

DC/2015/01106

BUILDING PLOT FOR ONE DWELLING

CHURCH FARM, CHURCH ROAD, CALDICOT

RECOMMENDATION: APPROVE

Case Officer: David Wong

Date Registered: 06/10/2015

1.0 APPLICATION DETAILS

- 1.1 This is an outline planning application with all matters reserved. Thus, the Local Planning Authority is being requested to consider the principle of this application only i.e. whether or not a residential development in this location is acceptable. The site is part of the domestic garden of Church Farm, Caldicot, which is located within Caldicot's town development boundary and also within an Archaeologically Sensitive Area (ASA). The proposed plot is rectangular and measures approximately 12m in width by 47m in length.
- 1.2 The maximum parameters of the proposed dwelling are 10.5m in depth, 9.9m in width and 7m to the ridge. However, according to the Section drawing MH-5660, the current proposed dwelling would be 9.5m in width, 10m in depth and 6.7m to the ridge (measured from the proposed FFL), which would sit between no.2 Clos Aled and the host bungalow.
- 1.3 The proposed access is via Old Church Road that connects to Clos Aled; a private road which is not adopted by the Council. It is understood that Old Church Road is a private lane that provides vehicular access to Upper House, the two Llantony Barns, Church Farm and the recently completed dwelling on the garden of Church Farm (approved under DC/2014/00766). Old Church Road is stopped up at both ends and therefore any vehicular movements are solely to provide access to these properties.

2.0 RECENT RELEVANT PLANNING HISTORY

DC/2014/00766 – Proposed new Bungalow
Approved 03/09/2014

DC/2012/00966 – Erection of 2 dwellings
Withdrawn 30/07/2013

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 Spatial Distribution of New Housing provision

S2 Housing Provision

S4 Affordable Housing Provision

S13 Landscape, Green Infrastructure and the Natural Environment

S17 Place Making and Design

Development Management Policies

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

EP1 Amenity and Environmental Protection

DES1 General Design Considerations

MV1 Proposed developments and highway considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Caldicot Town Council – Refuse: Over-development of the site.

Welsh Water – No objection; standard condition is provided with advisory notes.

SEWBREC Search Results – No significant ecological record identified within the application site.

MCC Public Rights of Way Officer – No objection and applicant's attention drawn to Public Footpath No. 37.

MCC Planning Policy – The site is located within the town development boundary for Caldicot and as a consequence meets the requirements of Strategic Policy S1 and Policy H1 of the LDP in principle, subject to detailed planning considerations. The proposal falls below the five dwelling threshold in relation to affordable housing, notwithstanding this, the sixth bullet point of Strategic Policy S4 refers to financial contributions for the provision of affordable housing in the local planning authority area for proposals below this threshold. Such contributions will be requested if the application is determined once there is relevant adopted SPG in place. The SPG has recently been out to public consultation but is not yet adopted. It is noted the proposed access links into the adjacent Clos Aled; Policy MV1 should therefore be referred to. It is presumed colleagues in the Highways section will also have been consulted and will no doubt provide comment on this element of the application. General policies DES1 and EP1 should also be taken into consideration.

MCC Highways Department – the Highways Department has advised that the proposal would meet the parking standard as set out in the adopted Monmouthshire Parking Standards 2013. The access will be set back to improve visibility splays and there is sufficient space for turning.

Glamorgan Gwent Archaeological Trust – No response received.

4.2 Neighbour Notification

Objection from six households received and the objections are summarised below:

Allowing this application will generate an unacceptable level of movement of construction traffic in and out of Clos Aled.

The proposed access is directly on a junction. It is dangerous for the users and parked cars on Clos Aled when vehicles would be reversing out from the site.

The upstairs windows of the proposed dwelling would overlook the garden of 2 Clos Aled and will affect the value of the property.

The new building would also block light from the glass door to the side of 2 Clos Aled, making the utility room dark at all times. The side of the new property would be only 2 metres from house to house.

An additional dwelling in the area would lead to more traffic passing through Clos Aled.

The site is being over-developed; the proposed plot is extremely small. The Caldicot Town Council agree with some of the residents that this application should be rejected on this basis.

If approved, the outlook from some of the bedrooms' windows of 2 Clos Aled will be changed from the current 'builder's yard' to the roof of the proposed dwelling.

The proposed new build is only a little lower at roof level, it is in fact a two storey home.

No further access should be granted. When Clos Aled was built access was only granted to existing properties.

