

DC/2016/00714

TWO SEMI DETACHED DWELLINGS

LAND TO REAR OF 61 PARK CRESCENT, ABERGAVENNY

Case Officer: Kate Bingham

Registered: 22/07/2016

RECOMMENDATION: APPROVE

1.0 APPLICATION DETAILS

- 1.1 This is a full planning application for the erection of a pair of semi-detached two storey dwellings on land to the rear of an existing dormer bungalow in Abergavenny.
- 1.2 As part of the application it is proposed to demolish an existing garage and shed on the site.
- 1.3 The existing dwelling has a single access point to the south side of the site off Park Crescent. The previously approved application for a new dwelling to the side of 61 Park Crescent (61A) included a new separate access at the eastern side of the site for the new dwelling. This application proposes to use an existing access off the lane to the rear (north) of the site to serve both of the proposed new dwellings.
- 1.4 The application is presented to Planning Committee at the request of the Council's Planning Applications Delegation Panel.

2.0 RELEVANT PLANNING HISTORY

DC/2015/00210 – Extension to dwelling to form new residential unit (61A). Approved 7/10/15.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

S1 – The Spatial Distribution of New Residential Development
S4 – Affordable Housing Provision
S12 - Transport
S13 – Landscape, Green Infrastructure and the Natural Environment
S17 – Place Making and Design

H1 – New Residential Development in Main Towns
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
NE1 – Nature Conservation and Development
MV1 – Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Responses

- 4.1.1 Abergavenny Town Council – No comments received to date.

- 4.1.2 Dwr Cymru-Welsh Water - No objection subject to condition ensuring no surface water connects with the public sewerage network.
- 4.1.3 Natural Resources Wales (NRW) – Land potentially affected by pollution. NRW considered that the controlled waters at this site are not of highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.
- 4.1.4 Glamorgan Gwent Archaeological Trust (GGAT) – The Roman road that connected the Roman fort at Abergavenny with that at Kentchester ran immediately to the west of the line of the present Hereford Road. It was common for Romans to establish cemeteries alongside main roads exiting their military bases and this is the case in Abergavenny. Discoveries have identified a large cremation cemetery to the west of the Hereford Road. Indeed, cremation burials have been found at nos. 9 & 11 Park Crescent. However, the London and North-Western Railway ran directly through the development area so any potential archaeologically significant remains would likely have been destroyed. As such there is unlikely to be an archaeological restraint to this proposed development.
- 4.1.5 MCC Highways – No objections.

This site was the subject of a previous application No DC/2015/01291.

The concerns expressed at that application stage by Highways have been addressed and we continue to support the proposal from highway viewpoint. We reiterate comments made at that application.

The access is gained over a public highway as an unnamed access off Ysguborwen in a southerly direction serving a set of six garage plots and at least two further dwellings. The right of access to the plot is therefore confirmed off a public highway of width 4.4m. This shared surfaced highway has been used as such for many years without recorded incidents. The actual point of access with its proposed fencing replacing the hedge will be an improvement in safety terms for existing vehicle users as well as improved pedestrian safety. This betterment is supported.

Drainage of the site is via soakaways which are midway between the dwellings and the highway. This is the best that can be achieved at this location.

The dwellings have two bedrooms each, therefore parking provision is compliant with the MCC supplementary planning guidance. (SPG) The additional increase of two dwellings and the increase of vehicular movement of four vehicles would not be sustainable as an argument to support a refusal at this site.

- 4.1.6 MCC Biodiversity – No objections.
- 4.1.7 MCC Environmental Health – No objection in principle subject to conditions.

We have undertaken an initial desktop study of the proposed site and identified that there has been some historic use of the site, which might have resulted in contamination. Historical maps have identified that a former railway line (The London and North Western Railway - Merthyr, Tredegar and Abergavenny Branch) ran across the site prior to the construction of Park Crescent, and as such there is a risk of historical contamination, from the railway line, the dismantling of the line and made ground. We would therefore recommend that a site investigation/risk assessment procedure be undertaken by the developer.

