

**Application Number:** DM/2022/00699

**Proposal:** To modify condition number 6 of planning permission DC/2007/00551.

**Address:** 1 Conygree, Pill Row, Caldicot, NP26 5JD

**Applicant:** Ms Karen Williams

**Plans:** Location Plan

## **RECOMMENDATION:**

Case Officer: Kate Young Date  
Valid: 20.05.2022

**This application is presented to Planning Committee due to the number of objections received from neighbours**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

Conygree is a row of five properties that are accessed off Pill Row within the Development Boundary of Caldicot. In 2008 full planning permission was granted for four dwellings under DC/2007/00551. There was a subsequent application approved for a fifth dwelling to be provided, DC/2009/00077. All five dwellings are now occupied. There is an area of land to the south of no 1 Conygree that was identified as communal parking for seven vehicles. This area of land between no 1 Conygree and Deepweir Gardens has been surfaced in gravel and is surrounded by garden fences.

When the four houses were approved there was a condition imposed on the approval stating that:

No occupation of the proposed dwellings shall take place until the parking and service vehicle provision has been provided in accordance with the approved plans and that this area shall not thereafter be used for any purpose other than the parking of vehicles.  
Reason: To ensure provision is made for the parking of vehicles.

The site is located within an Archaeologically Sensitive Area and is within a C1 Flood Zone as identified within the TAN15 DAM Maps.

#### 1.2 Proposal Description

The occupier of No 1 Conygree (the applicant) has now purchased the land to the south of her property from the original developer and wishes to use the land as residential curtilage. A side hung timber gate has been erected at the entrance to this land. The current application seeks a modification of the condition on the original approval to allow the land at the side of no. 1 Conygree to be used as residential curtilage rather than communal vehicle parking.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design  
S12 LDP Efficient Resource Use and Flood Risk

#### **Development Management Policies**

EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
SD3 LDP Flood Risk

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

#### **Planning Policy Wales (PPW) Edition 11**

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Caldicot Town Council** - Approve

**Highway Authority** - No Objection

Due to the changes over the years and the extra space to the north-west it is considered that the entire site has enough space to afford the required parking spaces without having a detrimental

impact on the adjacent public highway. Therefore, there are no highway grounds to object to the application.

## 5.2 Neighbour Notification

Letters of objection received from seven addresses:

The parking area is used by residents and their visitors to park cars

Inadequate parking elsewhere on the site

The deeds to the other properties state that there is additional parking provision on the application site

The application site has been maintained by other residents

Other residents agreed to financial support and physical support to maintain the site

The transfer documentation for the Conygree houses clearly outlines that this area is designated as "shared drive and parking" and that it should not be obstructed

Affect the property value of the houses and there is a need for deeds of variation to be created to remove rights of access to this land, which would surely cost the residents extra

May lead in increase in parking on the narrow road

Neighbour is unable to maintain her fence as access is denied.

Letters of support from two addresses:

The land in question has become overgrown and neglected

The fence has fallen down

No financial help or support from neighbours to maintain the ground

No cars were ever parked on the site.

## 5.3 Other Representations

None Received

## 5.4 Local Member Representations

None Received

## **6.0 EVALUATION**

### **6.1 Highway Safety**

There is only one primary consideration in this case and that is how the proposal would affect the interests of highway safety. The only issue to consider is whether there is sufficient parking provision within Conygree to provide for the existing five properties without using the parking provision which is the subject of this application, to the side of no. 1. Is the parking provision on the application site needed, in line with the adopted Monmouthshire Parking Standards and should it be retained in perpetuity?

The entire site and its access road are private land and not a part of the public highway. The site is accessed via the unclassified C267.2, a narrow historic road that is now severed on its southern end, and only serves the residential properties along its length. To consider the application, we must consider how the properties can best fulfil their parking requirements under the local parking regulations and any safety aspects for the public highway. When the houses were approved in 2008 the parking standards of the time would have required two off street parking spaces per dwelling. A plan was submitted at the time that showed that this could be achieved.

