

**Application Number:** DM/2019/00026

**Proposal:** New Dwelling with associated garage

**Address:** Tengboche, Glynwood Lane, Chapel Hill, Tintern

**Applicant:** Mr & Mrs R Nichol

**Plans:** Site Sections 2252\_206 REV B - B, Site Plan 2252\_200 REV F - F, Garage Plans 2252\_204 REV C - C, Floor Plans - Proposed 2252\_201 REV B - B, Elevations - Proposed 2252-202 REV C - C, Location Plan OS Plan - , Ecology Report Ecological Appraisal - Abbey Sanders Ecology February 2019 - ,

**RECOMMENDATION: Approved Subject To S106**

Case Officer: Mr Craig O'Connor  
Date Valid: 21.01.2019

**This application is presented to Planning Committee due to the number of objections received.**

**1.0 APPLICATION DETAILS**

1.1 This application relates to the former residential curtilage of Tengboche, Glynwood Lane, Tintern. The site is located on the western periphery of Tintern in the Wye Valley Area of Outstanding Natural Beauty (AONB) and adjacent to Tintern Conservation Area. Two single lane access roads run parallel to the northern and southern boundary, with the site being accessed off Glynwood Lane to the south. The topography is such that Glynwood Lane rises from east to west whilst the northern access road, which provides access to the small terrace known as Brookside, sits at a much lower level.

1.2 The site already benefits from an extant planning permission ref DC/2012/00774, approved 11th September 2014, for a four bedroom detached dwelling (also a renewal of M/5963).

1.3 This application seeks permission for a four bedroom detached dwelling with detached single storey triple garage. The proposed changes to the scheme were considered in excess of what could be dealt with as a minor amendment and thus the agent was advised to submit a new application.

1.4 The proposed dwelling will be located more centrally within the plot (unlike the previous application which was located to the west) and will be split level to take account of the topography. As such, the living area will be on the lower ground floor with a bedroom, office, utility and snug on the ground floor and bedrooms and bathroom at first floor level. The lower ground level will have a footprint of 11.5m x 6.2m whilst at ground floor will measure 13.6m x 8.3m at its widest points. The application form states that proposed materials include brickwork, render and cladding to the walls with grey blue slate to the roof.

1.5 The garage would be located to the south-west corner of the site, in a similar position to that previously approved. Dimensions would be 9m x 6.7m with a height of 4.8m to ridge. The height of the garage will be approximately 0.8m lower than the main house. Proposed materials have been indicated as matching the main house.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/02050	Non material amendments in relation to planning permission DC/2012/00774.		
DC/2017/00846	Internal alterations, external window, external finishes and balcony alterations.		
DC/2017/00887	Re-Modelling of house and external material alterations	Approved	11.09.2017
DC/2012/00774	Renewal of M/5963	Approved	11.09.2014

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design  
S4 LDP Affordable Housing Provision

### Development Management Policies

EP1 LDP Amenity and Environmental Protection  
DES1 LDP General Design Considerations  
H3 LDP Residential Development in Minor Villages  
HE1 LDP Development in Conservation Areas  
LC4 LDP Wye Valley AONB  
NE1 LDP Nature Conservation and Development

## 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

Tintern Community Council: Recommends approval.

MCC Senior Policy and Housing Officer: It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. The calculation of the financial contribution that will be required is £30,184.

MCC Highways: No objection subject to conditions in relation to the access (in accordance of plans), submission of a CTMP and construction of access prior to any building construction works.

MCC Ecology:

The site was identified garden and woodland which is not considered by the scheme ecologist to be semi-natural in origin. Findings included a bat roost for low numbers of whiskered bat in the wooden cabin and use of the vegetation at the site by dormouse. As such EPS licences were required for the development works and method statements for these species were required by condition.

These conditions have been discharged (18/01732) but will require updating to reflect the revised scheme, this will be a requirement of the amended EPS licence necessary for the works.

The updated assessment provides that the first stage of site clearance works under dormice and bat licences has been completed, that is the vegetation has been reduced in height and the wooden cabin removed. The remaining clearance works and revised mitigation will need to be covered by an updated EPS licence.

Please use conditions to secure mitigation for protected and priority species via compliance with the proposed plans and updated report.

The previous consent included a condition for a sensitive lighting strategy, this has not been presented as part of the new application and is still relevant, it is also a requirement of the EPS licence for bats. Please include as a condition of this consent if granted.

