaped plot measuring at its greatest 12.8m wide and 74m deep. The proposed property would be developed immediately adjacent to the eastern (side) elevation of Green Acres and 15.2m to the west (rear) elevation of the properties in Celtic Close.

1.3 Externally the elevation of the dwelling would be finished with render and grey coloured horizontal cladding; uPVC windows and doors and a concrete tiled roof. Internally the proposed accommodation would comprise an open plan kitchen-family room; dining room; lounge; w.c. and utility room at ground floor level with four bedrooms a family bathroom and two en-suites at first floor level.

1.4 The property would benefit from an open front garden to the south with three off street parking areas and a driveway. An enclosed garden would be provided to the north (rear). The layout plan submitted indicates that the existing conifer hedge along the eastern boundary and a number of mature trees to the south and north of the dwelling would be retained.

1.5 The plot and dwelling would be accessed via a narrow private driveway to the south-west of the site, which in turn adjoins with the county highway network to the south-west. The driveway currently serves three dwellings.

Site Appraisal

1.6 The application site forms part of the residential curtilage of Green Acres, Vinegar Hill Undy. The host dwelling is a large dormer bungalow style dwelling that benefits from a very generous curtilage with an unenclosed lawn area to the south and an enclosed garden to the north and east. The eastern boundary of the site is defined by a mature but maintained conifer hedge. The plot contains a number of mature trees. Off street parking is currently provided on a driveway and hardstanding to the south of the dwelling.

1.7 The application site is located at the north-eastern end of a private cul-de-sac. Although the driveway is narrow, the site as a whole opens up after passing the eastern corner of Clementeita, with a staggered building line set back some distance from the principal vehicle access, established by Conifers, Highmead and Green Acres. The plot is positioned on a gradient that falls from north to south. The site is level with the host dwelling to the west; is below the level of the residential curtilage to the north and is raised in comparison to the residential properties Highmead and Conifers to the south-west and the properties in Celtic Close to the east.

1.8 The site and host property form part of an established residential area, with a variety of architectural styles and property types evident within the immediate vicinity.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2015/00116	Two storey extension to side of existing dwelling.	Approved	27.03.2015

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
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
DES1 LDP General Design Considerations
MV1 LDP Proposed Developments and Highway Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the

conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Magor with Undy Community Council - Recommends refusal of the application for the following reasons:

- Access/egress issues onto an already busy road
- Opposite a Safe Route to School (Tump Lane) for Undy Primary School
- The Planning Inspectorate described Vinegar Hill as a 'narrow tortuous road - with no footways and a combination of restricted visibility, substandard accesses and volume of traffic giving rise to potential hazardous conditions for road uses.' and subsequently refused an access point.

MCC Housing - A commuted sum of £15,015, toward the provision of affordable housing within the County is requested.

Glamorgan Gwent Archaeological Trust - Recommends a condition with regards to an archaeological watching brief.

MCC Highways - No objections

MCC Environmental Health - No objections

Dwr Cymru/ Welsh Water - Advice provided with regards to the position and protection of apparatus.

Wales and West Utilities - Advice provided with regards to the position and protection of apparatus.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice.

Original plans:

Six letters of objection were received with regards to the original proposal and are summarised as follows:

The proposal is less than 16 metres from rear windows of the properties in Celtic Close, detrimentally affecting outlook.

The property has been designed with the largest wall directly facing our house. This will span the width of our garden blocking out natural light and have an overbearing, imposing and oppressive impact.

The ridgeline would be 8.6 metres higher than the ground floor level of the properties in Celtic Close and will be imposing and overbearing resulting in a loss of light to the homes and gardens to the detriment of well-being.

The rear upstairs windows, 15.9 metres from dwellings in Celtic Close and 5.8 metres above rear gardens would have a clear line of sight into homes and gardens, adversely affecting privacy and amenity;

Development would create a 10m high wall within 9m of a patio area which would be overbearing and create an unpleasant space to sit;

Increased noise and disturbance due to the proximity of the proposal to the boundary;

The proposed parking area adjacent to the boundary would create increased exposure to exhaust fumes, smell, noise and disturbance. The drive gravel will exacerbate noise and disturbance which will have a negative impact on health;

Concerns regarding removal of the boundary hedge and the affect this could have on drainage and soil stability, appearance and privacy;

Vinegar Hill and Tump Lane are already dangerous enough. At peak times there is considerable traffic. Concerns raised that any additional vehicles joining Vinegar Hill at the proposed access point would increase the safety risk to pedestrians;

At the proposed access point, Vinegar Hill is only 4.1m wide with no pavement and high boundary hedges meaning that pedestrians have to walk in the roadway;

There are known drainage issues within the area;

Loss of view.