4.1.8 MCC Housing Officer - Commuted sum of £44,120 towards the provision of affordable housing in the local area required;

Open market value 170,000 x 77% = 130,900 (this allows 20% developer profit and 3% marketing costs)

ACG 161,600 x 42% = 67,872 (42% of ACG is what a RSL would pay a developer if the affordable was on site)

130,900 – 67,872 = 63,028

63,028 x 0.70 = 44,120 (2 units at 35% = 0.70 of a unit)

4.2 Neighbour Consultation Responses

Six representations received. Object on the following grounds;

- Over development of the site and severe alteration of a local amenity.
- Danger to pedestrians, especially children and the elderly and disabled persons using this footpath.
- Monitored the path for an hour and recorded between 124 and 154 people using the footpath.
- Monmouthshire asked to investigate the provision of adequate lighting to ensure the safety of pedestrians.
- Cars may have to reverse onto the public footpath.
- Need consent from MHA to drive a car on the footpath.
- View will be restricted and value of property reduced.
- Persons using the footpath and near neighbours are equally likely to come into contact with contaminated soil and waste as workers on the site. Therefore consideration and risk assessment must also be made for all those who will be subject to these risks on a daily basis.
- Elevations higher than the previous application.
- No other two storey buildings along the old railway; single storey would be more appropriate.
- Incongruous development in wider neighbourhood setting.
- Garden and bedrooms of no.63 Park Crescent will be overlooked.
- Overlooking of garden of no. 59 Park Crescent when obscure glazed windows are opened.
- Noise and disturbance from dwellings so close to neighbours.
- The large tree on the site needs to be cut down as roots are breaking foundations of nos. 9 and 11 Highfield Crescent.
- Development contrary to LDP Policies DES1 (criteria (d) and (l) and EP1
- Ask that the measurements are validated and potential overdevelopment calculated as currently no boundary between 61 and 61a Park Crescent and so difficult to justify the measurements indicated on the plan.

A petition signed by 67 people – Object because of the danger to the public of vehicles sharing the public footpath.

4.3 Other Representations

Monmouthshire Housing Association – No comments received.

4.4 Local Member Representations

Cllr James George – No comments received to date.

5.0 EVALUATION

5.1 Principle of Development

5.1.1 The site is located within the development boundary of Abergavenny within which new residential development is acceptable in principle. The site is not within a flood plain or conservation area. The site has the benefit of an extant outline consent for a pair of semi-detached dwellings and therefore the principle of development has been established.

5.2 Visual Amenity

5.2.1 Whilst the proposed new dwellings would most likely only be glimpsed from the road, the access would be open to views that would make it apparent that there was residential development to the rear of the existing houses. It is proposed to erect a pair of two storey semi-detached dwellings with a hipped roof with accommodation within the roof space. This is broadly in keeping with the surrounding dwellings which vary in style and include detached bungalows and detached and semi-detached houses. As such it is not considered that the proposed new dwellings will adversely affect the character or appearance of the area. There would be a reasonable amount of space around the proposed dwellings for circulation, parking and amenity purposes, and the proposal is not considered to be an over development of the site.

5.2.2 In terms of building to the rear of existing dwellings, land to the rear of 83- 87 has consent for affordable apartments but this is accessed via Old Hereford Road and Ysguborwen and so is not considered to be comparable to this application. However, consent has been granted for a pair of semi-detached dwellings to the rear of no.109 Park Crescent on a similar sized plot. The majority of other dwellings along this side of Park Crescent have gardens and do not have the benefit of access from the north. As such it is considered that the application site is suitable for new residential development whereas the majority of other land along the street is not and granting consent for this application would not set an unwelcome precedent.

5.3 Residential Amenity

5.3.1 The principal elevation of the new dwellings will face west onto the public footpath so as to avoid overlooking of the garden area of no.59 Park Crescent. The north and south gable ends of the dwellings will be left blank so as to avoid overlooking of the host dwelling and nos. 1-7 Ysguborwen to the north at relatively close quarters. Windows at first floor level within the roof space facing east will be obscure glazed as they will serve only bathrooms. This arrangement is considered adequate to prevent any loss of privacy due to overlooking of any existing neighbouring occupiers, including gardens.

