

Application Number: DM/2019/00603

Proposal: Erection of a two-storey dwelling house.

Address: Land between Chapel Cottage and Gower Cottage, Glyn View, Tintern

Applicant: Mr G Birkett

Plans: Location Plan 170101 - Rev. 3, Site Levels 170103 - Rev. 2, Site Plan 170104 - Rev. 5, Elevations - Proposed 170105 - Rev. 3, Site Sections 170106 - ,

RECOMMENDATION: APPROVE

Case Officer: Mr David Wong
Date Valid: 05.06.2019

This application is presented to Planning Committee as requested by the Delegation Panel

1.0 APPLICATION DETAILS

1.1 This full application relates to the erection of a detached dwelling on land between Chapel Cottage and Gower Cottage at Glyn View, Tintern. This application site was part of the residential curtilage of Chapel Cottage but is now under different ownership. Planning permission was granted previously for a two storey detached dwellinghouse at this site (under applications DC/2010/0004 & DC/2012/01096). However, that permission has lapsed, hence the submission of this current application.

1.2 The proposed two storey detached dwellinghouse is measured some 8.5m wide, 7.2m deep and 7.4m high (to the ridge). There will be an open-ended porch at the front and a single storey lean-to utility room at the rear of the dwellinghouse.

1.3 Tintern is identified in the LDP as a 'Minor Village' that is potentially suitable for minor infill residential development, subject to detailed considerations. The site is also located within the Wye Valley Area of Outstanding Natural Beauty and in an archaeologically sensitive area.

1.4 It is useful to note that the public footpath 107 runs along the eastern boundary of the site and the alignment of this path is shown on the site plan. In terms of publicity, as well as neighbour consultation letters, this application was advertised in a local newspaper and a site notice was posted on site.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2008/01096	Extension to ground and first floors.	Approved	23.12.2008
DC/2015/01464	Minor amendments to design of approved dwelling under DC/2012/01096	Approved	16.12.2015

DC/2007/01638	Outline application for the erection of a detached dwelling with ancillary works.		15.05.2008
DC/2006/00537	Renovation of cottage, including rear conservatory and porch	Approved	02.10.2006
DC/2015/01464	Minor amendments to design of approved dwelling under DC/2012/01096	Approved	16.12.2015
DC/2012/01096	New dwelling following outline approval DC/2010/00024	Approved	12.09.2014
DC/2010/00024	Outline application for the erection of a detached dwelling with ancillary works	Approved	03.06.2010

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

SD4 LDP Sustainable Drainage
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
H3 LDP Residential Development in Minor Villages
H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use
LC1 LDP New Built Development in the Open Countryside
LC4 LDP Wye Valley AONB
MV1 LDP Proposed Developments and Highway Considerations
MV3 LDP Public Rights of Way

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 - The site was granted planning permission for a two storey residential dwellings with conditions. The site is within the Wye Valley ANOB and is within a Minor Village suitable for infill development.

The site is archaeologically sensitive and there does not appear to be any reference in the current application to the foundation construction with this application and that further archaeological conditions were imposed upon the previous permission.

The previous scheme comprised some environmentally sustainable features and it is disappointing that the new application is for a building with materials less in keeping with the ANOB i.e. concrete roof tiles and with no green credentials. This may be contrary to Policies LC4 & SD2.

The access of the site and the public right of ways issued have previously been dealt with through planning conditions. If this application is granted, the TCC requests that all previous planning conditions should be re-imposed. If these conditions are complied with TCC would have no objection to this application being granted.

MCC SuDs (Drainage) - No objection. This proposed scheme will require a sustainable drainage system. The scheme will require approval by the SuDS Approving Body prior to any construction work commencing. The requirement to obtain SAB Consent sits outside of the Planning process but is enforceable in a similar manner to Planning Law. It is a requirement to obtain SAB Consent in addition to Planning Consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

MCC Rights of Ways - No objection; an informative is suggested. Further to initial comments compliant with Welsh Office Circular 32/92 Footpath 107 is now marked on the application plans. Additionally, although initial suggestions were that there may be availability issues with the alignment of Path 107 at the site but further research has failed to substantiate this. The following previous comments however still stand. Public Path no.107 must be kept open and free for use by the public at all times. No barriers, structures or any other obstructions should be placed across the legal alignment of the path and any damage to its surface as a result of works or private vehicular use must be made good by the applicant. If the path needs to be temporarily closed to allow works the applicant should apply for a temporary traffic prohibition order.

MCC Housing (Affordable) - 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. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is £8,486.14. The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken.

