

DC/2015/00854

PROPOSED REPLACEMENT DWELLING

FERN LEA, TRELLECH CROSS, TRELLECH NP25 4PX

RECOMMENDATION: APPROVE

Case Officer: Craig O'Connor
Date Registered: 16th July 2015

1.0 APPLICATION DETAILS

- 1.1 The application proposes to replace the existing dwelling at the site with a new four bedroom, two-storey building that has been influenced by late Georgian or early-Victorian details and finishes. The proposed new dwelling would be sited in the same location as the existing property. The site is in the open countryside and has an area measuring approximately 1.3 hectares. The existing dwelling at the site is large and to the north of the property there are associated outbuildings and barns. The site falls from the east to the west and is surrounded by woodland to the east and south. The property is accessed via an existing private track and the site is bounded by mature hedgerows.
- 1.2 The proposed new dwelling would be sited in the same location as the existing property at the site. It would have a footprint measuring 170m² and it would have a hipped roof that would measure 5.5m to the eaves and 7.9m to the ridge. There would be a single storey element on the south elevation and at the rear there would be a projecting two storey gable. The dwelling would also have two external chimneys. The proposals include the construction of a retaining wall at the rear of the dwelling and associated hard landscaping proposals around the dwelling, including the provision of additional parking. The proposed materials would include natural slate for the roof, metal rainwater goods, roughcast render for the external walls and timber for the openings. The proposed dwelling would utilise the existing vehicular access to the site.

2.0 RELEVANT PLANNING HISTORY

No relevant planning history

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 – The Spatial distribution of new Housing Provision
- S13 – Landscape, Green Infrastructure and the Natural Environment
- S17 – Place Making and Design

Development Management Policies

- H5 – Replacement dwellings in the open countryside

DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
LC4- Wye Valley Area of Outstanding Natural Beauty
NE1 – Nature Conservation and development

4.0 REPRESENTATIONS

4.1 Consultations Replies

Trellech United Community Council – recommended Refusal

- An unacceptable replacement: very visible from road, and character/appearance does not fit the Wye Valley. It is an out of character, bland, monolithic block and represents a wasted opportunity for good design.
- 30% increase in size too much.

Natural Resources Wales – no objection to the proposals subject to conditions to ensure bat mitigation measures are imposed at the site.

Glamorgan Gwent Archaeological Trust – no adverse comments to the proposals; please add informative.

Dwr Cymru Welsh Water – no comments given the applicant intends utilising a septic tank facility

Biodiversity Officer – no adverse comments subject to conditions

4.2 Neighbour Notification

No response to date

4.3 Other Representations

The applicant's architects have provided a response to objections raised by the Community Council.

5.0 EVALUATION

5.1 Principle of development

- 5.1.1 The principle of replacing the existing dwelling is considered to be acceptable and in accordance with Policy H5 of the Local Development Plan (LDP). Within this Policy it is deemed acceptable to replace traditional dwellings providing that the existing dwelling is not significantly important to the visual and intrinsic character of the landscape. The existing dwelling at the site has a traditional form although the historic development of the property outlines that the existing large dwelling was originally a small cottage. The existing building is a hybrid that has developed over time. In addition, given the isolated location of the building, the topography of the surrounding area and the amount of screening provided by the surrounding woodland it is not considered that the dwelling is significantly important to the visual intrinsic

character of the landscape to warrant refusing consent for a replacement dwelling. The principle of replacing the existing dwelling at the site is acceptable and considered to be in accordance with Policy H5 of the LDP.

- 5.1.2 Policy H5 outlines that the size of a replacement dwelling needs to be similar to the existing property at the site. In this respect, it is considered reasonable to take into account the size of extension that might be permissible under Policy H6 in considering the acceptable size of any replacement dwelling. The Supplementary Planning Guidance Note for Policies H5 and H6 Replacement dwellings & extensions to dwellings in the countryside (September, 2014) states that for existing “dwellings over 750 cubic metres in volume a percentage increase of more than 30% will not normally be allowed and the larger the building the lesser the percentage increase that is likely to be acceptable.” The existing dwelling is approximately 817m³. The resultant property would be 1062m³ which represents a 30% increase in volume. The site is large and it is considered to be capable of accommodating a large property without harming the landscape character of the area. The dwelling would be sited in the same location as the existing property and grouped with existing barns and outbuildings at the site. The building would be well screened by the existing woodland that largely surrounds the site and given the topography of the area the resultant building would not be an adversely dominant structure and would not be detrimental to the rural landscape. The resultant property is considered to be an acceptable increase in volume for this particular site. The dwelling, while large, would sit comfortably in this context. The proposed replacement dwelling is considered to be in accordance with the objectives of Policy H5 which aim to ensure that replacement dwellings do not detract from the special qualities of the open countryside in Monmouthshire.