Natural Resources Wales (NRW):

Consider that there should not be a detriment to the maintenance of the favourable conservation status of the species present, providing that the mitigation measures set out in section 5 of the bat report are implemented. Significant concerns with the application as submitted could be addressed by providing appropriately worded conditions requiring the implementation of the mitigation measures set out in the report submitted in support of the application to be attached to any planning permission that Monmouthshire Council is minded to grant.

## 5.2 Neighbour Notification

Six letters of objection and one letter of concern have been received. The main points raised are:

- Concern over change in access off Glynwood Lane from original application.
- Glynwood Lane is a narrow single track lane with limited visibility as a result of the bends. With the increase in traffic that will ensue, it would be essential that the access is designed so that it can be used as a passing point.
- Long stretch of narrow access lane with no passing places
- Loss of pull-in place on this revised application
- Close to adjoining properties
- Inadequate access
- Out of keeping with character of area
- The original application detailed a 2 storey dwelling with integrated garage set into the hillside in line with the existing designs for properties on the lane (Tengboche, Shieling, Greenacres ). The revised application details a 3-storey building together with a detached garage block. Does this increased height and footprint fit in with the local neighbourhood?
- Access to the site from Glynwood lane for construction materials etc. will be difficult, what arrangements are in place to ensure that the lane remains open, and to prevent damage to the environment and sensitive lane banks during construction.
- development will now overlook Sylvian Cottage to the east resulting in loss of privacy

- development too high

### 5.3 Other Representations

MCC Flood Risk Manager: SAB Approval not required.

## **6.0 EVALUATION**

### 6.1 Principle of Development

6.1.1 There is an extant planning permission on the site for a 4 bedroom detached dwelling with integral garage (ref DC/2012/00774) approved 11th September 2014.

6.1.2 The site lies within the Minor Village of Tintern, as defined by the Monmouthshire Local Development Plan (LDP) and is within the AONB. Policy H3 of the LDP states that "in Minor Villages planning permission will be granted for minor infill of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings...subject to detailed planning considerations, including no unacceptable adverse impact on village form and character and surrounding landscape". The site lies within the physical boundary of the village and is surrounded by residential development to the west, north and north-east. The proposal is for one dwelling and detached triple garage on the vacant site that is considered to be a gap between a number of dwellings and is therefore considered to comply with the requirements of LDP Policy H3.

### 6.2 Good Design/ Place making

6.2.1 The dwelling will be split level to work with the steep topography of the land and is relatively contemporary in design.

As illustrated on drawing 2252/ 202 Rev C, a split level design is proposed for the dwelling to respect the topography of the land. Design features include gables and dormers to the east and west elevation, a single storey extension at lower ground level and small balcony at ground floor. Different building lines are used to add interest. Materials include a mixture of cladding and brickwork to the walls, grey blue slate to the roof and grey windows. The retaining wall (between the single storey extension and covered porch area) will be natural stone.

6.2.2 The garage will be a single storey triple garage featuring three individual doors fronting the house. Materials will be to match the dwelling. Whilst the garage is located towards the front boundary it is set back off the road and sits comfortably in line with the adjacent property, Tengboche. The ridge line of the garage is comparable to the ridge line of Tengboche and as such, will not be out of character with the street scene. Moreover, the garage provides a level of screening to one of the gables of the dwelling which serves the office (ground floor) and bedroom (upper floor).

6.2.3 The design and scale of the proposed dwelling and garage are acceptable and are not considered to harm the character or appearance of the surrounding area or wider AONB. However, a condition will be imposed requiring samples of the proposed materials to be agreed to ensure they are respectful to the surrounding area. The development therefore accords with LDP Policies DES1 and EP1.

### 6.3 Impact on Amenity/Visual Impact

6.3.1 Due to the sloping nature of the site the proposed dwelling will be located at a lower level and set back from Glynwood lane. It would have a height of approximately 6.8m when viewed from the lane and appear to be two-storeys in height. The plans illustrate that the ridge height of the house would be approximately 0.6m higher than Tengeboche which is located over 22m away to the west. The garage, which would be located adjacent to the boundary of Tengeboche also sits at a lower level to road and would be approximately 0.2m lower than the ridge height of Tengeboche.

6.3.2 It is acknowledged that the garage will be more visually prominent along Glynwood Lane. However, in respect of both the house and garage, given their locations, set back from the lane, their orientation and heights being relative to the ridge line of the neighbouring property, it is not considered that the development would be incongruous. The proposal would not cause visual harm to the natural beauty of the AONB or wider landscape. The development therefore accords with LDP Policies DES1 and LC4.

