

**Application Number:** DM/2020/01288

**Proposal:** Application for retrospective approval of plant room, retaining wall, oil tank and garden shed as built

**Address:** The Gables, Wainfield Lane, Gwehelog, Usk

**Applicant:** Simon Matthews

**Plans:** PL01 - A, OS Map - , LSC01 - A,

## **RECOMMENDATION: Approve**

Case Officer: David Wong  
Date Valid: 07.10.2020

**This Householder planning application is presented to Planning Committee due to a request by the previous Ward Member Councillor Val Smith**

**This is one of two Householder planning applications at The Gables that will be presented to Planning Committee**

### **1.0 APPLICATION DETAILS**

**1.1** This is a retrospective application seeking planning permission for the for the retention of a plant room, a retaining wall, an oil tank and a garden shed and the concurrent application (DM/2020/00933) is for the erection of a detached double garage with storage space at the upper floor.

**1.2** The Gables is situated along Wainfield Lane within the village of Gwehelog, which is allocated as a Minor Village within the Monmouthshire Local Development Plan (LDP). This property was originally a dormer bungalow and it was extended and modified via the planning permission DC/2017/00134 (Alterations and Extensions to Existing Detached Dormer Bungalow).

**1.3** Since the physical construction works have completed, the impact of these structures can be seen. The plant room, the retaining wall and the oil tank are located at the forecourt of the property. The plant room is a flat roof building, measuring some 2.3m deep, 4m long and 2.8m high. The oil tank is located adjacent to a mature tree (which is not covered by a Tree Preservation Order). The retaining wall is within the forecourt area and is running along the same direction as Wainfield Lane; due to the topography of the site, it is varying in height i.e. a range between 300mm to 2.5m. The garden shed in question is wooden clad and is located at the rear garden area, measuring some 4.2m deep, 4.1m wide and 2.8m high. The plant room along with the oil tank and the garden shed are located within close proximity to the boundary that is adjoining Ty Cerrig. It is understood that there is a boundary dispute, but it is not a planning material consideration. It is useful to note that the scheme has been amended so that the plant room will form part of the proposed garage under the concurrent application whilst the other elements remain unaltered.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
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DM/2018/01642	Non material amendment to previous application DC/2017/00134 - To raise existing ridgeline by 300mm only to improve internal circulation areas and room heights to loft areas.	Approved	30.11.2018
DM/2020/00933	Detached double garage with storage space over.	Pending Determination	
DM/2020/01288	Application for retrospective approval of plant room, retaining wall, oil tank and garden shed as built.	Pending Determination	
DM/2020/01341	NMA to obtain approval of as built central bedroom dormer against original design, for two separate dormers and as indicated on supporting drawing. (Relating to DC/2017/00134).	Pending Consideration	
DC/2017/00134	Alterations and Extensions to Existing Detached Dormer Bungalow	Approved	13.04.2017

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### Development Management Policies

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
MV1 LDP Proposed Developments and Highway Considerations  
NE1 LDP Nature Conservation and Development

### 4.0 NATIONAL PLANNING POLICY

#### Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

**Gwehelog Community Council** - The community council objects to the application:

- The established hedging, trees and vegetation have been removed and not replaced; replanting of native species should occur.
- The scale of the plant room structure appears exceedingly excessive for the intended purpose.
- The development has been built closer to the boundary between The Gables and Ty Cerrig than is shown on the plans submitted with the application and the works have been completed without planning permission.
- The works have the root system of a mature oak tree growing on the Ty Cerrig land.
- The oil tank a very prominent feature when viewed from the front drive and door of Ty Cerrig.
- The flue stack from the unfinished plant room is located very close to the boundary and can be seen from the drive of Ty Cerrig and is causing a pollution. The members of the council felt that this development had been placed so inappropriately close to Ty Cerrig that it provides a gross infringement to the residents of that house in the enjoyment of their property.
- Members were concerned at the lack of a planning application for this development before it was constructed and were unanimous in condemnation of it. The council wishes to object to this application and feels that this issue should be considered by the Monmouthshire County Council planning committee.

**NATS Safeguarding** - no safeguarding objection to the proposal.

**MCC Tree Officer** - No objection. A site inspection was conducted. It was noted that the works in relation to the plant room and the fuel storage tank are in close proximity of the Oak tree near the boundary and it is likely root damage has occurred. However, there is no tree preservation order in force at this site. It is the intention to site the new garage within the retaining wall, where the site level is significantly deeper than 600mm and well below where roots would normally be found. In the absence of roots on this side of the tree no further arboricultural information is necessary.