5.2 Visual impact

- 5.2.1 The proposed dwelling would be sited in the same location as the existing property and it would have a ridge height that would be 200mm lower than the existing dwelling. The proposed size of the resultant property is considered to be acceptable (as outlined in section 5.2) and in accordance with Policy H5 of the LDP which aims to protect the character and appearance of the rural landscape. The proposal would be a traditional two storey four-bedroomed property and its design, including a shallow hipped slate roof, has been influenced by late Georgian/late Victorian detailing and finishes. The dwelling would be constructed with traditional materials and would have a traditional appearance that would harmonise with surrounding properties in the Trellech area. The resultant dwelling is considered to have a similar visual impact to the existing property. The site is largely surrounded by woodland and has a large mature garden that is bounded by mature high hedgerow. The proposed dwelling would be well screened and would integrate well with the landscape. The dwelling would respect the existing form, scale, siting, massing, materials and layout of its setting and would not harm the characteristics of the rural landscape in accordance with Policies H5, EP1 and DES1 of the LDP.
- 5.2.2 The dwelling would not have an adverse impact on the character and appearance of the landscape and would not harm the natural beauty of the Wye Valley Area of Outstanding Natural Beauty (AONB) in accordance with Policy LC4 of Monmouthshire Local Development Plan (LDP).

5.3 Residential amenity

- 5.3.1 The proposed replacement dwelling would not harm any other party's residential amenity. The site is isolated in the open countryside and the dwelling would not directly overlook any party and it would not obstruct any party's access to natural light. There have been no objections to the proposals. The replacement dwelling is considered to be in accordance with Policy EP1 of Monmouthshire's LDP which protects the amenity of neighbouring parties.
- 5.3.2 The proposed dwelling would utilise the existing vehicular access point. The proposed site plan outlines that the driveway is to be widened and the visibility splay to the south which is in the applicants ownership is to be improved. The proposed development would improve visibility from this existing access and therefore the development would improve highway safety.

5.4 Wildlife interests

- 5.4.1 The proposals include the submission of an ecological survey that outlined that there were bat species using the building. The Council's Biodiversity Officer and Natural Resources Wales have reviewed the information and are satisfied that the development would not have an unacceptable impact on wildlife interests subject to mitigation being implemented on site via conditions and providing that the applicants obtain a licence. The proposed development would have an acceptable impact on wildlife interests and would be in accordance with Policy NE1 of the LDP.
- 5.4.2 The Local Planning Authority "*must have regard to the requirements of the Habitats Directive.....in the exercise of their functions*" (Reg. 9(5) Conservation Regulations 2010). This was reinforced by case law (Wooley vs Cheshire East Borough Council, May 2009) that established that Local Planning Authority's must *engage* with the Habitats Directive and this means that they must:

Consider whether a European Protected Species (EPS) offence under the Conservation of Habitats and Species Regulations 2010 (Cons Regulations 2010) is likely to be committed by the development proposal.

A protected species report has been produced and submitted with this application which identifies the presence of a bat species using the site. The applicant is seeking permission to demolish and replace the dwelling; however the applicants have proposed mitigation measures to ensure that the proposals do not harm wildlife interests.

The application must be subject to the three tests of derogation as described by Article 16 of the Habitats Directive 92/43/EEC and implemented by the Conservation Regulations 2010. The Local Planning Authority must consider whether the three derogation tests will be met and so whether the Welsh Government is likely to grant a licence.

With regard to the three tests these are as follows:

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or

economic nature and beneficial consequences of primary importance for the environment.

2. There is no satisfactory alternative.

3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

In relation to the above points, these are addressed in turn in relation to this application.

Test 1

The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.

It is considered that the proposed replacement dwelling would not harm wildlife interests subject to the mitigation measures proposed and it would ensure that a sustainable dwelling is sited at the site that is fit for purpose.

