

**DC/2014/01185**

**RESERVED MATTERS APPLICATION FOR THE ERECTION OF SEVEN DWELLINGS AND ASSOCIATED WORKS**

**LAND ADJACENT TO CLEARVIEW COURT, SHIRENEWTON**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Young

Date Registered: 22/10/14

**1.0 APPLICATION DETAILS**

- 1.1 The site lies on the eastern edge of the village of Shirenewton with existing two storey housing at Clearview Court and a detached dwelling known as Ballintober forming the western boundary of the site. The eastern side of the site adjoins open farmland, which has been allocated as a new housing site for up to five dwellings in the LDP (SAH11). There is relatively modern housing on the opposite side of the road which forms the northern boundary of the site while the south of the site adjoins two barn conversions. The land rises up to the south from the road and the upper part of the site enjoys extensive views to the east and north-east. The site is within the Shirenewton Village Development Boundary.
- 1.2 This reserved matters application seeks the erection of 6 no. two-storey, detached market homes and one bungalow offered as affordable housing. Plots 1, 2, 6 and 7 would all be four bedroom detached dwellings with a ridge height of 7.8 metres and detached double garages. Plot 4 would be a two bedroom bungalow (the affordable housing unit). Plot 5 would be a three bedroom detached two story dwelling with a ridge height of 7.3m and a detached single garage and two external parking spaces. Plot 3 would be a four bedroom dwelling with dormer windows and a ridge height of 7.5m. It would have a detached double garage. All of the properties would be finished in render with some stone detailing and slate roof tiles. The access would be off the minor road which runs to Mounton and has been amended during the course of the application to comply with the requirements of Highways and the parameters of the outline application. There would be a public footway running across the road frontage to provide pedestrian access to the proposed development to the east. The roadway through the site would be approximately 5m wide with a footway on either side; there would be a turning head at the top of the site. Plot 1 would face towards Mounton Road with all the other plots would facing the estate road. It is proposed to have a stone retaining wall along the front of the site and a 0.9m high timber post and rail fence along the eastern boundary. The existing hedgerow along the southern boundary and part of the western boundary would be retained. Some new trees would be planted within the site. A pedestrian access would be provided along the western boundary of the site to provide access to the existing properties of Clear View, separated from the new dwellings by a 1.8m high close-boarded fence.
- 1.3 At the outline stage it was determined that foul water would connect to the public sewer and that surface water would discharge to the soakaways/ a sustainable urban drainage system (SUDs). The position of the soakaways are within the gardens of the individual plots.

**2.0 RELEVANT PLANNING HISTORY**

DC/2009/01061 Outline application for Residential Development - Approved  
26/10/2010  
DC/2001 Development for Residential Purposes – Withdrawn  
DC/1990/01290 Residential Development - Refused

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### Strategic Policies

S1 – Spatial Distribution of New Housing Provision  
S2 Housing Provision  
S4 Affordable Housing Provision  
S5 Community and Recreational Facilities  
S12 Efficient Resource Use and Flood Risk  
S13 Landscape Green Infrastructure and Natural Environment.s16 Transport  
S17 Place Making and Design

#### Development Management Policies

EP1  
DES1  
H2 – Residential Development in Main Villages  
CRF2 - Outdoor Recreation/Public Open Space and Allotment Standards and Provisions.  
SD4 Sustainable Drainage  
LC5 – Protection and Enhancement of Landscape Character.  
MV1 Proposed Developments and Highway Considerations

### **4.0 REPRESENTATIONS**

#### **4.1 Consultation Replies**

Shirenewton Community Council – Approve.

The Council found it refreshing that the developer had listened to the previous concerns and made some changes.