MCC Highways - No objection subject to conditions. By scaling off the supported drawings, the proposed turning area and vehicle parking appears reasonable and accords with the Supplementary Planning Guidance, Monmouthshire Parking Standards 2012. In principle the Highway Authority do not object to the proposed dwelling and creation of the new access, Glyn View is a lightly trafficked road and due to its alignment and environment existing vehicle speeds are considered to be very low and the increase in traffic movements along the road and into and out of the site are not considered to be detrimental to capacity and highway safety. Given the above, there is no objection to this application subject to relevant highway related conditions, including a Construction Traffic Management Plan to minimise damage, congestion and disruption to Glyn View and the adjacent highway network.

MCC Biodiversity & Ecology - No objection; condition and informative are suggested. It is noted that piles of material are present on the site; these have the potential to be used as hibernacula by reptile species. It is recommended that these stone piles be removed in accordance with the attached reptile information note, which should be added to any consent granted.

GGAT - There is no objection; condition and informative suggested. The further information submitted with the current application includes a foundations design. This however differs from the previous in that some elements of the foundations will be deeper, reaching 0.9m below ground level (bgl) (previously 0.75m bgl). These are likely to encounter the remains of the multi-phase mill and associated features and deposits. We also note that the current proposal includes the description "actual sizes & depth of foundations to be agreed with building control surveyor on examination of ground conditions during excavation." We note that the location of the property is as that previously agreed. As there has been archaeological evaluation, and archaeological deposits identified, a detailed foundation design submitted, we do not recommend any pre-determination mitigation. As in our response of April 2010, in order to mitigate the impact of the development, we therefore recommend that a condition should be attached to any consent granted to ensure appropriate mitigation. This condition will require the applicant to submit and implement a programme of archaeological work in accordance with a detailed written scheme of investigation.

Dwr Cymru-Welsh Water - No comment to make on the revised scheme following approval under reference DC/2010/00024.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

There are a total of four neighbour objections received. These objections are summarised below:

- Development too high
- Close to adjoining properties
- Loss of light
- Loss of privacy
- Inadequate access
- Increase in traffic
- Traffic or Highways
- Negative impact upon the archaeological resources
- Not enough information given on application
- Negative impact upon the ecology of the site
- Strain on existing community facilities

6.0 EVALUATION

6.1 Principle of Development

6.1.1 Tintern is a Minor Village as designated within the adopted MLDP. Policy H3 of the MLDP allows for minor infill residential development subject to detailed planning considerations. The proposed site is considered to meet the definition of infill in that it would fill an existing gap in the built environment between Chapel Cottage and Gower Cottage and the development in this location would not have an adverse impact on the form of the village. The proposal to construct a dwelling in this location is considered to be acceptable and would be in accordance with Policy H3 of the MLDP subject to material planning considerations.

6.2 Landscape/Visual Impact

6.2.1 The site is within the Wye Valley Area of Outstanding Natural Beauty (AONB, Policy LC4 of the MLDP). Therefore, all proposed development must be subservient to the primary purpose to conserve and enhance the natural beauty of the area. This application site was part of the garden curtilage of Chapel Cottage. It is noted that Chapel Cottage is now under separate ownership.

6.2.2 The prevailing form of development in this part of Tintern features a staggered arrangement of houses with diverse scale and with a variation in levels against the steep slope of the hillside. Also, due to the topography of the area, it is considered that the visual impact of this proposal is a localised one as the site is not readily visible from the wider landscape. Therefore, the likelihood that this proposal will have a significant impact upon the natural beauty of this part of the ANOB is limited. The proposed scale and design of the dwelling is such that it would not harm the natural beauty of the AONB and the development would conserve the natural beauty of the Wye Valley in accordance with Policy LC4 of the MLDP.

6.3 Design

6.3.1 It is considered that a two storey dwelling in this location would be visually acceptable having regard to the varied pattern of development set across the hillside. The proposed traditional design is considered appropriate for the site and the setting. The dwelling would have a stone façade that would match the properties to the west. The proposed dwelling would harmonise with the area and would be appropriate for this rural setting. The scale and design of the dwelling respects the character and appearance of the area in accordance with policies S17 and DES1 of the MLDP.

6.3.2 It is considered that the size of the proposed dwelling is modest and it would sit comfortably within the plot, and would be served by a reasonable amount of amenity space. The proposed house would be set back from the frontage of the site and the bulk of the proposal is visually comparable to some of the neighbouring properties. Therefore, the proposal would not be out of place when viewed along the highway.