The four initial properties were constructed as three-bedroom dwellings, and therefore under the current adopted parking standards each would have to be provided with three parking spaces. The design of the initial application provided a single hardstanding space in front of each dwelling and an additional seven within the area of land now under consideration. The remaining frontage was to be turfed and the larger space in front was either as hardstanding or a small, grassed area for a protected tree. However, the current adopted parking standards were introduced in 2012 and as such the properties do not adhere to it, and in many cases it is difficult or impossible to

retrospectively apply such requirements. The parking standards should not be applied retrospectively, the previous application for four dwellings needs to comply with the standards that were extant at the time.

Since the approval in 2008 the mature tree in the centre of the site has been felled and there is now additional informal parking in the front of the dwellings. Considering that the properties are all approximately 6.5m wide, and parking spaces being at minimum 2.6m wide, this allows two vehicles to park adjacent to each other in front of each property. It should be noted that a parking space is at a minimum 4.8m long, and therefore if No.1 were to park in front of their property as suggested, the entire area in question would be inaccessible to any other highway user. It is also noted that No.5, being built later, is not as wide at only 5.2m, however this still allows two spaces in front, and therefore meets its requirements as a two-bedroom property.

The highway authority officers offer no objection to the proposed removal of the condition. They consider that there is enough space afforded to the required parking space in the front of the properties without the additional spaces on the application site to the side of no. 1. There is sufficient parking provision within Conygree to provide the required parking spaces without having a detrimental impact on the adjacent public highway. Therefore, there are no highway grounds to object to the application. The removal of this condition from the original approval to allow the land in question to be used as residential curtilage rather than additional parking is considered acceptable and will not have detrimental impact on the safe use of the highway. Therefore the proposal complies with Policy MV1 of the LDP.

## 6.2 Ecology/Biodiversity

Policies NE1 and GI1 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated, such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal raises no significant concerns in this regard given the existing context and extent of development proposed. The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests, nor would it have any significant impact upon climate change. The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the aforementioned features and to mitigate against the effects of climate change. In this case, however, there would be no significant adverse impact and it is considered that due to the nature of the site any enhancements would make a negligible impact therefore the lack of such an enhancement would not result in the application being refused and it is not considered that a condition to require such details is required. Appeal decision APP/B6855/D/21/3282747 has been given significant weight in this regard.

## 6.3 Well-Being of Future Generations (Wales) Act 2015

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.

## 6.4 Response to the Representations of Third Parties

Caldicot Town Council have recommended approval for the application. The other residents of Conygree say that they do use the application site for parking their cars and so do their visitors. This may be the case but there is sufficient parking provision elsewhere on the site and the highway authority offer no objection to the revised arrangement. There is sufficient parking provision within Conygree to meet the parking standards that were in place when the dwellings were approved in 2008. The amount of parking provision in Conygree has increased since the original application was approved as the area of green open space has been reduced and extra parking provision provided. The fact that the deeds to the properties in Conygree refer to additional

parking provision is not a material planning consideration, rather it is a private legal matter in which the Council is not involved. Whether or not local residents have helped to maintain the application site is not relevant to the highway safety issue which is central to this case. The Highway Authority consider that there is sufficient parking provision within the site and therefore the removal of the additional parking provision will not result in additional parking on Pill Row itself. Case law has established that the devaluation of property prices is not a material planning consideration. The question of access to a neighbour's fence for purposes of maintenance is not relevant here as it is a private legal matter between the two parties.

## **6.5 Conclusion**

The only issue here is the question of highway safety. The highway authority consider that sufficient parking provision can be provided within the development without the additional provision on the application site. The level of parking meets the standards required when the houses were approved in 2008. The proposal will not result in additional on street parking and the application complies with the objectives of Policy MV1 of the LDP with regards to on-site parking provision. Highway safety will not be compromised as a result of the condition being removed. If cars were parked at the front of each dwelling as per the approved layout plan then this would block off the access to the additional parking area and the entire area in question would be inaccessible to any other highway user. There is sufficient parking provision within Conygree to provide the required parking spaces without having a detrimental impact on the adjacent public highway.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

None