**MCC Biodiversity** - I have noted the works undertaken and reviewed the necessary information. No objection to the application; a standard external lighting and a Biodiversity Net Benefit (including compensatory tree planting) conditions are requested.

**MCC Environmental Health** - Based on the plans and the fact that the existing flue is being moved 4.2m inwards away from the boundary of the neighbours property and is being raised to 2nd storey level, Environmental Health have no objections to this application.

**MCC Building Control** - The matters in relation the installation of combustion appliances and fuel storage systems are covered by the Building Regulations Approved Document J, which is subject to a separate application.

SEWBRc Search Results - No significant ecological record identified.

#### 5.2 Neighbour Notification

There are more than five neighbour objections received and they summarised below:

### 5.2.1 The Submission

- Inaccuracy of the submission
- Information missing from plans
- Not enough info given on application
- The works have been completed without the necessary planning permission
- Some of the dimensions are missing on the drawings
- The works have already damaged the mature tree

### 5.2.2 Local Plan

- Conflict with local plan.

### 5.2.3 Design

- The plant room and garage should have been incorporated into the extended building.
- The proposal is out of scale and character
- The proposal does not respect the front building line
- The proposed garage should be single storey
- More open space needed on development
- The plant room will dominate the street scene

### 5.2.4 Residential Amenity

- The proposal will affect the neighbouring properties
- Loss of light

### 5.2.5 Highways

- Inadequate access and parking provision
- Traffic or Highways

### 5.2.6 Building Regulations and Environmental Health

- The proposal will not be allowed under building regulations due to the proximity of the oil tank
- The flue in its new position will continue to cause a nuisance through air and noise pollution for the immediate neighbours
- The retaining wall may not be structurally sound being adjacent to the highway
- Noise nuisance

### 5.2.7 Drainage

- A SuDS is required where the construction area is 100m<sup>2</sup> or more

### 5.2.8 Biodiversity/Ecology

- A tree survey and a biodiversity survey should be required
- Affect local ecology
- The mature tree has been damaged and is affecting the character of Wainfield Lane
- The compensatory tree planting is not specified
- Insufficient landscaping detail to evidence compensation for the loss of the ecological resource
- There is no detail of biodiversity enhancement specification or heights shown as requested by the biodiversity officer.

## 5.3 Local Member Representations

Previous County Councillor - Councillor Val Smith: This application should be considered in conjunction with DM/2020/00933 by Planning Committee. Reason: Considerable confusion and local concern re. development. Request application is presented to Planning Committee if recommendation is for approval.

## **6.0 EVALUATION**

### **6.1 The Principle of the Proposal/Monmouthshire Local Development Plan**

6.1.1 Gwehelog is designated as one of the Minor Villages in the LDP. Some neighbours have referred to the Supplementary Planning Guidance (SPG) Infill Development Policies Policy H3. This SPG is related to new infill residential development and not for the erection of outbuildings within the curtilage of a dwelling. There is no specific policy within the LDP that restricts the erection of outbuildings and other engineering operations within the garden curtilage of existing residential properties in these villages. Therefore, this application will be treated on its own merits.

### **6.2 Good Design/ Place making**

6.2.1 The Gables had been extensively extended and altered and it now has a contemporary design. In terms of the character of the area, properties along Wainfield Lane have a variety of architectural designs, shapes, and scale. Thus, there is a mixed pattern of properties in this part

of Gwehelog and there is no development pattern to which any new development proposals ought to have regard.

6.2.2 The design of the plant room will be modified and will become an integral part of the proposed garage. Some of the neighbours have referred to the proposed garage being out of character, too high and out of scale. The proposed garage has a contemporary but simple design that does not look out of character, against a backdrop of the host property that feature a similar contemporary design. Therefore, it is considered that the design of the proposed garage is visually acceptable in this instance.

6.2.3 The proposed garage will be visible from the public realm. However, it is not unusual to see other properties with outbuilding/garaging along Wainfield Lane and it was noted that there are at least two other properties along Wainfield Lane with garaging/storage structures right next to the highway. Therefore, this is not considered to be a substantive reason to refuse this application.

6.2.4 The proposed garage has an upper floor and thus, is a two-storey building. The proposal will be visible from Wainfield Lane. However, due to the topography of the site, the building will be 'sunk down' below the highway. Therefore, the resulting visual impact will be lessened accordingly. There is no doubt that the proposal will be visible from the highway and the appearance of the site will look different from its current form. However, it does not warrant a refusal in this instance.

6.2.5 It is considered that the size of the proposed garage is acceptable, and it would be read as a secondary element to the main property. The proposed development is not overdevelopment of the site and there will still be ample space at the forecourt area of the property. In terms of the proposed external finishing materials, they will match with those of the host dwelling, which is visually acceptable. The proposed garage is also set back from Wainfield Lane and it will be partially screened by the existing mature hedgerow along boundary (Wainfield Lane); this hedgerow is within the application site.

