

**DC/2015/00405**

**DEMOLITION OF EXISTING GARAGE/OUTBUILDING AND PROPOSED NEW DETACHED DWELLING INCLUDING PARKING ON PLOT AND SERVICES**

**LAND BETWEEN 11 & 12 THE COURTYARD, PLAS DERWEN VIEW, ABERGAVENNY**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham

Date Registered: 27/04/2015

**1.0 APPLICATION DETAILS**

This is a full application for a new dwelling on the site of a former garage/storage building. The site lies within the former grounds of Plas Derwen House, which is now a pub and restaurant with guest accommodation in the former stables building immediately north of the application site.

The site is accessed via an existing private lane between nos. 11 & 12 The Courtyard which leads to a cul-de-sac that currently serves two other properties known as 1 & 2 Plas Derwen Gardens. The application site includes both sides of this lane although the lane will be kept open with continuing rights of access to the existing properties it serves.

The site is within a Conservation Area although none of the surrounding buildings are listed. The site is not within a flood plain.

**2.0 RELEVANT PLANNING HISTORY**

None.

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

S1 – Spatial Distribution of New Housing Provision  
S13 – Landscape, Green Infrastructure and the Natural Environment  
S16 - Transport  
S17 – Place Making and Design

Development Management Policies

H1 – Residential Development in Main Towns  
HE1 – Development in Conservation Areas  
EP1 – Amenity and Environmental Protection  
DES1 – General Design Considerations  
MV1 – Development and Highway Considerations  
NE1 – Nature Conservation and Development

## 4.0 REPRESENTATIONS

### 4.1 Consultations Replies

Abergavenny Town Council – recommends approval.

Dwr Cymru – Welsh Water – no objections subject to standard conditions.

MCC Highways - The proposal is to replace a garage with dwelling, new parking area whilst retaining access to the rear of the barn for Plas Derwen, rear access for number 11 and rear vehicular access for 1 and 2 Plas Derwen Gardens.

The single passing bay is proposed to be well within the site and of no benefit to the rear of number 11. Its position immediately adjacent to the proposed new dwelling is likely to be used as an extra parking place and not as a passing place. This will be detrimental to the existing users of this private track and unless conditioned to be retained as a passing place and for no other purpose, it will not be beneficial for the site users. The passing place should therefore either be positioned further towards the point of access or as an additional passing place provision for access to four parking areas, with a condition to be retained as a passing area only.

**NB. The location of the passing bay has been amended as recommended.**

MCC Biodiversity & Ecology – No objections subject to conditions and informatives.

MCC Tree Officer – No objections subject to conditions. The information contained within the Tree Survey and Arboricultural Impact Assessment dated 18<sup>th</sup> February 2015 to be sufficiently complete for me to make comment.

I note from the Tree Survey that trees on adjacent properties namely a Cherry Plum, Weeping Willow and Sycamore are on land that is 1 metre below the level of the application site and furthermore are separated from it by a stone wall. Whilst I cannot rule out the possibility that roots from any of the trees may be growing into the proposed site, it is unlikely, due to the presence of the wall and the difference in ground levels that any actually are.

Whilst the loss of any tree is regrettable, the four relatively insignificant trees i.e. 3 domestic Apples and 1 Birch which are intended for removal, can be mitigated by additional tree planting post development. I am also satisfied that the trees marked 1 and 2 in the Tree Survey i.e. a Spruce and Whitebeam may be incorporated into the scheme and protected with appropriate fencing. I am therefore happy to support this application with conditions

SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

### 4.2 Neighbour Notification

Representations received from six neighbours. Object on the following grounds;

- Small dwelling on a restricted plot does not make a positive contribution to the local area which is characterised by three and four bedroom houses and bungalows with gardens to the front and rear.
- There is not space on the public highway at The Courtyard for visitor parking.
- Increased risk of damage to garden fence of no.12 due to additional use of lane.
- Concern that the proposed development will increase access difficulty to Plas Derwen Gardens for emergency vehicles; especially fire engines.
- Additional domestic waste as a result of the proposed new property as bags/bins have to be left on public highway adjacent to no.12 The Courtyard.
- Passing bay not wide enough to allow two larger vehicles to pass.
- Access to nos. 1 & 2 Plas Derwen Gardens will be blocked if any vehicles stop on the lane outside the proposed new dwelling and there is insufficient parking and turning.
- Concern that potential drainage changes may adversely affect local properties.
- Soakaways in this area have not proved very successful and have struggled to cope with heavy rain.
- Overlooking from the proposed first floor lounge of no. 2 Plas Derwen Gardens.
- Foul drainage pipe and surface water drainage pipe are incorrectly shown on the plans – actually pass through the end of the gardens of 11 and 12 The Courtyard and could be damaged during construction work.
- Will there be conditions of access and duration of construction work?

## **5.0 EVALUATION**

### **5.1 Principle of Development**

The application site is within the development boundary of Abergavenny where new residential development is acceptable in principle under Local Development Plan Strategic Policy S1 subject to detailed planning considerations.

### **5.2 Amendments**

After discussions with planning officers, a first floor balcony on the eastern elevation has been removed from the scheme and a double garage has also been omitted. The passing bay has also been re-sited following observations from Highways and discussions with local residents who share the access.