6.3.3 In terms of the impact upon the properties to the north (Brookside), it is acknowledged that the proposed dwelling is higher than that previously approved and would appear 2.5 storey in height from the north due to the split level design. However, the height to eaves on this elevation is only 5.4m, with the height to apex being 9.4m as a result of the steep roof pitch. In terms of impact, the mass of the gable (closest to Brookside) is considered to be less than previously approved, with the gable having a width of approximately 7m at ground and upper floor level.

6.3.4 Furthermore, as a result of the topography of the area, the properties along Brookside to the north (also split level) are significantly lower than the site, are single storey at road level and front high level hedges. Thus, the properties are predominantly screened from the development. The proposed dwelling would look out over the ridges of the properties below and thus not cause any concerns of overlooking. Moreover, the north elevation now only proposes three high level windows; two serving the living room/kitchen at the lower floor level, which, incidentally, would be screened by the vegetation, and one high level window to the attic room.

6.3.5 Whilst the current scheme now proposes more windows and a balcony to the eastern elevation, the nearest property to the east is Sylvian Cottage which is over 27m from the site boundary (approximately 35m from the proposed dwelling) and is largely screened from the site by both its own side boundary vegetation as well as the existing site boundary vegetation. Additional planting is proposed to the eastern boundary and the separation distance between the properties is sufficient to not cause any unacceptable level of overlooking.

6.3.6 Similarly, windows to the west are located well over 21m away from Tengboche and are not considered to cause any unacceptable level of overlooking.

6.3.7 There is sufficient amenity space within the proposed plot to avoid overdevelopment and the proposed triple garage and turning/ parking area will provide sufficient parking to satisfy LDP policies MV1 and EP1.

6.3.8 On balance, given the level of natural screening around the site and the topography of the lane, it is considered that the proposed dwelling will not be unacceptably overbearing or have a detrimental impact upon the privacy, amenity or health of occupiers of neighbouring properties in accordance with LDP Policy EP1.

#### 6.4 Access / Highway Safety

6.4.1 The proposed access is located slightly further west than previously approved. However, the Highways Officer has confirmed that there are no objections to the proposed access and layout. The plans illustrate that adequate provision for a minimum of three car parking spaces will be provided. As such, it is considered that the development accords with LDP Policy MV1. Conditions will be imposed to require a Construction Traffic Management Plan to ensure there is provision for on-site parking for construction vehicles and to facilitate deliveries, thus preventing vehicles blocking the single width lane.

#### 6.5 Historic Environment

6.5.1 The site falls just outside of Tintern Conservation Area. Nevertheless, it is considered that the development will be largely screened and will not have a harmful impact upon views in or out of the Conservation Area, in line with LDP Policy HE1.

## 6.6 Green Infrastructure/Landscape

6.6.1 The site already benefits from mature trees and hedgerows which will be retained and enhanced with additional planting as part of application, particularly to the northern and eastern boundary. Some low level planting is also proposed to the southern boundary, along Glynwood Lane. A condition will be imposed requiring the proposed landscaping to be implemented and to control the height of any planting along the vision splay. Given the small scale of the development, the proposed landscaping is considered acceptable in line with LDP Policy GI1.

## 6.7 Biodiversity

6.7.1 The three tests were considered as part of the previous application for which an EPS licence was subsequently granted. The Council's Ecologist has advised that the previous conditions in relation to this were also discharged (ref DM/2018/01732). As such, the three tests are not required to be re-considered but an amended EPS licence will be necessary for the works. Conditions will be imposed requiring the works to be carried out in accordance with the mitigation proposals submitted and an informative will be added advising the applicant of their responsibility to obtain an amended EPS licence. Subject to conditions, the development is not considered to have an adverse impact upon the biodiversity on the site.

## 6.8 Water (including foul drainage / SuDS), Air, Soundscape & Light

The SAB Officer has advised that SAB approval of SuDS is not required.

## **6.9 Response to the Representations of Third Parties and/or Community/Town Council**

6.9.1 As set out in paragraphs 6.2.3, 6.3.2 and 6.5 above, the proposed development is not considered to be out of character with the surrounding area. There are a variety of architectural styles within the area, and not dissimilar to the previous application, the proposed dwelling will be set into the hillside. Whilst the dwelling will appear two-storey from Glynwood Lane, it is only approximately 0.6m higher than the ridge of Tengboche. The nearest property to the east; Sylvian Cottage, is also a two-storey dwelling and there are mix of split level and two- storey dwellings within in the vicinity, including 'The Glyn' to the south of Glynwood Lane which is 2.5 storey. Furthermore, due to narrow lane and high stone wall behind, the separation distance from Tengboche (and with the single storey garage located between the two at a comparative height to Tengboche), the dwelling would not be viewed in the context of a 'street scene' as such.