6.2.6 Due to the topography and the orientation of the retaining wall, it has a limited visual impact upon the character of the area.

6.2.7 The size of the oil tank is modest and is screened by the existing hedgerow along the front boundary. Therefore, it has a limited visual impact upon the character of the area.

6.2.8 The size and design appearance of the garden shed is also modest. The external finishing materials are natural and is visually acceptable on this location. As it is located at the back of the property, it has no direct visual impact upon Wainfield Lane itself.

6.2.9 Given the above, the proposal is considered to be visually acceptable, alongside the host property as the backdrop. Therefore, the proposal is in accordance with Policy DES1 of the LDP.

### **6.3 Historic Environment**

6.3.1 The site is not within a Conservation Area and nor is the property itself is a Listed Building. The site is not within an Archaeological Sensitive Area and not a Registered Gardens and Parks.

### **6.4 Impact on Residential Amenity**

6.4.1 As well as the proposed garage (DM/2020/00933), the oil tank and the retaining wall will also be visible from the neighbouring property Ty Cerrig. The proposed garage is two storeys high and will be located close to the boundary. However, the separation distance between the proposal and this property is some 16m. The oil tank, the retaining wall and the garden shed are modest in scale. Consequently, it is considered that there is a sufficient separating gap so not to cause a significant overbearing impact towards Ty Cerrig. In addition, the loss of a view is not a planning material consideration.

6.4.2 In terms of overshadowing impact, based on the location, the size, the height and the separation distance of the structures in question, no significant impact of this kind is anticipated.

The privacy of the occupiers of Ty Cerrig will be protected as there will be no new window openings from the proposed garage facing towards them.

6.4.3 There are other existing neighbouring properties to the east and south of The Gables. Due to the orientation, topography of the site and the separation distance from these properties, no overlooking, overbearing or overshadowing impacts are anticipated. Given the above, the application is in accordance with Policy EP1 of the LDP.

## **6.5 Access / Highway Safety**

6.5.1 There is no change to the access arrangement of the site and there is ample space for parking and turning for vehicles within the forecourt area of the property. The proposal is ancillary to the property. Therefore, the resulting traffic movement generated by the proposal is not likely to cause a significant adverse impact upon the highway safety of this part of the village.

6.5.2 It is considered that there is plenty of space within the forecourt area of the property for storing building materials. In addition, the construction phase for this kind of project is likely to be short-lived. Therefore, it is not proportionate to request a Construction Traffic Management Plan in this instance.

## **6.6 Biodiversity**

6.6.1 There is no objection from either the Council's Tree Officer or Biodiversity Officer. The Tree Officer had inspected the site and acknowledged that there is an Oak Tree within close proximity of the recently erected plant room and the fuel storage tank. Therefore, it is likely root damage has already occurred during the construction. However, there is no tree preservation order in force at this site. It is the intention to site the new garage within the retaining wall, where the site level is significantly deeper than 600mm and well below where roots would normally be found. In the absence of roots on this side of the tree no further arboricultural information is considered necessary.

6.6.2 The Council's Biodiversity Officer had reviewed the application and advised that an ecological assessment is not necessary in this instance. However, the application site is in a relatively high-quality landscape for bats and will therefore need to secure an appropriate lighting strategy as part of any consent granted in order to protect bat foraging and commuting corridors from light spill. In addition, the Tree Officer had concluded that it is likely root damage has occurred and recommended compensatory tree planting, with at least three specimens of native provenance, is undertaken in the grounds of the application site, which can be secured via an appropriately worded condition.

6.6.3 In terms of the Biodiversity Net Benefit, it is recommended that at least two options for bats and two options for birds is included, which can be secure via appropriately worded condition. Given the above, the proposal is in accordance with Policy NE1 of the LDP.

## **6.7 Environmental Health and Building Regulations**

6.7.1 Some neighbours are concerned with the level of noise from the resulting development. Therefore, both the Council's Environmental Health Department and Building Control was consulted.

6.7.2 The Council's Environmental Health Department has confirmed that the location of the existing flue will be moved some 4.2m inwards away from the boundary of the property and the outlet will be raised to second storey level. Therefore, there is no objection to this application.

6.7.3 Building Control consider the physical build itself. These are legal standards set out by the government for every aspect of construction. These cover everything from health and safety on site to the energy efficiency of a new house. The Council's Building Control Department advised that the matters in relation the installation/modifications of combustion appliances and the fuel storage systems are covered by the Building Regulations Approved Document J, which is subject to a separate application. Planning permission and Building Regulations approval are two separate processes. They concern two different elements of the law and the applicants will need both to legally proceed with their development. From the planning perspective, there is no substantive reason to refuse this application and the applicants will be

reminded via informative that they will need both to legally proceed with their development accordingly.