Test 2

This test is concerned with whether the scheme as submitted is the only satisfactory option and that there are no alternatives available. Looking at all the options available, these fall into four main groups: (i) to develop an alternative part of the site, (ii) to do nothing, (iii) to demolish the existing building and construct a new building, or (iv) to allow this proposal.

Given the context of the site, the first option would not be appropriate as the proposed development would replace the existing dwelling at the site that is not fit for purpose, there is no other alternative part of the site to develop and the dwelling would have to be demolished to comply with Planning Policies.

With regard to the 'doing nothing' option, whilst in the short term at least, doing nothing would preserve the present bat roosts in situ, but ultimately if the dwelling is left to deteriorate further would not result in harming the conservation status of bat species. This option is inappropriate as the development could take place without harming wildlife interests.

The third and fourth option would correspond with the existing building being demolished and a replacement dwelling being constructed at the site with consent for the development being granted. This is an acceptable option for the Local Planning Authority. The proposals aim to develop a modern sustainable property at the site and provide mitigation measures to ensure the habitats of the European Protected Species (EPS) are protected at the site. It is considered that this proposed option would be the most appropriate for the site in terms of protection of the EPS and developing the potential of the site.

Test 3

The final test of the Regulations is concerned with the mitigation and maintenance of the population of the species at a favourable status in their natural range. The scheme submitted provides an ecological survey which highlights the location of the identified roosts in the building. The applicant has offered clear details of how they intend to mitigate for the impact that the proposals will have on the bat population. It is considered that the proposals would not harm bat species at the site.

The proposal does meet the tests and the view is taken that the Welsh Government would grant a licence. The Council's Biodiversity Officer and Natural Resources Wales have reviewed the proposals and are satisfied that subject to appropriately

worded conditions and informative the proposed development would have an acceptable impact on wildlife interests. The Local Planning Authority therefore may legally give consent for the proposals subject to these conditions.

5.4 Response to Community Council

- 5.4.1 The applicant has provided a response to the objections raised by the applicants and outlines properties that are of similar design within the local vicinity and outlines how the resultant dwelling would not be harmful to the Wye Valley AONB. As outlined in Section 5.1 the proposed scale of the resultant dwelling is considered to be acceptable for this particular site given the existing screening of the surrounding woodland, the size of the site and topography of the landscape. The resultant dwelling would harmonise with the site and would not be harmful to the character and appearance of the rural landscape. The architect has evidenced that there are properties within the Trellech area that have similar design features and it is considered that the proposed Georgian/late Victorian design approach would be acceptable for Monmouthshire's rural landscape. The proposed development is considered to respect the setting of the area and would not have an adverse impact on the Wye Valley AONB.

5.5 Conclusion

The proposed replacement dwelling is considered to preserve the character and appearance of the rural landscape and would not have a detrimental impact on the natural beauty of the Wye Valley AONB. The proposed development would be in accordance with the relevant policies in the LDP and is recommended for approval.

6.0 RECOMMENDATION: APPROVE

Condition

1. The development shall commence within five years from the date of this consent.
2. The development shall be carried out in strict accordance with the approved plans.
3. The scheme should be implemented in accordance with Section 6 'Method Statement' of the report 'Bat and Roof Nesting Bird Survey at Fernlea, Trelleck Cross, Trelleck, Monmouthshire', by Steve Wadley, dated 7th July 2015.
4. The hereby permitted works shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations (Amendment) 2012 authorising the specified activity/development to go ahead; or
 - b) a statement in writing from a suitably experienced ecological consultant; to the effect that it does not consider that the specified activity/development will require a licence.
5. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the buildings until an appropriate lighting

plan which includes low level lighting and allows dark corridors for bats has been produced and agreed in writing with the Local Planning Authority.

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed without the prior written approval of the Local Planning Authority.
7. Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.
8. All rainwater goods shall be of cast metal and matt painted and remain as such in perpetuity.
9. Prior to the commencement of development details of the proposed windows and doors to a minimum scale of 1:20 including elevations, vertical and horizontal sections with larger scale details to sufficiently describe the proposed units shall be submitted to and approved in writing by the Local Planning Authority. The development shall be conducted in strict accordance with these details.

Informative

Please note that Bats are protected under The Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981. This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of the Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence. If bats are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately (NRW) (02920 772400).

Glamorgan Gwent Archaeological Trust's record is not definitive in the area of the proposal and features may be disturbed during the course of the work. In this event, please contact the Trust on 01792 655208.

Please be aware of Natural Resources Wales' Guidance Note.