Amended Plans

Following the submission of amended plans, which have been advertised by direct neighbour notification, five letters of objection have been received and are summarised as follows:

The proposed house would tower over existing dwellings and would have an obtrusive, overbearing, imposing and oppressive impact that would have a detrimental impact on existing residential amenity;

The distances between the properties in Celtic Close and those indicated on the proposed plans are not comparable due to the negative impact of the topography of the site which is raised relative to the dwelling in Celtic Close;

Although the revised elevations remove a small section of first floor elevation the development will still negatively impact on light and outlook;

The development is still too close. The proximity and height, will generate a large intrusive house will have a detrimental impact on privacy and amenity, quality of life and happiness;

The property is unnecessarily imposing; within very close proximity to existing dwellings and would reduce natural light to existing properties.

5.3 Local Member Representations

The Local Member was notified of the application on 2 January 2019 and during later discussions. No representation has been received to date.

6.1 EVALUATION

6.2 Strategic & Spatial Choices

Principle of Development

6.2.1 The application seeks full planning permission for the development of one detached, two storey dwelling, within the residential curtilage of Green Acres, Vinegar Hill, Undy.

6.2.2 The Proposals Map of the Monmouthshire Local Development Plan (LDP) identifies that the site is unallocated and located within an established residential area within the defined development limits and community of Magor with Undy. LDP policies S1 and H1 presume in favour

of new residential development within development boundaries subject to detailed planning considerations. Being mindful of the site's unallocated status and its position within the established settlement boundary, the principle of developing a further dwelling at the site is considered acceptable and appropriate in policy terms.

Good Design/ Place making

6.2.3 The application site is located at the southern end of Vinegar Hill which contains a variety of property types, designs and styles. The proposed dwelling would be developed immediately adjacent to an existing dwelling at the north-eastern end of a private drive/ cul-de-sac that serves three other dwellings which are either single storey or dormer bungalows in design. The properties to the east of the site within Celtic Close are a conventional two storey design.

6.2.4 Although the development would constitute infilling, it is noted that the host dwelling occupies a larger than average plot, in terms of width and depth and as such is considered to be capable of accommodating an additional property.

6.2.5 Following public objection to the original proposal, amended plans have been submitted for a dwelling of a reduced size, scale and altered design. The plans submitted indicate that the proposed dwelling would be developed broadly in line with the front and rear elevations of Green Acres and would have a ridge line 0.6m lower than the existing dwelling. On balance it is considered that the position of the property in the garden to the side elevation of the existing dwelling, at the north-eastern end of the private driveway, 2m from the party boundary with the properties in Celtic Close together with the retention of the existing hedge along the eastern boundary, as indicated on the proposed layout plan, would help screen the proposal from any public vantage point. This would prevent it from being visually incongruous or so detrimental to the overall character and appearance of the area to warrant refusal of the application.

6.2.6 On the basis of the above, the application is considered compliant with the requirements of policies S17, EP1 and DES1 of the LDP.

Impact on Amenity

6.2.7 As specified above, the application has been the subject of public objection. These concerns primarily relate to the size and scale of the dwelling in conjunction with the raised level of the site relative to the properties in Celtic Close and the associated impact this would have in terms of loss of light, overbearing impact and loss of privacy and amenity.

6.2.8 Although the site is more elevated than the properties in Celtic Close, there are mitigating factors to indicate the proposal would not be unacceptably overbearing to the neighbouring dwellings. This is based on the proposal's orientation, the position of the dwelling 2m from the party boundary (at its closest 15.2m to the west of the properties in Celtic Close). It is acknowledged that the development could generate increased overshadowing and loss of light to the rear elevations and gardens to the properties in Celtic Close during the afternoon. However, being mindful of the intervening distances involved, the retention of the existing boundary hedge and the amended design of the dwelling (which has reduced the depth and height of the dwelling at first floor level and handed the accommodation so that the longest and tallest elevation is now adjacent to the Green Acres), it is considered that the impact from the development would not be so overbearing or detrimental to the residential amenity of those living in Celtic Close to warrant refusal of the application.