6.4 Impact on Neighbour Amenities

6.4.1 Due to the topography of this part of Tintern, the level of the application site is higher than Chapel Cottage. However, the siting of the proposed dwelling is some 11m south-east of Chapel Cottage and is set some 5.8m away from Glyn View. It is considered that the proposed dwelling would have some minor impact in relation to Chapel Cottage (the casting of a shadow) but this impact will lessen as the sun moves. In terms of a potential overbearing impact, due to the prevailing form of development in this part of Tintern i.e. a staggered arrangement of houses with diverse scale and with a variation of distances between dwellings, the proposed gap (approximately 11m) is considered acceptable in this context.

6.4.2 There are no windows proposed on the side elevations of the proposed dwelling (the eastern and western elevations). Gower Cottage is situated well away from the proposal and this, coupled with the topography and the fact there is heavy screening by existing vegetation, means the impact on Gower Cottage would not be significant. There are windows on the properties opposite the site i.e. Rushbrook and Springfield. The proposal is set back from site frontage and the distance from these neighbours is some 21m and 20m respectively. Also, the orientation of the proposed dwelling does not align directly towards Springfield. Given these factors, no significant, adverse neighbour impact is anticipated. The development would not have an unacceptable overbearing impact and neither would it harm the privacy of any other party to warrant refusing the application. The development would be in accordance with Policy EP1 of the LDP.

6.5 Public Rights of Way

6.5.1 Policy MV3 of the LDP relates to the protection of public rights of way. It has been identified that there is an existing public footpath (No.107) running along the site's eastern boundary. The site plan of the proposal shows that no new building or outbuilding is proposed near the alignment of that footpath. Therefore, no obstruction will be caused as a result of this application. The Council's Public Rights of Way Officer was consulted and he has offered no objection to this application. However, an informative is suggested that that the path must be kept open and free for use by the public at all times.

6.6 Archaeology

6.6.1 Initially, the Glamorgan Gwent Archaeological Trust (GGAT) objected to this application because the site is archaeologically sensitive and no foundation design had been submitted to demonstrate how the development's impact on the significant archaeological resource would be mitigated. In addition, there was no recognition of the need to submit a written scheme of investigation for the programme of archaeological work. As a result a further archaeological statement included a foundation design regarding which GGAT is now satisfied. GGAT has also recommended the imposition of a condition to secure a written scheme of historic environment mitigation and an informative. In order to protect the known archaeological resource which is a material consideration, it is considered reasonable to remove Parts 1 and 2 of the permitted development rights normally granted to householders.

6.7 Highways Impact

6.7.1 The application is for the creation of a two-storey, three-bedroom dwelling house with a new access directly off Glyn View. Highways consider the proposed access, turning area and parking arrangement for the proposal to be reasonable and accords with the supplementary planning guidance, Monmouthshire Parking Standards 2012.

6.7.2 In addition, Highways advised that Glyn View is lightly trafficked and due to its alignment and environment existing vehicle speeds are very low. Furthermore, the increase in traffic movements along the road associated with the proposed dwelling is not considered to be detrimental to capacity and highway safety. Given the above, there is no highway objection to this proposal.

6.8 Impact on Existing Community Facilities

6.8.1 Some neighbours have concerns that the creation of this residential unit will have a negative impact upon the existing community facilities in the area. It is considered that the creation of one additional residential unit in this area will not adversely affect existing facilities to a significant level. In addition, there is no evidence submitted to substantiate this objection.

6.9 Biodiversity

6.9.1 The Council's Biodiversity and Ecology Officer was consulted and the inclusion of a new native hedgerow which will provide connectivity to the woodland was welcomed. The piles of material on the site have the potential to be used as hibernacula by reptile species. Therefore, it is recommended that these stone piles are removed in accordance with the reptile information note which should be added to any consent granted. In addition, a sensitive lighting plan should be secured, which can be required via condition.

6.10 Sustainable Drainage

6.10.1 This proposed scheme will require a sustainable drainage system. The scheme will require approval by the SuDS Approving Body prior to any construction work commencing. The requirement to obtain SAB Consent sits outside of the Planning process. The planning agent has been informed and is aware that it is a requirement to obtain SAB Consent in addition to planning consent and that the failure to engage with compliant SuDS design at an early stage may lead to significant redesign costs.

6.11 Promote Carbon Reduction

6.11.1 Comments have been received regarding the lack of green credentials of the proposal i.e. no domestic microgeneration systems proposed. We encourage developers to use sustainable building materials, energy efficient construction techniques and where feasible, the installation of renewable energy generation equipment as part of their proposals. However, at the current time there is no policy requirement to impose these features. There are now obligations under the Building Regulations requiring prior to the start of works an analysis which considers the feasibility

of decentralised energy supply systems, cogeneration, district or block heating or cooling, and heat pumps. Therefore, this element can be formally explored under the Building Regulations.