Clos Aled and Old Church Road are narrow and have no pavement.

Therefore, they are not suitable for large construction vehicles to manoeuvre without driving onto neighbours' drives and / or pavements, causing inconvenience to the users of the lanes.

On the last project of Mr Monday's there was no notification of any deliveries at any point of the construction to any of the neighbours who would be affected by a delivery. By allowing this project will cause inconvenience to the users of the lanes.

There has been no correspondence from Mr Monday about this proposed plot or regards to boundaries.

The single storey extension on Church Farm was demolished to make space for this development. The proposed plot does not allow sufficient space for the three vehicles to drive in, park, turn and exit the site in a forward direction.

The previous planning permission (DC/2014/00766) allowed a shared access with Church Farm. To allow a new access to serve this application is contrary to the thrust of the previous permission.

By allowing an additional dwelling in this part of Caldicot would be contrary to the best interests of all of the surrounding residents.

The lane was never intended for development and it is the only access that Upper House has for fire and emergency vehicles.

Whilst this second building project will not affect me directly on this occasion, I concerned that the new building will be in very close proximity to the neighbouring property.

By allowing this proposal the area will lose more green space.

The applicant has misinformed the neighbours about his intention to develop the site in the past.

Allowing this application would equate to two new dwellings allowed at the site, a similar proposal for which was previously withdrawn under DC/2012/00966 (for two dwellings). This is the reason why the proposals have been submitted separately at a different stage. Therefore, the Local Planning Authority should consider the cumulative effect of this application as well as the recently constructed bungalow.

This is now the sixth planning application for this plot since November 2012. The drip feed of planning applications needs to stop.

The strip of land fenced off at the rear of the original Church Farm seems to have no purpose. Can we expect a further application in the future? The council should consider the whole plot in this application and not just the current proposal, as the impact upon the neighbourhood and the neighbours is upsetting.

The access has already been built and the previous planning application (DC/2014/00766) was not adhered to. This approach is unacceptable.

5.0 EVALUATION

5.1 Principle of development

5.1.1 Caldicot is a Policy H1 settlement in the adopted Monmouthshire Local Development Plan (LDP). The site is within the Caldicot Town Development Boundary within which planning permission will be granted for new residential development subject to detailed planning considerations. It is noted that the single storey side extension on the dwelling known as Church Farm had recently been removed to make way for this development.

5.1.2 The size of the proposed plot is more generous than some of the existing plots in the area. It is considered that the site is able to accommodate a dwelling of this size and would provide adequate amenity space, parking and turning on-site. Given the above, there is no objection to the principle of this proposed development.

5.2 Visual amenity

5.2.1 This is an outline planning application with all matters reserved. Therefore, the appearance of the proposal does not form part of the assessment of this application. The maximum scale parameters of the proposed dwelling provided are 10.5m in depth, 9.9m in width and 7m to the ridge. However, these conflict with the Section drawing MH-5660, that indicates the proposed dwelling would be 9.5m in width, 10m in depth and 6.7m to the ridge (measured from the proposed FFL), which would sit between no.2 Clos Aled and the host bungalow. In order to ensure that this new dwelling would respect its relationship with the immediately neighbouring properties, appropriate planning conditions will be imposed to limit the maximum scale parameters of this proposal to be 9.5m in width, 10m in depth and 6.7m to the ridge (measured from the proposed FFL). This would enable the dwelling to fit appropriately into the streetscene.