### **5.3 Visual Amenity and Impact on the Conservation Area**

The dwelling proposed is a contemporarily designed one and a half storey dwelling with accommodation in the roof featuring a slate roof and aluminium windows with clean lines. The site is surrounded by a mix of house types and the Plas Derwen Inn and associated accommodation. Materials are generally render, brick, slates and concrete tiles with timber or uPVC windows/ doors. The more modern finish proposed with high quality materials is therefore acceptable in this setting and the use of sedum for the flat roofed element is welcomed. The dwelling has only two bedrooms shown on the floor plan and is considered to be modest in scale and in

keeping with the relatively small plot on which it is proposed. The arrangement of having the parking, turning and garden area on the other side of a private track, although unusual, is not unacceptable given the light traffic using the private lane and the proximity of the amenity space to the dwelling it would serve. It is considered that the proposed new dwelling and associated works are in keeping with the surrounding area in terms of design and scale and would not harm the character or appearance of the Conservation Area.

#### 5.4 Residential Amenity

The plot is considered to be large enough to accommodate the proposed dwelling which is relatively modest in scale without appearing overbearing to any neighbouring properties or being too close to the boundary with any neighbouring dwelling.

With the omission of the first floor terrace, there are no windows at first floor level on the eastern elevation that could overlook the existing dwellings and gardens on The Courtyard. Only roof lights are proposed in the upper storey of the northern elevation that overlooks the visitor accommodation and car park of the Plas Derwen Inn. The existing trees on the western boundary that are protected via the fact that they are in a conservation area will protect privacy of the dwellings on Plas Derwen Gardens.

If the application is approved then it is suggested that Permitted Development Rights are removed to prevent any alterations to the dwelling that could harm local residential amenity such as additional windows that could overlook neighbouring properties.

#### 5.5 Access and Parking

The proposed dwelling would have two bedrooms and therefore only two parking spaces are required in order for the development to meet adopted parking standards. However, there will be space for at least one other car to be able to park and turn off the road while still allowing adequate space for a passing bay. The passing bay should be conditioned to be retained as such in that it is important for safe and convenient access not just to the proposed new dwelling but to the existing dwellings on Plas Derwen Gardens. The passing bay, parking and turning areas would have a permeable surface to minimise surface water run-off.

As the boundary between the access lane and the private areas belonging to the dwelling will be soft landscaping it is considered that access for emergency vehicles will still be possible. The removal of permitted development rights for enclosures will ensure that the lane is not fenced off in the future.

#### 5.5 Trees

The trees on adjacent properties namely a Cherry Plum, Weeping Willow and Sycamore are on land that is a metre below the level of the application site and furthermore are separated from it by a stone wall. It is therefore unlikely, due to the presence of the wall and the difference in ground levels that any roots are actually growing into the application site and the trees will therefore not be harmed by the

proposed development. Two existing trees on the south-western corner of the site (a Spruce and Whitebeam) are also proposed to be retained and be incorporated into the scheme. The retention of the trees not only benefits the site in terms of green infrastructure and visual amenity, but also helps maintain the existing privacy enjoyed by nos. 1 & 2 Plas Derwen Gardens

## 5.5 Biodiversity Considerations

Following a preliminary roost assessment, a report submitted in support of the application concluded that the dilapidated storage shed that was (until recently) present on the site, did not contain bat roosting evidence and provided negligible bat roosting potential. The Council's Biodiversity & Ecology Officer is satisfied with these findings and agrees that further bat surveys were not required in this instance and the bat report's suggestions to incorporate additional bat roosting features within the proposed dwelling is welcomed. As records of bats have been recorded in the local area (SEWBRc, 2015) and the site is located adjacent to suitable bat feeding habitat i.e. mature gardens that connect to open countryside, the scheme presents an ideal opportunity for biodiversity enhancements for bats. Therefore a biodiversity enhancement condition for bats has been included below.

A method statement for reptiles (Richard Watkins, June 2015) was also submitted with the application. This identified suitable potential reptile habitat within the development area. Due to the size of the site and its relative isolation from other reptile habitat in the local area however, it is agreed that a full reptile survey is not required in this instance. However, as all reptiles are protected from killing and injury under the Wildlife and Countryside Act 1981 (as amended) a British Standard (BS 42020:2013) compliance condition has been included below.

## 5.6 Other Issues Raised

Concerns about potential damage to existing foul and surface water pipes are not shared by Dwr Cymru Welsh Water and in any event, would be controlled under separate legislation.

Hours and duration of construction work is more effectively controlled by Environmental Health legislation rather than a planning condition.

It is considered unlikely that the use of the access lane in association with the proposed new dwelling will significantly increase the potential for damage to the existing adjacent garden fence.

## 6.0 **RECOMMENDATION: APPROVE**

### 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	Prior to the commencement of any works associated with the

	development hereby approved, a plan showing details of the provision of roosts and a means of access for bats into the new dwelling(s) shall be submitted to the local authority for approval. The approved details shall be implemented before the new dwelling hereby approved is first occupied.
4	All ecological measures and/or works shall be carried out in accordance with the details contained in the Method Statement for Potential Reptile Presence report undertaken by Richard Watkins dated June 2015 as already submitted with the planning application and agreed in principle with the local planning authority.
5	Retained trees as shown on Drawing No. 14/447/01 of the Tree Survey shall be protected with rigid, immovable fencing such as Heras or similar in accordance with Detailed Drawing No 1363/PLN/04 Rev D. The fencing shall remain in place during the course of the development and may only be temporarily removed with the express written permission of the Local Planning Authority if required for access purposes.
6	Prior to the development commencing the applicant is required to submit a scheme of landscaping which shall include details of tree species and sizes to mitigate tree loss.
7	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons 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, unless the Local Planning Authority gives written consent to any variation.
8	The area labelled as a passing bay on plan ref 1363 PLN 03 REV H shall be retained solely for vehicles to pass and for no other purpose including parking or any other purpose ancillary to the enjoyment of the dwellinghouse.
9	Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
10	No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
11	Foul water and surface water discharges shall be drained separately from the site.
12	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 Parts 1 and 2 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.