

Application Number: DM/2019/01377

Proposal: Variation of condition 2 relating to application DC/2015/00938 (APP/E6840/A/16/3162841). Minor design amendment to include a Garden Studio and dwarf brick retaining walls with the dwelling curtilage in accordance with Condition 8 of Appeal Decision APP/E6840/A/16/3162841. Including regularisation of plan references in accordance with Non Material Amendment Application No: DM/2019/01118

Address: Proposed Replacement Dwelling At Orchard House, Llanbadoc, Usk

Applicant: Mr & Mrs L. Warner

Plans: BAT SURVEY REPORT BY ACER ECOLOG - , 1198[BD]12 - , 1198[BD]11 - , 1198[BD]10 - , 1198[BD]104 - , 1198[BD]103 - , 1198[BD]13 - , Location Plan OS Site Location Plan - , Elevations - Proposed 1198[BD]30 - , Block Plan 1198[BD]16 B - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham Date
Valid: 28.08.2019

This application is presented to Planning Committee at the request of the Delegation Panel

Following comments from the Delegation Panel and observations from neighbours, additional information in relation to site levels was requested and received.

The applicant maintains that ground levels on site have not been altered. The topsoil has been scraped aside as is normal with many builds, and stored in a spoil heap ready for relaying prior to completion of the new dwelling.

Topographical surveys show that the floor level of the proposed studio is 16.32AOD which is above the 1 in 200 year flood event level of 16.29m AOD and equal to the 1 in 100 plus climate change level of 16.32m AOD.

The development is also not classed as vulnerable development within a C2 Flood Zone. The proposed structure is ancillary to the dwelling and does not include proposals for any sleeping accommodation and there are no proposed foul drainage connections to the structure or sanitary conveniences necessary for habitation.

There is also a 450mm - 500mm wall proposed along the eastern (front) boundary of the site that was not addressed in the initial report. The proposed low level wall along the boundary will principally be used as a retaining wall to adjust the levels along the property frontage where the hedge will be translocated/replanted behind the line of the required visibility splay. The existing walls and railings serving the former dwelling at Orchard House are of similar proportion.

In relation to the appearance of the proposed studio, the structure is a bespoke design rather than 'off the shelf' and is considered to be in keeping with the approved contemporary dwelling under construction in terms of its form and materials. The proposed studio will be set almost 1 metre below the floor level of the adjacent dwelling and the view from the road will be further screened by the hedgerow and access gates. It is small in scale and therefore subservient to the main house.

The original officer report to the Delegation Panel is included below.

1.0 APPLICATION DETAILS

1.1 This application seeks to modify condition no.2 from planning consent DC/2015/00938 which was for a replacement dwelling. Condition no. 2 refers to the list of approved plans. It is proposed to include an amended block plan to include a detached outbuilding to be used as a studio. A drawing showing the floor plans and elevations of the proposed studio is also submitted. The original application was allowed on appeal.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/00080	Discharge of conditions 3 and 4 from previous application DC/2015/000938 - samples for roof, rainwater goods, fascias and soffits, windows and doors, landscape and planting scheme.	Approved	22.02.2019
DM/2019/01118	Non materials amendments in relation to DC/2015/00938 (appeal decision) - reconfiguration of windows and door apertures, including style changes and elevational treatments. Photovoltaic panels removed from dwelling pitched roof. to be located on Garage flat roof. Marginal increase in height and footprint to incorporate design development of working proposals. Regularisation of materials in line with Discharged Planning Condition. WC & Plant Room added to rear of Garage serving Ground Source Heat Pump.	Approved	29.07.2019
DC/2015/00938	Demolition of existing dwelling and detached Garage. Erection of replacement dwelling and detached Garage. Relocation of existing vehicular access.	Refused	11.10.2016 Appeal allowed 13.2.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection

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

Llanbadoc Community Council - Object. The proposal is an over-development of the site.

SEWBREC Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Three representations received. Object on the following grounds:

This is not a minor design amendment. The garden studio is large.

The studio is too close to Ivy Villa and will lead to loss of privacy.

The house is already 57% larger than the previous dwelling. In addition further permission was recently granted to increase the size of the garage.

The studio would allow even further development far in excess of permitted limits.

We are concerned that the studio would encroach on the flood plain leading to increased flooding risk to neighbouring properties.

There is a culvert on the flood plain and a large earth bank has recently been formed adjacent to it in contravention of planning requirements.

The proposed studio will be completely out of character with the natural environment and existing dwellings in the hamlet.

Any openings on the proposed building facing Ivy Villa would result in a loss of privacy. The building is only a few feet from our garden and decking area and we would lose privacy into our garden. The building also has direct view into our bedroom and again would result in loss of all privacy into our bedroom.

Designed to be lived in and exceeds LDP Policy volume limits for replacement dwellings.

6.0 EVALUATION

6.1 Flooding

6.1.1 The proposed studio would partially encroach on the C2 flood plain but given the small scale of the building and the size of the remaining garden and flood plain, it is considered highly unlikely that the building would have a significant impact on flooding. It is also worth noting that the soft landscaping within the garden curtilage that is within the flood plain could be replaced with patio or decking without the need for planning consent. This would also have been the case with the original dwelling that has since been demolished. As such it is considered that there are no grounds on which to refuse this application on flooding grounds.

6.2 Response to the Representations of Third Parties and Community Council

6.2.1 There is a single window on the north elevation of the proposed studio facing the neighbouring property, Ivy Villa's garden area. There is a distance of approximately 11.5m between this window and the boundary which is normally deemed to be a sufficient distance to protect residential amenity. Notwithstanding this, given the concerns raised, this window should be conditioned to be obscure glazed given that the proposal is for a studio and not a dwelling and the lack of aspect out of this window will not affect residential amenity. There will be a distance of approximately 14m between the openings on the east elevation and the boundary with Ivy Villa at an oblique angle and 44m between the east elevation and Ivy Villa itself. Views between are further obscured by the boundary hedge. As such it is considered that there will be no loss of privacy for the occupiers Ivy Villa.

6.2.2 Outbuildings are not included in the volume calculations for replacement dwellings in accordance with the Supplementary Planning Guidance that has been adopted to support LDP Policies H5 and H6 relating to extensions to rural dwellings and replacement dwellings.

6.2.3 Permanent habitation of the proposed studio as a separate dwelling would require a further application for planning permission.

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

6.3.1 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.

7.0 RECOMMENDATION: APPROVE

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 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

4 No demolition of any buildings or structures, or removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building and vegetation for active birds' nests immediately before and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. ~ To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

5 The development hereby permitted shall not be occupied until the bat box (Schwegler 1FR) and bird box (Schwegler 1SP) have been installed in accordance with details shown on submitted plan 1198[BD]05 A.

Reason: To provide net benefit for biodiversity conservation and comply with Section 40 of Natural Environment and Rural Communities Act 2006 and LDP Policy NE1.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995, as amended (or any order revoking and re-enacting that Order with or without modification) no development within Part 1 of Schedule 2 to the Order, shall be carried out on land to which this permission relates, without express planning permission having first been obtained from the Local Planning Authority.

Reason: This conversion is granted having regard to the Council's policies which relate to replacement dwellings in the countryside. If further extensions were necessary this development would not normally be favourably considered.

INFORMATIVES

- Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.