

DC/2014/01533

DETACHED DWELLING AND LAYBY PARKING

SITE ADJACENT TO LION COTTAGE, TRELLECH ROAD, LLANDOGO

RECOMMENDATION: APPROVE

Case Officer: Craig O'Connor

Date Registered: 08/01/2015

1.0 APPLICATION DETAILS

- 1.1 The proposals are for the construction of a new detached bedroom dwelling within an existing orchard in the village of Llandogo. The proposed dwelling would be built into the sloping landscape and would have a smaller footprint on the ground floor measuring approximately 4.9m x 9.8m with a larger footprint on the first floor measuring approximately 9.8m x 9.7m. The dwelling would have a pitched roof that would measure 4.8m to the eaves and 7.7m to the ridge. The dwelling would also have a pitched roofed porch on the front elevation that would have a footprint measuring 3.1m x 2.2 and measure 3.3m to the ridge. The proposed dwelling would have a traditional cottage type design and it would be constructed with natural stone for the external walls, natural slate for the roof and timber for the openings. The proposals also include the creation of a layby parking arrangement along the rural lane by setting the existing stone retaining wall further back into the site by approximately 2.4m to create parking for two car parking spaces. The proposed new retaining wall would be constructed with the stone mostly reused from the existing wall.
- 1.2 The proposed scheme has been amended several times since the original submission and the latest amendment altered the dwelling from a three bedroom property into a two bedroom property and amended the parking arrangement to provide two parking bays for this proposed new dwelling and to allow for two spaces for the neighbouring property Lion Cottage to overcome the occupiers of this property's parking concerns. The amended plans are BP-2428/02 Rev E and BP-2428/03 Rev E.

2.0 RELEVANT PLANNING HISTORY

MM05849 New Detached House; refused February 2002; dismissed at appeal June 2002

A36827 Proposed New Dwelling; refused November 1993

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 Spatial Distribution of Housing Provision

- S13 Landscape, Green Infrastructure and the Natural Environment
- S16 Transport
- S17 Place making and Design

Development Management Policies

- H1 Residential development in Main towns
- EP1 Amenity and Environmental Protection
- DES1 General Design Considerations
- HE1 Development in Conservation Area
- MV1 Proposed Developments and highway considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Llandogo Community Council – recommended Refusal. From an email dated 08/12/2015 the Community Council outlined that they were happy with the application to be determined by the Delegation Panel and they would attend the meeting.

- Adding a dwelling in this location would harm highway safety
- Moving the existing stone retaining wall is a significant engineering operation
- The hillside is characterised by scattered rather than dense development
- The proposed dwelling would dominate the neighbouring party, The Lion
- Contrary to the application details the development would result in a new access, that being the lay-by.
- Parking bays would not be wide enough for driver and passengers to safely exit cars
- If cars are parked facing downhill then they would need to get out into downhill traffic, with no visibility due to the bend
- The development will result in road closure for a long time

Glamorgan Gwent Archaeological Trust – no objection to the positive determination of the application.

Heritage Officer - the proposed cottage follows more traditional lines, and appears to be of a mass and scale that is appropriate to the area and the topography of the site. The materials, I understand are to be of natural stone and natural slate with timber windows. I understand that the plan form is an 'upside down' house to make the most of the site and the views across the wider landscape. However I felt that the dormers were not ideal and it might be better to lift the eaves level by say 300mm in order to fit windows under the eaves rather than the 'gablet' dormers as shown. I would also request that the rooflights are omitted from the front elevation. The porch also projects quite far out from the front of the building and that the roof seems a little shallow, however I do appreciate that this is also due to the steepness of the hillside and getting accommodation into a smaller house as requested. I wonder if size of the porch could be reconsidered. It would be good to condition a sample of slate and stone, cast metal rainwater goods, painted timber windows Overall the

smaller traditional cottage would not fail to preserve the special character of this part of the Llanndogo Conservation Area.

Highways Officer – no adverse comments to the principle of the proposed development. The latest amended plan indicates a new boundary red line which differs from any line provided along the highway boundary so far. The revised line is detrimental to the access and egress of the adjoining dwelling and contrary to the original parking proposals. The parking bays of width 2.4 is contrary to the current SPG which recommends 2.6m and must provide off road parking so that vehicles are parked wholly off the highway. The highway width at this point is limited to 4.8m which does provide passing with care but not of sufficient width for free flow of vehicles if there is any overhang of vehicles. The increase of vehicles from one dwelling does increase the risk factor but would not be sustainable as a reason for refusal. I am not convinced that the new property can provide the parking to be compliant with the SPG, and am still concerned that the existing dwelling is disadvantaged as it currently enjoys two parking spaces.