6.2.9 The amended elevations and floor plans submitted indicate that there would be no windows in the eastern (side) elevation of the dwelling at first floor level. Although windows would be provided in the southern (front) elevation, it is noted that on a 45 degree angle, a distance of 20m would be maintained between the closest proposed first floor window (serving bedroom 2) and 19 Celtic Close. Although a shorter distance of 18m would be maintained between the window of and the rear elevation of number 20 Celtic Close, the angle would be more oblique, thereby reducing the opportunity for overlooking.

6.2.10 Being mindful of the distance maintained, in association with the raised height of the site, which would result in the first floor windows looking at or over the roof of the properties in Celtic Close, and the maintenance of the existing boundary hedge which would help offset the proposal further, it is considered that the development would not cause unacceptable overlooking or infringe privacy to warrant refusal of the application.

6.2.11 Whilst it is appreciated that the development would change the outlook from the rear gardens and accommodation of the properties in Celtic Close, loss of view is not a material planning consideration.

6.2.12 On the basis of the above, the application is considered compliant with the requirements of policies S17 EP1 and DES1 of the LDP.

6.2 Active and Social Places

Sustainable Transport

6.2.1 It is highly likely that the development would be primarily served by private vehicle. However, there is a bus route along the B4245 to the south which provides links to Caldicot (and beyond) which contains a variety of shops and services, with rail connections available in Chepstow and at Severn Tunnel Junction.

Affordable Housing

6.2.2 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 one additional dwelling. 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 £15,015.

6.2.3 Following consideration the applicants have confirmed that they will be willing to sign up to the Section 106 agreement as they intend to build and occupy the dwelling themselves and would therefore benefit from the self-build exemption, subject to an appropriate term of occupation.

Access / Highway Safety

6.2.4 The plans detail that the development would be served from a private driveway which in turn leads from Vinegar Hill to the west, which is an adopted but unclassified highway of limited width and visibility. As part of the development three off street parking spaces would be provided to serve the proposed dwelling. The parking arrangement and provision for the existing dwelling would remain unaltered.

6.2.5 Following consultation, the Highways Department has raised no objection to the application noting that the proposed parking is in accordance with the requirements of the MCC Parking Guidelines and that the driveway arrangement is of sufficient size and dimension to allow vehicles to turn within the development and exit onto the public highway in a forward gear.

6.2.6 As part of the public consultation process, concerns have been raised with regards to increased traffic movements generated by the development. It is acknowledged that Vinegar Hill is of limited width at the point of access and that visibility is limited either side of the junction. However, the junction is existing with the land either side being outside of the applicant's ownership and control. Therefore it is not possible for them to make alterations to the visibility splay. Being mindful that the existing junction with Vinegar Hill already serves three other dwellings, it is considered that the increased number of traffic movements generated by the proposal would not be so detrimental to the highway safety and free flow of traffic on the wider highway network to warrant refusal of the application. It is further considered that the limited width of Vinegar Hill at the point of access helps to naturally reduce traffic speeds at this point.

6.2.7 In light of the consultation response received, it is considered that the development would not be significantly detrimental to the highway safety and free flow of traffic in the area and is compliant with the requirements of policies S16 and MV1 of the LDP.

6.3 Distinctive & Natural Places

Landscape/ Visual Impact

6.3.1 As specified above, the application site is located centrally within an established residential area which has a varied pattern of development and architectural styles. Being mindful of the location of the site at the north-eastern end of a private driveway, which would help screen the proposal from the public highway and the retention of existing mature landscaping around and within the site, it is considered that the development would not be so visually incongruous or detrimental to the overall character, appearance and landscape of the area to warrant refusal of the application. The proposal is therefore considered compliant with the requirements of policies S17, EP1 and DES1 of the LDP.

Historic Environment

6.4.1 Following consultation, Glamorgan Gwent Archaeological Trust have provided the following response:

"The current dwelling is within the Oak Crescent development at Undy. A Roman stone sarcophagus containing a female inhumation was discovered during the ground works for this development. The sarcophagus was discovered approximately 45 metres to the east of the current proposed development site. In the wider Undy and Magor area there are further extensive Roman remains, which are indicative of a prolonged period of Roman settlement in the area. It was noted at the time of discovery of the Roman sarcophagus that it was not possible to state with certainty if the burial was a single item within a wider Roman estate or if it formed part of a cemetery here. The sarcophagus is of national significance being the only one of its type discovered in Wales, and now forms part of the archaeology gallery in the St Fagans National Museum of History.