#### MCC Highways

Following outline approval under application DC/2009/01061 the site was the subject of preliminary discussions and dialogue between the Applicant's agent and the Highway Authority in relation to the proposed access road and junction. Whilst the proposed access road was acceptable, in principle, a vehicle tracking layout was submitted to the Highway Authority for consideration which revealed that the junction was oversized for a low density development. It was therefore recommended that the junction be revised accordingly to provide a more suitable junction which is perpendicular to the adjacent carriageway. Unfortunately the drawings submitted with the current application do not demonstrate that the points as highlighted above have been satisfied. In addition to the above we would also wish to see a 2m wide footway provided along the full site frontage.  
17/10/2016

Further to the above comments there has been ongoing dialogue between the Applicant and the Highway Authority with regards to achieving a suitable access to the development. Drawing '1662 PL-01 Rev. A' has been submitted demonstrating revisions to the estate access which now shows the access to be perpendicular to the adjacent public highway and shows the provision of the requisite footways along the frontage of the site.

Following submission of the revised proposal there are no highway grounds to sustain an objection to the application subject to conditions being applied to any grant of planning approval.

### MCC Planning Policy

The site was given outline permission before the LDP was adopted in the context of the UDP. Only one affordable unit is being proposed which would have been the correct requirement under the UDP. The site is within the Development Boundary and meets the requirements of Policies S1 and H2 in principle subject to detailed planning considerations. Policies DES1, EP1, S12, S13 and S17 should also be taken into consideration.

### MCC Landscape and Green Infrastructure (GI)

The proposal is located within the settlement of Shirenewton, on the edge of the village and close to the Conservation Area. The site has been previously allocated for housing under the UDP with comments from the inspector emphasising that any scheme should be respectful of its sensitive setting. It has clearly been identified under LANDMAP as a landscape of high value for its visual and sensory, cultural and historical aspects, and of moderate value for its Landscape habitats and geological aspects. The proposal impacts upon the following LDP Landscape, Place-making and Nature conservation policies;

S13- Landscape, Green Infrastructure and the Natural Environment

S17- Place Making and Design

LC5 – Protection and enhancement of landscape character

GI1 – Green Infrastructure

DES 1 – General Design considerations

NE1 – Nature Conservation

Of the documents submitted in support of the application I make the following comments:

- As part of the reserved matters only a landscape planting plan has been submitted. Whilst there has been some effort at mitigation the proposals fall short of the kind of sensitivity required for a development on the edge of this sensitive village, particularly so as there has been no supporting landscape and visual or ecological baseline information to support the approach taken.

#### Information Missing:

- A landscape appraisal
- An Ecological preliminary survey and reptile survey.
- A GI assets/ opportunity, masterplan and management plan.

### Key Recommendations

1. The existing hedge line should be retained or if possible translocated to the rear of the wall.
2. The Brad stone proposed is not a quality material for a sensitive edge of settlement development – materials should comprise render and natural stone (the latter could be limited to boundary walls for cost purposes) and slate.
3. Lower the ridge height of properties to the front of the development to be more in-keeping with the dwellings opposite and surrounding and thus allow a more gentle settlement edge frontage.
4. The eastern boundary should be strengthened and incorporate tree planting.
5. Ideally the path should connect with external access opportunities.
6. A GI Management Plan should be provided.

## MCC Housing Officer

Good design. The internal layout of the kitchen may have to be redesigned.

Welsh Water - No objection; outlines conditions

### 4.2 Neighbour Notification

Letters received from four addresses

Proposal is different from the outline.

The limitations for the ridge height have not been adhered to.

The Access has changed from the outline and now the visibility spays are inadequate.

Finishing materials are not sympathetic.

Impact on the Conservation Area.

Construction work will damage the root structure of the hedge and this will result in a loss of privacy.

Rights of way to Clearview must be maintained.

Visibility spays inadequate

Neighbouring properties have an easement across the site.

The amendments are contrary to development plan policies DES1, ENV1 and H3

Hedgerow in front of plots 1 and 2 is incorrectly shown on the plans

Needs cross sections to show the development in relation to existing dwellings

Limited visibility from site access

Increased traffic along Mounton Road and towards the junction

Needs details of foul and surface water discharge.

Plots locations are different from those approved at outline

Larger detached garages and areas of hardstanding than indicated on outline application.

Overlooking and over shadowing

Concrete roof tiles not acceptable

Increased surface water runoff and increased flooding of the road

No consultation from applicant

This is a new application, not reserved matters.