MCC Biodiversity Officer - A Preliminary Ecological Appraisal has been undertaken to inform the application: Land adjacent to Lion Cottage, Llandogo – Preliminary Ecological Appraisal dated February 2016 produced by Acer Ecology. The site is predominantly semi-improved grassland with areas of dense and more scattered scrub and hedgerow to the north and south boundaries. There are no direct objections to the proposal subject to the conditions and informative being added to any consent.

Dwr Cymru Welsh Water – No objection to the proposed development subject to conditions and informatives.

4.2 Neighbour Notification

Three of the neighbouring properties have raised objections to the proposed development for the following reasons: -

- Road safety – earlier application A36827 was refused on these grounds and the road is now more congested. This area has had a number of accidents and the development is close to an unsighted bend in the road.
- Parking details – The number of proposed car parking spaces does not comply with what the site can accommodate. The plans are inaccurate and the parking bay width is not acceptable
- Harm to the character and appearance of the Conservation Area with the infilling of this green space and orchard
- This part of the village is characterised by period properties. Any development would detract from the period character of this part of the village. The dwelling would be in an imposing position, dominating this part of the hillside.
- The dwelling would have a raised roofline that would be dominant above the adjacent property Lion Cottage and would obstruct views from Ty Dan Celdan

- Loss of privacy to Lion Cottage
- Concerns regarding the stability of the hillside and thus the neighbouring properties. There have been a number of land slips in the area and the development may undermine and destabilise the bank.
- Planning permission was previously refused and there are no reasons why the grounds for the refusal have changed.

5.0 EVALUATION

5.1 Principle of development

5.1.1 The site lies within the main village of Llandogo within its designated development boundary as outlined in Policy S1 of the Local Development Plan (LDP). Policy H2 outlines that new residential development will be permitted within main villages subject to material planning considerations. The site is currently utilised as an orchard and for keeping chickens. It is an open piece of land surrounded by residential properties. The site is considered to be an infill plot and any development would occupy a relatively small gap between existing dwellings. The site is a plot of land that is considered to have enough space to accommodate the proposed detached cottage without resulting in there being an overdevelopment of the site. The proposed development would be sited within the physical form of the village and would not appear out of keeping with the pattern of development in the area. The submitted plans illustrate the proposed access, parking arrangements and private amenity space for the dwelling and outline that the dwelling would be adequately accessed off the existing rural lane having roadside parking and an adequately sized garden. The principle of siting the dwelling at the site is considered to be acceptable and the development would be in accordance with Policies S1 and H2 of the LDP.

5.2 Planning history and impact on the Conservation Area

5.2.1 The proposed development of the site has previously been refused by the local planning authority (A36827 and M/5849) and an appeal was also dismissed by the Welsh Government (M/5849) for a dwelling at this site based on the impact that that development would have on the Conservation Area and highway safety considerations. Since these decisions were made it is considered that there has been a material change in the character and appearance of Llandogo. The village has had significant development over the last 15 years and many of the dwellings have been extensively extended. As a result the proposed traditional cottage type dwelling would not have an unacceptable visual impact on the area to warrant refusing the application. The previously refused planning applications proposed were materially different types of development and different access proposals to what is proposed within this application (a representation of the earlier scheme, considered unacceptable, will be included in the presentation for Members' information).

5.2.2 The Llandogo Conservation Area is derived from its informal and, on occasion, sporadic layout which has evolved over time with the piecemeal construction of houses on the hillside and periods of growth along the A466 Chepstow to

Monmouth Road. The proposed development would result in an area of open space being developed, however it would not significantly alter the character of the area to warrant refusing the application given the scale, form and design of the resultant traditionally designed cottage that would harmonise with the other dwellings in the historic area. The historic village character is made up of small cottages and modest houses scattered over the hillside and the proposed development aims to replicate this character with the development of a relatively small traditional cottage. The site lies within the more dense part of the village as outlined within the draft - Llandogo Conservation Area Appraisal and Management Proposal document (CAAMP). This document outlines that the houses in this area include "a plethora of building types from Victorian villas and modest stone cottages to farmhouses and modern infill houses and bungalows. The houses, largely built into the hillside, are predominantly two-storey." The proposed relatively small simple cottage would be built into the falling landscape and would be constructed with sympathetic traditional materials to ensure that is appropriate for the historic area and harmonises with other dwellings in the area. As the CAAMP outlines, this area of Llandogo is denser than other areas in the village and therefore it is considered that this additional dwelling would be appropriate for this part of the village. The scale, form and design of the proposed cottage would be appropriate for the historic area and would not have an unacceptable impact on the character and appearance of the Conservation Area.