The current proposal for the erection of a new detached dwelling on ground immediately to the east of the sarcophagus site has the potential to encounter significant archaeological remains. It is therefore recommended that a condition requiring the application to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any grant of consent."

6.4.2 On the basis of the above, and subject to the imposition of the conditions and advisory notes recommended, the application is considered compliant with the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017).

Green Infrastructure and Biodiversity

6.4.3 The proposed dwelling would be developed in the side garden of the existing property. The plans submitted detail the retention of the existing and mature boundary hedge and the retention of a number of mature trees in the front and rear garden of the proposed dwelling. Being mindful of the improved nature of the ground and the landscaping to be retained it is considered that the proposal would not have a detrimental impact on the green infrastructure or biodiversity value of the area. The application is therefore considered compliant with the requirement of policies S13, GI1 and NE1 of the LDP.

Water (including foul and surface water drainage)

6.4.4 The application which seeks full planning permission was submitted prior to 7th January 2019. Based on the details submitted, the hardstanding areas indicated as part of the works would be in excess of 100 sq.m and therefore require SuDS approval. An advisory note relating to such matters could be added to any grant of consent.

6.4.5 Information provided as part of the application indicates that foul sewerage generated by the proposal would be disposed to the mains sewer. Following consultation Dwr Cymru/ Welsh Water have raised no objection to the application.

6.5 Response to the Representations of Third Parties and the Community Council

6.5.1 Following consultation the Community Council have recommend the application be refused raising the following concerns:

"Access/egress issues onto an already busy road, opposite a Safe Route to School (Tump Lane) for Undy Primary School. The Planning Inspectorate described Vinegar Hill as a 'narrow tortuous road - with no footways and a combination of restricted visibility, substandard accesses and volume of traffic giving rise to potential hazardous conditions for road uses.' and subsequently refused an access point."

6.5.2 Whilst the Community Councils comments with regard to the appeal are acknowledged, it is noted that the appeal relates to an application for the development of an agricultural access in 1997, (application M01128 or DC/1997/00237 refers). Although the trip generation associated with that development may have been lower it would have had the potential to encourage use of the lane by larger agricultural type vehicles and as a result is not directly comparable to the application currently proposed.

6.5.3 Whilst the highway adjacent to the private driveway is limited with the junction lacking standard visibility splays, the Council's Highways Department have raised no objection to the application.

6.5.4 With regards to the public objections received, it is acknowledged that the development would form a large dwelling in close proximity to the boundary with the residential properties in Celtic Close. However, on balance it is considered that position of the proposal, topography of the site, distances maintained and amended design would prevent the development from being so overbearing or having such a detrimental impact on the residential amenity of those living closest to the site to warrant refusal of the application.

6.5.5 Foul water generated by the proposal would be disposed of via the public sewer, with Dwr Cymru/ Welsh Water raising no objection to proposal.

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

6.6.1 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.

6.7 Conclusion

6.7.1 Being mindful of the position of the site within the settlement development limits the principle of providing another dwelling at this location is considered acceptable. Whilst the proposal would provide a dwelling on raised ground close to the boundary with the properties in Celtic Close, on balance it is considered that the development would not be so detrimental to the overall character, appearance of the area or the residential amenity of those living closest to the site to warrant refusal of the application. It is considered that the proposal would provide sufficient off street parking provision to prevent it from having a detrimental impact on the highway safety and free flow of traffic in the area and would not have a detrimental impact on green infrastructure or the biodiversity value of the area.

6.7.2 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.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

1.A commuted sum of £15,015 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 the applicant, or their agent(s) or successors in title has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work 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).

4 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.

5 Before the approved development is first occupied the access and parking 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.

6 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other

than any expressly authorised by this permission) shall be erected or constructed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1.

7 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.

INFORMATIVES

1 The archaeological work must be undertaken to the appropriate Standard and Guidance set by the Chartered Institute for Archaeologists (CifA), (www.archaeologists.net/codes/cifa) and it is recommended that it is carried out either by a CifA Registered Organisation (www.archaeologist.net/ro) or an accredited Member.

2 The proposed scheme may require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage and may require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Further information and application forms can be found at:
<https://www.monmouthshire.gov.uk/sustainable-drainage-approving-body-sab>