6.9.2 The impact upon the neighbouring amenity has been discussed in length in section 6.3 above.

6.9.3 With regards to the access, it is acknowledged that Glynwood Lane is a narrow road with few passing places. However, the plans indicate that an existing 'pull in' opportunity to the south-west corner (where the existing site access is adjacent to the entrance of Tengboche) will be retained. The Highways Officer is satisfied with the proposal and a condition will require the submission of a Construction Traffic Management Plan (CTMP) prior to any works being carried out. The CTMP will require the specific environmental and physical constraints of Well Lane and adjoining highway network to be taken into account as well as requiring the provision for construction vehicles to be accommodated within the site. It will be the responsibility of the developer to ensure the appropriate sized construction vehicles are used to access the site and do not cause damage to the lane banks.

## 6.10 Affordable Housing

6.10.1 Developments considered under LDP Policy H3 are subject to affordable housing contributions under Policy S4. The Senior Strategy and Policy Officer has advised that a financial contribution of £30,184 towards affordable housing is required. The agent has confirmed that the development will be self-build and will therefore be exempt under the self-build provision. Notwithstanding the exemption, the applicant has agreed to enter into a S106 Agreement in the

event that the exemption lapses or the necessary supporting documentation is not submitted and thus the financial contribution will then be payable.

## **6.11 Well-Being of Future Generations (Wales) Act 2015**

6.11.1 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.

## **6.12 Conclusion**

6.12.1 In conclusion, the development is acceptable and will not be harmful to the character and appearance of the area, adjacent Conservation Area or wider AONB. The siting and design of the dwelling has been carefully located so as not to have a detrimental impact upon the privacy of neighbouring properties. Sufficient parking provision and amenity space have been provided and the Highways Officer is satisfied with the proposed access arrangements subject to a condition requiring the access to be provided first and foremost in order to facilitate parking and turning for construction vehicles. The proposal is therefore considered acceptable and in accordance with LDP Policies H3, NE1, DES1, MV2, LC4, and EP1 and is recommended for approval, subject to conditions and S106.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### S106 Heads of Terms

Affordable Housing Financial Contribution of £30,184.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

### 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 Prior to commencement of development (including groundworks and site clearance) the means of access shall be constructed in accordance with the approved plans and turning provision shall be provided to enable all delivery, construction and contractors vehicles to turn within the curtilage of the site as well as providing for on site parking.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

4 No structure or planting exceeding 0.9 metre in height shall be placed, erected or grown in the visibility splay.

REASON: To ensure adequate visibility is provided and to ensure compliance with LDP Policy MV1.

5 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall take into account the specific environmental and physical constraints of Well Lane and the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP.

REASON: In the interests of highway safety and to accord with LDP Policy MV1.

6 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 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 gates, fences, walls or other means of enclosure (other than any expressly authorised by this permission) shall be erected or constructed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1.

7 Prior to occupation, a lighting design strategy for biodiversity for the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting, other than that approved in the strategy shall be installed without the prior written consent from the local planning authority.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

8 Mitigation shall be provided in strict accordance with the measures described in Section 5 Assessment and conclusions of the submitted report "Land adjacent to Tengboche, Tintern, Monmouthshire - Update Ecological Appraisal dated February 2019 produced by Abbey Sanders Ecology" and detailed on plans referenced "Proposed Site Plan, dwg no.2252\_200d dated 13/03/2019 produced by Liddel & Associates", "Proposed Elevations dwg no.2252\_202c dated 13/03/2019 produced by Liddel & Associates", "Garage Details, dwg no.2252\_204c dated 13/03/2019 produced by Liddel & Associates"

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

9 Prior to construction of the dwelling hereby approved, samples of the proposed external finishes shall be agreed in writing by the Local Planning Authority. The development shall be

carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

10 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.

11 No development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved by, the Local Planning Authority. The approved scheme shall be completed before the dwelling is first occupied.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy EP5.

## **INFORMATIVES**

1 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

2 This planning permission does not provide consent to undertake works that require an EPS licence, the licences already granted for this site will need amending prior to any further works commencing on site.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.

3 In satisfying Condition 11 the developer should have due regard to the hierarchical order recommended in the Welsh Government Standards for sustainable drainage. For further advice contact [jameswoodier@monmouthshire.gov.uk](mailto:jameswoodier@monmouthshire.gov.uk) and/or Building Control.