- 5.2.3 The Council's Heritage Officer has reviewed the proposals and has no objection to the principle of the development and moreover, has stated that the traditional cottage proposed would not fail to preserve the special character of this part of Llandogo's Conservation Area. The Heritage Officer made comments on the form and design of the proposals and the applicant has amended the scheme in accordance with this guidance. The proposed amended scheme is considered to be acceptable.

5.3 Visual impact

- 5.3.1 The visual impact of the proposed cottage dwelling is not considered to be harmful to the character and appearance of the locality. The dwelling is a simple stone cottage type building that would be built into the sloping landscape. It would be of a traditional form and scale and would be constructed with traditional natural materials. The dwellings in the area vary in scale, design and form and the proposed traditional cottage would harmonise well with the mix of dwellings. It would not appear visually intrusive. The plot is large and it is considered to be capable of accommodating the proposed dwelling without harming the historic conservation area and it would not be an overdevelopment of the site. The proposed development would be sited within the development boundary and built form of Llandogo and it is not considered that it would have a harmful impact on the natural beauty of the wider rural landscape which lies within the Wye Valley Area of Outstanding Natural Beauty.

- 5.3.2 The proposed cottage is considered to have an acceptable visual impact on the area that would not harm the appearance of the street scene or the wider

landscape in accordance with Policies S1, S13, S17, EP1, DES1, H2 and LC4 of the LDP.

5.4 Residential amenity

- 5.4.1 The proposed dwelling would be sited in a gap within the built up part of Llandogo between Lion Cottage and Inglewood. As outlined within 5.1, 5.2 and 5.3 above, it is considered that the dwelling would not be visually intrusive and would integrate well with the existing mix of properties. It would not be an overdevelopment of the site. The proposed detached cottage would not overlook any party to an unacceptable level. The proposal would be built into the landscape and it would not have an overbearing impact on any other party. When standing at the site at the present time there is a certain element of overlooking between the site and Lion Cottage and this is the general arrangement within Llandogo given the topography of the area. The proposed dwelling would appear single storey at first floor level and as a result an appropriate boundary treatment could be developed at the site to protect the privacy of both those living in the dwelling and the occupiers of Lion Cottage.
- 5.4.2 The construction of a dwelling at the site is not considered to result in an unacceptable level of overlooking given the orientation of Lion Cottage and the proposed dwelling, as well as the topography of the site. The privacy levels at the resultant site are considered to be acceptable. The proposed window and door in the side elevation of the dwelling looking towards Lion Cottage would be obscured glazed to protect the privacy of the occupiers of Lion Cottage. The applicants have made these alterations to overcome some of the concerns of the neighbouring party. The proposed dwelling would not have an unacceptable impact on any party's residential amenity to warrant refusing the application and the development would be in accordance with the relevant Policies in the LDP.

5.5 Highway safety and parking

- 5.5.1 The proposals seek consent to construct a lay-by car parking area adjacent to the rural highway by setting back the existing stone retaining wall by approximately 2.4m. The Highways Officer has reviewed the proposals and there are no objections to the principle of the development on highway safety grounds. The Highways Officer has raised concerns relating to the parking in terms of the dimensions of the lay-by and also concerns about the existing parking of Lion Cottage being compromised. The Officer has outlined that the width of the parking bay is 200mm short of what is advised in the Supplementary Planning Guidance (SPG), this is only slightly under the requirement and, on balance, the proposed width is considered to be acceptable in this traditional village setting where there have been regular compromises in relation to adopted access and parking standards. The Highways Officer also outlines concerns relating to the parking of both the proposed property and Lion Cottage. The applicant has outlined on the amended plan (Drwg. BP-2428/03 Rev E) that they could accommodate two car parking spaces on the majority of land they own which would meet the SPG requirement for the two bedroom dwelling. Lion Cottage currently utilised a section of the highway for parking purposes, although this piece of land forms

part of the public highway. The Local Planning Authority has not been made aware that this land is owned by Lion Cottage. The rights over the land and parking concerns would in any case be a private legal matter between the relevant parties. The applicant has amended the proposals to alter the accommodation within the proposed cottage and allow for space for two parking spaces for the new dwelling and two parking spaces for Lion Cottage; this is considered to provide both dwellings with an acceptable level of parking provision.

- 5.5.2 The proposed development would result in the creation of car parking spaces directly in front of the proposed dwelling on land within the applicant's ownership. A sufficient amount of parking provision would be provided for the dwelling and in terms of highway safety and parking the development is considered to be acceptable. Although local roads are narrow, the proposed development would not create a significant amount of additional traffic to the existing road network and would not cause unacceptable harm to highway safety and would be in accordance with Policy MV1 of the LDP.