Ridge heights are too high.

Inadequate visitor parking.

Inadequate details over the security and maintenance of the access to Clear View.

Need an extension of time to submit comments.

Outline permission should not have been approved given the close proximity and visual impact on existing dwellings.

Re-consultation in March 2016 resulted in comments being received from four addresses.

Satisfied with the revised plans

Development encroaches on neighbour's access

Planting and the wall at the front of the site restrict visibility

Ridge heights are too high

No visitor parking.

It is unclear how the pedestrian access to Clear View will be maintained.

Outline permission should not have been granted

Need to consider the impact of the new access on the opposite side of the road

Access to Clearview should be made shorter as it is no longer needed and there is an issue with security and maintenance.

Site sections are required

Retaining wall to the front is inadequate

Roof pitch of 40 degrees is too steep  
Walls should be of natural stone  
Foul and surface drainage details are required.  
The submitted sections do not correctly demonstrate the impact on our property  
Intentional omission of the two story plots, 4, 5 and 7  
Request additional cross sections  
Ridge heights are higher than originally required

One additional letter from a resident of Clearview Court stating that the rear access to Clearview Court was necessary and would be maintained by the local residents who used it.

### **Responses received following re consultation on amended plans 13/09/16**

Neighbour Notification. Letters received from four addresses.

Pleased with the reduced ridge heights  
Reversing out of the parking spaces for plots 4 and 5 may result in encroachment of neighbouring properties with resulting danger to children.  
How will services, emergence vehicles turn at the top end of the site  
Need to protect existing private access  
If the road is adopted it could lead to inappropriate street lighting  
Details of the construction materials are needed  
There needs to be a hedgerow on the eastern boundary  
Needs more details about the access  
This should be treated as a completely new application, give the lapse of time since the outline was granted.  
Soakaway outside the site boundary  
Soakaway into damp ground; there is a need for porosity tests  
Foul water will need to connect uphill.  
Wall and fence adjacent to plot 7 may be 3 metres high  
Natural stone should be used for the retaining wall  
More details of the landscaping are needed  
Content with the amended layout  
Plot 1 encroaches onto neighbour's access.  
Plot 7 has a side elevation (gable end) fronting the lane and the existing houses opposite which is totally inappropriate. The ridge height of this property will be some 10m above the lane, the equivalent height of a 4 storey property. The massing of this property will totally overpower the existing properties.  
The surface water drainage solution for the site appears to be individual plot soakaways and appears to be based on a single 'preliminary' infiltration rate. The outline application requires that full details of surface water drainage and land drainage are submitted with the reserved matters application. Surely, further testing and investigation is required to prove that these soakaways will work before this application can be progressed. There is no evidence that soakaways or a porous surface for highway drainage will work.  
Reconstituted stone walling is proposed as the boundary treatment fronting the lane. Natural stone walling is an important feature of the existing dwelling opposite and this should be used for the new site to create harmony between old and new.

## **5.0 EVALUATION**

### **5.1 Principle of Development**

5.1.1 The application site is within the Shirenewton Village Development Boundary and already has the benefit of outline permission for seven dwellings, so therefore the principle of residential development on this site is already established. Shirenewton and

Mynydd-bach have been identified under Policy S1 of the LDP as being a Main Village, within which small scale residential development will be allowed. Policy H1 of the LDP permits new built residential development within settlement boundaries subject to detailed planning considerations. Policy S2 reiterates this saying that within the development boundaries of Main Villages, permission will be granted for new residential development subject to detailed planning considerations including if there is no adverse impact on the village form and character and the surrounding landscape. The outline application, approved in October 2011, reserved all matters but included an illustrative layout to show how the site might be developed. It showed seven detached dwellings facing toward an access road through the site. The agent submitted a covering letter indicating the ridge height of the various plots to be developed and these were referred to in an informative attached to the decision notice. The approval therefore was in outline with all matters reserved. This current application seeks approval of all of the reserved matters.

