

**Application****Number:** DM/2022/01146**Proposal:** Retention of an outbuilding**Address:** 3 Hollybush Cottages, Gwent Road, Llantilio Pertholey, Monmouthshire, NP7 6NH**Applicant:** Mrs. Sue Hughes**Plans:** Location Plan A100 - , All Proposed Plans A101**RECOMMENDATION: Approve**

Case Officer: Ms. Alice King

Date Valid: 11.10.2022

**This application is presented to Planning Committee at the request of the Ward Member, Cllr Malcolm Lane****1.0 APPLICATION DETAILS**1.1 Site Description

This application relates to a two-storey dwelling known as 3 Hollybush Cottages, located on Gwent Road in Llantilio Pertholey, Abergavenny.

1.2 Value Added

The applicant has provided plans that would see 2no nest boxes located at a height of between 2m - 4m on the outbuilding. Given the minor scale of the proposal, this would be an acceptable ecological enhancement to provide for the biodiversity net gain policy set out in PPW11.

1.2 Proposal Description

Retrospective planning permission is sought for a detached outbuilding in the rear garden of the property.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/1997/00044	Renewal of Application No A36764 - Erection of a Single Dwelling.	Approved	07.03.1997

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S17 LDP Place Making and Design

S13 LDP Landscape, Green Infrastructure and the Natural Environment

#### **Development Management Policies**

DES1 LDP General Design Considerations

EP1 LDP Amenity and Environmental

Protection 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.

#### **Planning Policy Wales (PPW) Edition 11**

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

**Llantilio Pertholey Community Council** – No correspondence received to date.

**MCC Biodiversity** - No ecological information has been provided. The site comprises a domestic garden which appears to be regularly mown amenity grassland, a small area of less regularly managed grassland and scattered ornamental shrubs/hedges. There does not appear to be reasonable likelihood of protected species other than nesting birds being present and impacted. Any dense vegetation to be removed to facilitate the proposals should be cleared outside of the main bird nesting season i.e. cleared during September to February inclusive. If this is not possible, a pre-commencement check within 48 hours of clearance would be required during March to August. If any active nests are found, they would need to be retained and protected from disturbance until chicks have fledged in accordance with the Wildlife and Countryside Act 1981 (as amended). This approach will need to be secured by condition. The garden does not appear likely to form a part of a habitat corridor for light-sensitive bat species. The building does not appear to be particularly suitable for habitat features for nesting birds or roosting bats to be installed as an enhancement measure. If protected species are unexpectedly found during works,

activities will need to cease and a suitably qualified ecologist contacted for advice. NRW have confirmed that the proposals are unlikely to result in additional phosphate discharge to the River Wye SAC catchment. Please ensure that a form demonstrating that the requirements for a HRA can be screened out due to the type of development has been completed.

**Natural Resources Wales** - Recognising the specific nature of the application submitted, the construction of an outbuilding, we are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC.

SEWBRc Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

One neighbour objection has been submitted which states:

What has been constructed is vastly different to the original planning application we were shown. We had no objection to the initial application for a brick and timber roofed garage that was much smaller.

What has been built is way larger constructed using materials that are far less in keeping. It is a very large uPVC plastic and glass structure that is very open. By building something so different from the original application the concern is that this sets a precedent, whereby anyone can apply for one small adaptation or build and then go ahead and construct something entirely different regardless of permissions.

## 5.3 Local Member Representations

County Councillor Malcolm Lane - Has requested that the application be considered by Planning Committee, noting an agreement with third party correspondence that the development does not match with surrounding area.

## **6.0 EVALUATION**

### **6.1 Good Design/ Place making**

6.1.1 The outbuilding is 3.4m in height and is sited unobtrusively to the rear of the dwelling with mature hedge to the rear of the site. It is noted that the outbuilding is a more modern addition to the site, although the surrounding area features a variety of designs and types of dwellings and outbuildings; therefore the modern addition is considered acceptable and on balance does not appear unsightly within wider the street scene. The site and structure is visible from Gwent Road but the scale, height (3.4m above ground level), design and front elevation material choice (uPVC and glass) is considered acceptable. The proposal does not fail to respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings

6.1.2 Accordingly, it is considered to meet the relevant criteria of Policy DES1 of the adopted Local Development Plan (LDP)

### **6.2 Impact on Residential Amenity**

6.2.1 The proposed outbuilding is located at the bottom end of the garden and has limited impact on the amenity interests of neighbouring occupiers, being single storey. The outbuilding is located close to the side boundary of the neighbouring dwelling Ty Hafan, the side and rear elevations of the outbuilding are blank and so no overlooking issues are present. Accordingly, officers are of the view that the development would not have an adverse effect on any neighbouring occupiers in terms of overlooking or being overbearing. The development maintains reasonable levels of privacy and amenity for occupiers of neighbouring properties and therefore does not conflict with LDP policies DES1 and EP1.

### **6.3 Biodiversity**

6.3.1 The garden does not appear likely to form a part of a habitat corridor for light-sensitive bat species. The building does not appear to be particularly suitable for habitat features for nesting birds or roosting bats to be installed as an enhancement measure. The

development does not have a significant adverse effect on a locally designated site of biodiversity or geological importance.

6.3.2 NRW have confirmed that the development is unlikely to result in additional phosphate discharge to the River Wye SAC catchment. A form demonstrating that the requirements for a HRA can be screened out due to the type of development has been completed.

The development is therefore considered to comply with the requirements of Policy NE1 of the LDP.

## **6.4 Response to the Representations of Third Parties**

6.4.1 The neighbour comments received are understood, but each proposal should be looked at on its own merits. Whilst it is appreciated that a previous approval was made on the site for a garage (reference - DM/2019/00930), this scheme did not go ahead, instead the applicants erected an outbuilding under the belief it was permitted development; however due to the size of the outbuilding it does not fall within permitted development rights.

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

6.5.1 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.

## **6.6 Conclusion**

6.6.1 For the reasons detailed above in this report, having regard to the relevant policies and all other material considerations the proposed development is considered to be acceptable 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 The net biodiversity enhancement measures shall be installed in accordance with the details shown on A101 within three months of the date of this permission and retained as such in perpetuity.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.

## **INFORMATIVES**

1 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.