5.3 Neighbour Impact

- 5.3.1 There have been several objections from local residents regarding the impact of the development upon their amenity.
- 5.3.2 In terms of the potential overbearing impact, the site is part of the domestic garden of Church Farm and there is currently no building on it. It is acknowledged that allowing this proposal will change the appearance of the site entirely and the new dwelling will be some 2.5m from no.2 Clos Aled. Some of the neighbours have concerns about this application as the site will no longer be an open, grassed area. However, there is no right to a view and because the site forms part of the existing domestic garden (and is within the Caldicot Town Development Boundary), the principle of developing the site for residential purposes would be in accordance with the terms of national planning policy and Monmouthshire Local Development Plan Policies. The site is not a valuable area of public open space or an area that is intrinsically important to the local landscape or character so as to warrant protection from built development.
- 5.3.3 According to the submitted scale parameters, the proposed dwelling would be in a form of a dormer bungalow with its overall height set between no.2 Clos Aled and the host bungalow, Church Farm. In addition, the front and rear building line of the proposal have been set to match closely with no.2 Clos Aled. It is noted that there is an existing door on the side elevation of no.2, facing the proposed site. However, this door currently serves the utility room (a non-habitable room, used for a functional purpose) and the window panes are obscure glazed. Therefore, the proposal is not considered to have an adverse impact on the everyday amenity of the occupiers of no. 2 so as to warrant the application's refusal.
- 5.3.4 In relation to any overlooking impact, it is understood that the main habitable windows on the proposed dwelling would be sited on the rear (south-east) and front (north-west) elevations, which do not directly look toward no.2 and the host bungalow. In addition, this is an outline planning application with all matters reserved. Therefore, the appearance (and the fenestration arrangement) of the proposal does not form part of the current assessment. Furthermore, it is considered that the proposal can be appropriately designed to avoid overlooking. Given the above, there is no evidence to suggest that the proposal would cause significant harm by way of overlooking of neighbouring properties.
- 5.3.4 In terms of overshadowing, the proposal is to be located some 2.5m south west of no.2 Clos Aled and the proposed building lines (front and rear) are to match closely with no.2. The utility room of no.2 is currently served by a door on the side elevation which is obscure glazed. It is appreciated that allowing the proposal would make the utility room darker. However, the room in question is non-habitable and there is a reasonable gap from the side elevation of the proposed dwelling (in fact the gap between no.2 Clos Aled

and no.1 The Meadows is approximately 1.5m). Thus, it is considered that the proposal would not be so overbearing as to warrant the applications refusal.

5.4 Highways/ access

5.4.1 The additional dwelling on this narrow access road is of concern to some of the neighbours as there is no passing place and pavement on Old Church Road. Having consulted the Council's Highways Department it is advised that there is sufficient space for turning and three parking spaces on site. It is acknowledged that there is no passing place on Old Church Road but the proposed access will be set back from Old Church Road and is within close proximity to Clos Aled so that vehicles are able to manoeuvre and park safely on site without inconveniencing other users of this private lane.

5.4.2 Old Church Road is located off a private access lane and is stopped up at both ends, and only serves a limited number of dwellings (currently five), so that the volume of traffic is anticipated to be very low. Traffic speeds are also likely to be low, given the physical limitations of the lane, which is relatively narrow. Therefore, the proposal is not anticipated to cause a significant impact on highway safety. In addition, the level of traffic movements from one further dwelling in this area is unlikely to affect the existing highway network and it is not anticipated to result in unacceptable traffic growth. The proposal complies with Policy MV1 of the LDP.

5.4.3 It is appreciated that there may be some disruption and noise from construction work, but this would be for a temporary period and the impact can be controlled by way of a pre-commencement condition seeking a construction method statement.

5.5 Drainage

5.5.1 Connection to main drainage system has been proposed, and the surface water run-off would be controlled via the Building Regulations. The site is not within a flood plain and there are no significant drainage issues in this area.

5.6 Biodiversity

5.6.1 Following a SEWBRcC biological record check, past planning history and visual assessment of the site it is considered there will be a low potential impact upon bats and protected species; this is because:

- There are no known bat roosts at the site as indicated by SEWBRcC Records.
- The application site is not connected to prominent connecting landscape or important ecological features
- The application site is within a manicured residential curtilage.

5.6.2 Informatives will draw the applicant's attention to the significance of the protection of bats and also to the protection of nesting birds.

5.7 Response to the Representations of the Town Council

- 5.7.1 The Caldicot Town Council recommends refusal as it is considered that the proposal is an over-development of the site. The site is located within the town development boundary for Caldicot and as a consequence meets the requirements of Strategic Policy S1 and Policy H1 of the LDP in principle, subject to detailed planning considerations.
- 5.7.2 There is a mixed pattern of housing with different architectural styles in this part of Caldicot. In terms of the proposed plot size, the proposal is considered to be comparable or indeed more generous than some of the existing plots in the area, such as those in Clos Aled, adjacent to the site. Furthermore, the scale parameters indicate the scale and mass of the proposed dwelling would be comparable to the existing properties in this part of Caldicot. Given the above, it is not considered to be an over-development of the site.