6.12 Affordable Housing Financial Contribution

6.12.1 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. According to the current Affordable Housing Financial Contribution SPG, the calculation of the financial contribution that will be required is £8486.14. A viability assessment was submitted by the planning agent for further consideration and it is confirmed that the scheme is not financially viable. Therefore, no Affordable Housing Financial Contribution will be requested in this instance.

6.13 Response to the Representations of Third Parties and/or Community

6.13.1 The issues raised by the neighbours are summarised in paragraph 5.2 have been considered. Please refer to paragraph 6.1 to 6.12 for more information.

6.13.2 Comments have been made that all of the conditions from the previous planning permission should be re-imposed. These conditions have been reviewed as part of the consideration of this application and relevant conditions are outlined below.

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

6.6.1 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.

6.7 Conclusion

6.7.1 The prevailing form of development in this part of Tintern is characterised by diverse scale and a variation in levels against the steep slope of the hillside. In the light of this, it is considered that the proposed design, scale and form is acceptable. There will be some impact upon the existing neighbour amenity but it is considered that the impact is unacceptable and the proposal would be in accordance with policies DES1 and EP1 of the LDP. There is no highway objection and GGAT is satisfied with the proposals. The proposed development would not harm the character and appearance of the village or the rural landscape that is located within the Wye Valley Area of Outstanding Natural Beauty and it is in accordance with the relevant policies in the LDP. The application is therefore recommended for approval.

7.0 RECOMMENDATION: APPROVE

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 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

4 No development may commence until details of the means of access, including the driveway have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be brought into use until the means of access has been constructed in accordance with the approved details and maintained thus thereafter in perpetuity.

REASON: To ensure the access is constructed in the interests of highway safety 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 by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of Glyn View 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. NOTE - it is recommended that the size and weight of all delivery vehicles shall be considered so as to minimise damage, congestion and disruption to Glyn View and the adjacent highway network.

REASON: To minimise damage, congestion and disruption to Glyn View and the adjacent highway network.

6 The proposed access shall have a hard surface for a minimum distance of 5m from the highway boundary and maintained thus thereafter in perpetuity.

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

7 The gradient of the access shall not exceed 1 in 8 for the first 5m measured from the edge of the adjoining carriageway along the centre line of the access.

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

8 Any entrance gates shall be set back at least 5 m distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and maintained thus thereafter in perpetuity.

REASON: In the interests of highway safety.

9 No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

REASON: To ensure no surface water drains onto the highway and to ensure compliance with LDP Policy MV1.

10 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 building until an appropriate lighting plan which includes

low level PIR lighting and allows dark corridors for bats has been agreed in writing with 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.

11 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (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.

REASON: To mitigate the impact of the works on the archaeological resource.

12 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

REASON: To mitigate the impact of the works on the archaeological resource.

13 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 unless otherwise approved in writing by the Local Planning Authority. 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.

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

14 Construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.

REASON: To protect the amenities of the nearby residential properties from noise and general disturbance in accordance with LDP Policy EP1.

15 Before the hereby approved dwellinghouse is first occupied the turning and parking space as shown on the Proposed Site Plan (170104 Rev.5) shall be provided within the site to enable vehicles to enter and leave the site in a forward direction and maintained thus thereafter in perpetuity.

REASON: It is dangerous for vehicles to reverse onto this public highway and to ensure on-site parking is available before occupation, in compliance with LDP Policy MV1.

INFORMATIVES

1 Due to the minor nature of the proposed development 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.

2 It is noted that piles of material are present on the site; these have the potential to be used as hibernacula by reptile species. It is recommended that these stone piles are removed in accordance with the attached reptile information note, which is attached to this permission.

3 A detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork

The archaeological work must be undertaken to the appropriate Standard and Guidance set by the Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/cifa) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited MCIfA Member.

4 Public Path no.107 must be kept open and free for use by the public at all times. No barriers, structures or any other obstructions should be placed across the legal alignment of the path and any damage to its surface as a result of works or private vehicular use must be made good by the applicant. If the path needs to be temporarily closed to allow works the applicant should apply for a temporary traffic prohibition order.

5 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.

6 This proposed scheme will require a sustainable drainage system. The scheme will require approval by the SuDS Approving Body prior to any construction work commencing. The requirement to obtain SAB Consent sits outside of the Planning process but is enforceable in a similar manner to Planning Law. It is a requirement to obtain SAB Consent in addition to Planning Consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.