## 5.2 Layout

5.2.1 The layout has all seven proposed properties with driveways accessed off a single spine road through the site, which also enables access to two existing properties at the top of the site. The access road has been reconfigured so that its junction is at 90 degrees to Mounton Road. The two storey property at Plot 1 faces towards Mounton Road, with parking behind; this helps to integrate the new development into the existing village form and reflects the street pattern of the area. Plot no 7 will have its side elevation facing towards Mounton Road and there would be a 1.8 metre high retaining wall between plot 7 and Mounton Road the retaining wall would be faced in reconstituted stone. A condition can be imposed requiring samples of the stone work to ensure that it is in keeping with the character of other stone work in the area. This will allow for continuous views into the site and give a more open feel. A footway will be provided along the frontage of the site adjacent to Mounton Road, The level of the site rises up from the road in a southerly direction. The four dwellings at the lower, northern end of the site, would all have ridge heights of 7.8 metres, as you go further up the site, plot 3 would have a ridge height of 7.5 metres, plot 5's would be 7.3 metres and the bungalow at the top of the site a maximum height of 5.2 metres; this is well below the maximum parameters indicated at the outline stage, The cross sections of the site show that the proposed dwellings will have a slightly higher ridge height than the properties on the old garage site, on the opposite side of Mounton Road, but will be lower than those properties on Clear View Court or the existing converted barns at the southern end of the site. The new dwellings would be situated towards the centre of the site, away from any existing properties. All of the dwellings would be finished in cream coloured render with some reconstituted stone detailing, slate roof tiles with reconstituted stone cills and in some cases reconstituted stone headers. The finishing materials proposed are appropriate for this area and are in keeping with the prevailing character of the area. The existing properties adjoining this site experience open views to the north and east, and the proposed dwellings have been positioned on site to preserve these views as far as it is possible to do so. The existing hedgerow along the southern boundary will be retained and a new hedgerow will be planted along the eastern boundary. There will be some tree planning within the site, mostly in the front gardens of the new properties. Along the western boundary of the site a strip of land approximately two metres wide will be left clear to provide access to the existing properties in Clearview. The proposed layout and design will contribute towards a sense of place and will respect the character of surrounding residential development, the proposal will maintain reasonable levels of privacy and amenity to the occupiers of neighbouring properties and therefore accords with the objectives of Policy DES1 of the LDP.

### 5.3 Highway Safety

5.3.1 Since the original submission, the alignment of the access onto Mounton Road has been altered in response to a request from the Council's Highway Engineer who is now satisfied with the layout including the footway along the front of the site. The proposed level of parking provision meets the adopted Monmouthshire Parking Standards with one space per bedroom up to a maximum of three spaces per unit. It is intended that the spine road through the site up to its interface with the private driveways of the two barn conversions will be to adoptable standards. The fact that the road is proposed to be adopted is welcomed allowing provision for the turning of a refuse vehicle at the top end of the site. As part of the adoption street lights would be introduced. This is acceptable within the village development boundary.

### 5.4 Residential Amenity

5.4.1 The main properties affected by this proposal are the two barn conversions at the southern end of the site, Archways and Thistledown Barn. These would share an access with the proposed development. As the land slopes up from the road, these two properties are set at a higher level than the houses on the proposed development. They face towards the proposed bungalow on plot 4 and are at least 13 metres from the rear elevation of the bungalow. There would be no windows on the side elevation of the proposed bungalow facing towards the converted barns. The existing hedge along the southern boundary would be retained between the barn conversions and the bungalow and this will preserve the privacy of the occupiers of Archways and Thistledown Barn. No's 7, 8 and 9 Clearview Court also have common boundaries with the proposed development. Although these properties are all a considerable distance from the proposed new houses they do have extensive views over the site and beyond to the east. The design of the site is such that the new dwellings have been set away from the western boundary of the site and positioned to allow the occupiers of the existing dwellings to maintain views through the site. The properties on Clearview Court are also set at a higher level. The rear access way to these properties will be retained and beyond this will be a new 1.8m high close-boarded timber fence that will form the boundary to the rear gardens of the proposed development. On the amended plan plots 1, 2, 6 and 7 would have balconies on their rear elevations, but this is not considered to be acceptable as it could reduce privacy levels to the occupiers of existing and future properties (on the allocated housing site to the east). A condition will be imposed ensuring that these balconies be removed. The property known as Ballintober has its vehicular access adjacent to the north-west corner of the site and the dwelling itself is set at a higher level, approximately 12 metres from the proposed dwelling to be built on Plot1. There is an existing hedge along part of the common boundary within the garden area of Ballintober. Sufficient privacy distances are being maintained. To the north of the site and on the opposite side of the road are the four relatively new dwellings on the former garage site. These dwellings are set at a slightly lower level and face towards the new development. The relationship between the proposed dwellings facing towards the existing ones is acceptable and there will be no unacceptable levels of overlooking especially as there is a road between the two sites. The proposal accords with the objectives of policies EP1 and DES1 of the LDP as the proposed development respects the privacy and amenity of adjoining occupiers.