5.3.2 By utilising roof space for the first floor accommodation, the ridge height of the proposed new buildings will be limited to approximately 7.2 metres. This will help prevent the dwellings having an unduly overbearing impact on the neighbouring dwellings which have substantial useable garden areas. The proposed new dwellings have been sited as centrally in the plot as possible whilst allowing for parking, resulting in a distance of between 6 and 8 metres between the rear elevation of the new building and the common boundary with the neighbour at no.59 and over 16m to no.63.

5.3.3 Loss of a neighbour's view or a reduction in the value of a neighbouring property are not material planning considerations.

5.4 Access, Parking and Highway Safety

- 5.4.1 Both of the proposed new properties will be accessed from the lane that runs to the north (rear) of the existing property. This lane already serves as access to several garage plots and a maintained car park owned by Monmouthshire Housing Association (MHA). It is not considered that the use of the lane by vehicles accessing two additional dwellings will significantly increase the overall volume of traffic using the lane and will not therefore adversely affect highway safety or the safety of pedestrians using the footpath as a link between Park Crescent and Ysguborwen.
- 5.4.2 The applicant may have to obtain consent from MHA to gain vehicular access over the lane to the rear. However, this is a private legal matter and not a material planning consideration.
- 5.4.3 The parking and turning provision at the site is compliant with the adopted parking guidelines.

5.5 Contaminated Land

- 5.5.1 The applicant has started the site investigation/risk assessment procedure by submitting a Geo-Environmental report that included a desktop study, conceptual site model and soil sample results from three trial pits. The results of the sampling identified elevated levels of lead and zinc, and proposes remediation by cutting the source, pathway, receptor linkage by capping the site with buildings, hardstanding and 600mm of clean cover. This approach will be suitable provided that the imported material meets the required standards and the applicant must therefore submit an imported material declaration form. This can be conditioned.
- 5.5.2 A verification/validation report will also have to be submitted to show the suitability of the imported material and the depth of capping achieved. In addition if any unforeseen contamination is identified during groundworks, the remediation strategy will have to be revised. Any groundwork undertaken on site must properly controlled to protect the health, safety and welfare of onsite workers and neighbours from dust inhalation and contact with contaminated soil. Proposed conditions 6 and 7 (below) are therefore recommended.
- 5.5.3 The Council's Specialist Environmental Health Officer has not raised any concerns about neighbours or members of the public who would be using the adjacent footpath being at any risk from dermal, inhalation or ingestion of contaminated soil or waste from the site. It is therefore reasonable to assume that this is not an issue.

5.6 Affordable Housing

- 5.6.1 Any consent that the Council is minded to grant will be subject to a S106 legal agreement requiring a financial contribution for affordable housing. This is required for all new residential development unless affordable housing is provided on site. The payment can be deferred and eventually waived if the development is a self-build project.

6.0 RECOMMENDATION: APPROVE subject to a s106 agreement to secure a financial contribution towards affordable housing in the area.

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	No part of the development hereby permitted shall be occupied until: d) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority. e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.
4	Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.
5	No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
6	The hedge along the western edge of the site, adjoining the pedestrian path shall be maintained at a height of no more than 1.0 metre in perpetuity.
7	None of the existing trees, shrubs and hedges on the site shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or wilfully damaged. If any of these trees, shrubs or hedges are removed, or if any die or are severely damaged, they shall be replaced with others of such species, number and size and in a position to be agreed in writing with the Local Planning Authority. Any lopping or topping which may prove necessary shall be carried out in accordance with a scheme previously approved in writing by the Local Planning Authority.

Informatives:

<p>The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.</p>
<p>Please note that Bats are protected under The Conservation of Habitats and Species (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) (0300 065 3000).</p>

The developer should address risks to controlled waters with reference to the Environment Agency document 'Guiding Principles for Land Contamination'.

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 MCC Highways.