5.6 Ecology

- 5.8.1 The Council's Biodiversity Officer outlined that a preliminary ecology survey would be required at the site to inform a decision. The survey was conducted and after reviewing the details of the survey the Biodiversity Officer has no adverse comments to the proposals subject to the proposed conditions being attached to any consent. The proposed development is not considered to have an unacceptable level of impact on wildlife interests at the site and is acceptable subject to the submission of a full method statement at the construction stage. The proposed development would be in accordance with Policy NE1 of the LDP which aims to protect wildlife interests.

5.7 Response to Community Council

- 5.6 The Council's Highway's Officer has reviewed the proposals and has not objected to the principle of the development and is of the view that the construction of one additional dwelling in this location would not result in significant detrimental harm to highway safety so as to warrant refusing the application. Moving the retaining stone wall would be a major engineering operation and it may result in the temporary closure of the road but this would have to be considered by the developer and contractors who conduct the work in association with the Highway Authority. The Local Planning Authority determines the principle of whether or not development is acceptable and not the practicalities of the construction phase. As outlined in sections 5.1 - 5.3 it is not considered that the development would fail to preserve the character or appearance of Llandogo's Conservation Area.

5.8 Response to third party comments

- 5.8.1 As outlined in sections 5.2 and 5.5 and confirmed by the Council's Highways Officer 'the increase of vehicles from one dwelling does increase the risk factor but would not be sustainable as a reason for refusal.' As outlined in section 5.5

the parking provision for the site is considered to be acceptable. As outlined in section 5.2 and 5.3 the development would preserve the character and appearance of Llandogo's Conservation Area. The form, scale and design of the proposed cottage would be appropriate for the area. The impact on residential amenity has been evaluated within section 5.4. The development is not considered to have an unacceptable level of impact on any other party to warrant refusing the application. There have been previous refusals of planning consent at the site; however as outlined in section 5.2, over time the character and appearance of the area has changed and the proposals within this application are materially different to the earlier schemes. It is concluded that the development would not have a significantly adverse impact on the character and appearance of the area to warrant refusing the application.

6.0 RECOMMENDATION: Approve

Conditions/Reasons

1. Standard 5 years in which to commence development
2. Development to be conducted in strict accordance with the submitted plans.
3. Samples of the proposed materials to be agreed in writing with the Local Planning Authority.
4. Notwithstanding the approved plans the boundary fence shall not be erected and the details for the boundary treatment shall be agreed in writing prior to the commencement of development. Permitted Development Rights for fencing and enclosures removed.
5. Permitted development rights to extend further shall be removed
6. Permeable materials for hard standing only.
7. The retaining wall shall be of natural stone only to match the existing arrangement.
8. As outlined on the hereby approved plans the side elevation windows in the first floor level shall be obscured glazed to Pilkington scale 3.
9. Foul water and surface water discharges shall be drained separately from the site.
10. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
11. Land drainage run off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
12. No development shall take place including ground works or site clearance until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The method statement shall include, measures to safeguard biodiversity interests at the site including:
 - reptiles
 - dormice
 - nesting birds
 - badgers
 - hedgehogs

The content of the method statement shall include the:

a) purpose and objectives for the proposed works in relation to protection of the above species and provision of mitigation;

- b) detailed designs and working methods necessary to achieve stated objectives;
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) measures to avoid killing and injuring protected species during works,
 - f) persons responsible for implementing the works;
 - g) initial aftercare and long-term maintenance;
- The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter. Any deviation from the Method Statement shall be agreed with the Local Planning Authority prior to the commencement of that deviation.

13. 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 scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:
- a) lighting type, positioning and specification
 - b) measures to minimise light spill from glazed areas
 - c) drawings setting out light spillage in key areas for bats based on technical specifications
- The strategy must demonstrate that flight lines are not illuminated. The scheme shall be agreed in writing with the Local Planning Authority and implemented in full.
14. Prior to the completion of development hereby approved, a plan showing details of nesting provision for birds and roosting provision for bats shall be submitted to the local authority for approval. The approved details shall be implemented before the new development hereby approved is first occupied.

Informatics

Dwr Cymru Welsh Water

Party Wall Act

BATS - Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

NESTING BIRDS – Please note that 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 bird species is between March and September.

BADGERS - Please note that Badgers are protected under the Protection of Badgers Act 1992. It is illegal to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so; to intentionally or recklessly interfere with a

badger sett by damaging or destroying it; to obstruct access, or any entrance of, a badger sett and to disturb a badger when it is occupying a sett.

To avoid breaking the law, follow the advice provided by the consultant ecologist and if work is within 30m of a sett consult with Natural Resources Wales.

REPTILES – Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.

DORMOUSE - Please note that the hazel dormouse is protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual dormice from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If dormice are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.