## 5.5 Drainage

5.5.1 It is proposed that foul water will be discharged into the main sewer and Welsh Water has no objection to the proposal. At the outline stage it was conditioned that surface water be drained separately from the site and that it does not enter the public sewer or the highway network. At that time it was established that surface water would discharge into soakaways and the relevant infiltration rates were investigated and found to be acceptable. The soakaways would be sited in the gardens of the individual plots and this is considered acceptable.

## 5.6 Biodiversity and landscaping.

5.6.1 This site is visually prominent in the wider landscape when viewed from the east and from the north. As this site forms the edge of the settlement boundary (until the two adjoining housing sites are developed), it is important that the visual impact of the proposal is softened, to this end, a new hedgerow will be planted along the eastern boundary of the site. Amendments have been made to the layout and finishing materials of the proposal in line with the requirements of MCC Biodiversity and Landscape officers. The existing hedge is to be retained and a new one planted along the eastern boundary. The 'Bradstone' along the front retaining wall has been replaced with reconstituted stone, samples of which will be requested by condition. The ridge heights of the properties have been reduced in height and now accord with that stipulated on the outline approval. A GI Management plan will be requested by condition.

## 5.7 Other Issues Raised

5.7.1 The parking provision for plots 4 and 5 are within the southern boundary of the site. It will be the responsibility of the occupiers of those properties not to encroach on neighbouring properties, and it will be possible to use the turning area within the site. There is no need for a new outline application - the current outline was approved on 26/10/11 and this current reserved matters application was received on 03/10/14, within the three years required by condition. It has taken a further two years to negotiate an acceptable design but the outline permission is still valid. In the meantime the LDP has been approved and allocated this site for housing. The plan has been amended and the proposal no longer encroaches on the access to the adjoining property. The site is some distance from the Shirenewton Conservation Area and does not impact upon it.

## 5.8 Open Space Standards and requirements of the previous 106

A 106 legal agreement was signed as part of the outline application which required that one of the units on the site be offered as affordable housing (to be available when 70% of the market housing was completed) and that this unit only be used for affordable housing purposes. It was also a requirement that a financial contribution of £787.00 per unit be paid to the Council for the purposes of enhancing the existing children's play facilities in the locality of Shirenewton.

## **6.0 RECOMMENDATION: APPROVE**

### Conditions/Reasons

1. 5 Years in which to commence development.
2. Development carried out in accordance with the approved plans
3. Details of the stonework along the site boundary to be approved before work commences.
4. No removal of the existing hedge on southern boundary



5. Sample of the roof slate and other finishing materials
6. A GI management plan be submitted and approved before work commences.
7. Notwithstanding the approved plans, there shall be no balconies on the rear elevations of plots 1, 2, 6 or 7.
8. No development shall commence on site until the developer has entered into an Agreement with the Highway Authority for the provision of the proposed footway for which parts are contained within the existing public highway.
9. No development shall commence on site until a detailed highway surface water management scheme has been submitted to and agreed in writing by the Local Planning Authority.
10. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority.
11. No development shall commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.
12. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established].