5.8 Archaeology

- 5.8.1 The Glamorgan Gwent Archaeological Trust (GGAT) was consulted but their response is awaited. However, GGAT did respond to a recent relevant planning application on Church Farm, DC/2014/00766. It advised that although the area has known archaeological remains and archaeological work nearby has shown the survival of these, that project did not reveal any significant features and the finds were mostly of post-medieval date and were residual. It further added that it is unlikely that archaeological features would be encountered during the development work that would require mitigation and no further archaeological mitigation work needed to be undertaken.
- 5.8.2 The site is within an Archaeological Sensitive Area. GGAT did not request further archaeological mitigation work to be undertaken at the site nearby. Based on this technical advice, it is assumed no archaeological condition is likely to be requested in this instance. However, the applicant will be informed by an informative that should any archaeological remains be encountered during the course of the development then GGAT should be contacted for guidance.

5.9 Other concerns

- 5.9.1 The neighbour at no.2 Clos Aled has expressed that the upstairs windows of the proposed dwelling would overlook the garden of 2 Clos Aled and this will affect the value of their property. This is an outline planning application with all matters reserved i.e. matters including the appearance of the proposed dwelling. It is considered that an appropriate design can avoid unacceptable overlooking and furthermore, the effect of the proposal upon the value of the neighbour property is not a material consideration.
- 5.9.2 Some of the neighbours have objected to the fact that there has been no correspondence from the applicant about this proposed plot or regards to boundaries. It is good practice for the applicant to contact neighbours about a

potential planning application but is not a legal requirement, nor is this a material consideration.

- 5.9.3 It is noted that the proposal would link to the recently built house at Church Farm (DC/2014/00766) by a strip of land at the back of the application site. The applicant explained that he is planning to move into the newly built house and this connection will allow direct access (from the newly built house) to the application site for maintenance purposes. Some of the neighbours are concerned that the site will be further developed in the future. It is considered that there is no significant planning issue with regard to the proposed link (the strip of land) between the newly built house and the current application site. In addition, this application is solely related to an outline planning application for a single dwelling and any future planning applications will have to be treated on their merits.
- 5.9.4 A previous planning application for two dwellings was withdrawn under DC/2012/00966. The neighbour objections have suggested that the applicant has misinformed them about his intention to develop the site in the past, and that the two dwelling application had been deliberately broken down into piecemeal development to circumvent the planning system. With regard to the piecemeal development/applications of the site it is acknowledged that the site had been a subject to a number of different planning applications submitted at different times over the past few years. However, the planning system allows this approach and there is no legal restriction to prevent this approach. In addition, this application is significantly different to the previous application. Thus, this application must be treated on its merits.
- 5.9.6 The access proposed has already been built without planning permission and the neighbours find this approach unacceptable. The planning system allows retrospective planning applications to be submitted and judged on their planning merits.
- 5.9.7 In terms of a right of access through the private road, Clos Aled, this is not a planning consideration but a private civil matter. The applicant's attention will be drawn to this matter by an informative.

6.0 RECOMMENDATION: Approve

Conditions/Reasons:

OUT1A (standard outline condition)

OUT2A (standard outline condition)

The proposal shall be carried in accordance with the approved plans.

Full details of the proposed access shall be submitted as part of the Reserved Matters application for approval and the approved access shall be provided prior to the occupation of the hereby approved dwelling.

The Finished Floor Level of the hereby approved dwelling shall be set at 12.85 Above Ordnance Datum (AOD).

The overall height of the proposed dwelling (measured from the proposed FFL to the highest ridge of the dwelling) shall not exceed 6.7m.

The maximum width and depth of the proposed dwelling shall not exceed 9.5m and 10m respectively.

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

Gates, if erected, shall not open outwards.

Prior to any works commencing on site a Construction Method Statement (CMS) shall be submitted to and agreed with the LPA; the development shall be carried out in strict accordance with the approved CMS.

Informatives:

Please refer to the letter from Welsh Water, dated 08/10/2015, for more information.

The applicant's attention should be drawn to Public Footpath No. 37 (Caldicot) which runs adjacent to the site of the proposed development. Footpath No. 37 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained confirmed and implemented prior to any development affecting the Public Rights of Way taking place. No barriers, structures or any obstructions should be placed across the legal alignment of the path and any damage to the surface of the path as a result of the development must be made good at the expense of the applicant.

Clos Aled is still a private road and as such the owner(s) of the road would need to be consulted for rights of access and agreements in place to secure any damage or repairs that may be required to the private road as a consequence of any damage to the same.

It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via the MCC Highways.

Please note that Bats are protected under The Conservation of Species and Habitats (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (02920 772400)

Informatives will draw the applicant's attention to the significance of the protection of bats and also to the protection of nesting birds.

Should any archaeological remains be encountered during the course of the development then the Glamorgan Gwent Archaeological Trust should be contacted for guidance.