## **6.8 Sustainable Urban Drainage System**

6.8.1 From January 7th 2019, all detailed applications for residential development or where the construction area is 100m<sup>2</sup> or more, will require Sustainable Drainage Systems for surface water (SuDS), to be designed and built in accordance with the statutory standards. The construction area of the proposed garage is less than 100m<sup>2</sup>.

6.8.2 This is one of two Householder planning applications at The Gables. There is no new hardstanding being proposed under the concurrent application, which is related for the retention of the plant room (which is now related to this application), a retaining wall and a garden shed. Therefore, strictly speaking, there is no new construction area under that application (DM/2020/01288) as the buildings and the retaining wall are already in place. However, assuming that these structures do not exist and are treated as being currently proposed, the overall combined construction area of the two applications is still below the 100m<sup>2</sup> threshold. Therefore, a SuDS is not required for this application.

6.8.3 Although not a requirement, the applicants have submitted a surface water drainage scheme to accompany this application. It is considered that this is a positive approach to manage surface water of the site.

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

6.9.1 Some of the neighbours have objected to the lack of details and the level of accuracy of the submission. From a planning perspective, it is considered that the submitted information does provide sufficient information to inform the planning decision. In addition, it is beyond the planning functions to cross-examine boundary issue and landownership matters.

6.9.2 The retaining wall within the forecourt of the property and is set back from edge of the highway. Therefore, structurally, it does not form part of the highway, which is not of a concern of the Council's Highways Department. Please also refer to section 6.5 of this report.

6.9.3 All other matters raised through the consultation exercise have been addressed in the above sections of this report and therefore no duplicate commentary is necessary.

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

6.10.1 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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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 WCFG Act.

## **6.11 Conclusion**

6.12.1 For the reasons detailed in Section 6 of this report the development is considered to accord with the relevant policies of the adopted Local Development Plan (as identified in Section 3) as well as all other material planning considerations subject to the conditions set out below.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

1 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.

2 Within 3 months of the date of this permission details of the bat and bird boxes as shown on drawing LSC/01 A shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within 3 months of being approved in writing and retained as such in perpetuity.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1.

3 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 or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, 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.

4 The flue from the plant room (as built) as shown drawing PL01 – A shall be removed within 3 months of the date of the permission.

REASON: To protect local residential amenity and to ensure compliance with LDP Policy EP1.

## **INFORMATIVES**

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

2 Lighting

I would recommend the applicant reviews and applies the below guidance document, in particular pages 18 and 19, for best practice on lighting.



## Lighting guidance

### Biodiversity Net Benefit

Provision of a bat and bird box on the garage would be suitable. The plant room is not however suitable for enhancements, and therefore measures could be provided on the main property, or alternatively on trees within the site (or a mixture).

### Bat roosting options:

#### Integrated provision:

- integrated bat box provision such as 'Schwegler bat tube', 'habitat' or 'Ibstock type c'.
  - a bat access tile or a couple of raised ridge tiles, ensuring a Bitumen 1F liner is used.
  - Access to soffits boxes/behind bargeboards via a small gap (15-20mm) between soffits and wall
- Sites such as NHBS have a number of options, but there are other retailers.

#### Integrated bat options

### Or external provision:

- bat box provision such as a bat cavity roost box, (Example - Beaumaris Woodstone Cavity box or similar)

Sites such as NHBS have a number of bat roosting options, but there are other retailers.

#### External bat options

If a box/boxes are opted for these would ideally be located on a southern aspect, and at least 4 m high (however on this occasion if provision is made on the garage then the western aspect would be most appropriate due to the lower eaves and garage doors on the south side). They should also be located away from any lighting.

Alternatively, provision for bats could be made on mature trees within the site ownership, boxes such as 2F Schwegler bat boxes are suitable for installation on trees.

### Bird nesting options:

I would suggest provision for House Sparrows or Starlings, both are listed as Section 7 species, under the Environment (Wales) Act 2016 as being of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. We recommend that woodcrete options are considered as they provide long term provision.

These ideally would be located on a northern aspect, and at least 2.5 m high (however on this occasion if provision is made on the garage then the eastern aspect would be most appropriate due to the proximity of the ground on the north side).

Sites such as NHBS have a number of options, but there are other retailers.

#### Bird nesting options

Alternatively standard size nest boxes (32mm) such as Schwegler 1B or similar could be installed on suitable trees within the site.