

**DC/2016/01206**

**CONSTRUCTION OF A NEW GARDEN STORAGE BUILDING IN ASSOCIATION WITH UPPER LLANANANT, PENALLT INCLUDING CHANGE OF USE OF WOODLAND TO BE INCLUDED WITHIN THE GARDEN CURTILAGE**

**UPPER LLANANANT FARM, PENTWYN LANE, PENALLT, NP25 4AP**

**RECOMMENDATION: REFUSE**

Case Officer: Elizabeth Bennett  
Registered: 07/11/2016

This application was deferred at the meeting of Committee held on 4<sup>th</sup> April 2017 because Members were minded to refuse the proposal. The application is therefore re-presented with a reason for refusal based on Members' debate.

Reason:

1. The scale and mass of the proposed garden storage building is considered to be excessive and not of domestic scale, and would by way of its significant size and location close to the public highway be harmful to the natural beauty of this part of the Wye Valley Area of Outstanding Natural Beauty (AONB). The proposal would therefore conflict with policies S13, S17, LC4 and criteria b), c) and e) of DES1 of the adopted Monmouthshire Local Development Plan. The excessive scale of the proposed domestic outbuilding and its prominent location would also conflict with the advice set out in Section 7 of the adopted Supplementary Planning Guidance, 'Policies H5 and H6 Replacement Dwellings and Extensions to Dwellings in the Countryside', April 2015.

**PREVIOUS REPORT**

**1.0 APPLICATION DETAILS**

- 1.1 This application relates to the construction of an agricultural type building to be used as a multi-use building for storage of garden equipment and tools, general garden workshop, garaging and log store for the benefit of the residential property known as Upper Llananant Farm, Pentwyn Lane, Penallt. The application also includes a change of use of a small parcel of woodland to be included within the garden curtilage.
- 1.2 The property is detached and sits within in its own large garden and wooded curtilage within the AONB. The proposal seeks to provide a large multi-use building for storage of equipment and tools required to maintain the property and surrounding wooded garden area.
- 1.3 The application is presented to Committee at the request of the Council's Planning Application Delegation Panel.

**2.0 RELEVANT PLANNING HISTORY**

None

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment  
S17 – Place Making and Design

#### Development Management Policies

EP1 – Amenity and Environmental Protection  
DES1 – General Design Considerations  
H6 - Extension of Rural Dwellings  
LC1 – New Built Development in the Open Countryside  
LC4 – Wye Valley AONB  
LC5 - Protection and Enhancement of Landscape Character  
RE4 - New Agricultural and Forestry Buildings

SPG - Policies H5 & H6—Replacement Dwellings in the Open Countryside & Extension of Rural Dwellings, referencing Garaging and Outbuildings

## **4.0 REPRESENTATIONS**

### **4.1 Consultation Responses**

Trellech United Community Council – Recommends refusal

- Proposed building is inappropriately large for a domestic outbuilding, and out of scale with the house
- Use of corrugated metal sheeting inappropriate for a domestic building, especially within the AONB landscape
- Concerned that trees cleared before permission granted for change of use

#### MCC Biodiversity Team

I note and welcome the amended design to reduce light spill from the proposed building and am satisfied that this will avoid impact upon bats flying in the area including those that may form part of the special interest of the Wye Valley and Forest of Dean Bats Sites SAC.

The report describes habitat surrounding the development area as ancient semi-natural woodland, a section 42 list priority habitat in planning terms and a material consideration as described in LDP Policy NE1. It is noted that recent works have cleared trees from the proposed site and as the site does not appear to have been excavated I consider it likely that if the site was not developed and allowed to naturally regenerate that sufficient ground flora and seed bank exist that priority habitat woodland would in due course re-establish.

In the event the application had come forward prior to the tree felling, the LPA would have requested that the garage was moved to avoid the loss of priority habitat. If location elsewhere was not possible the LPA has the facility within Policy NE1 to seek compensation for the lost habitat.

#### MCC Tree Officer

I have looked at this proposal on street view, aerial photography and your photos and there does indeed appear to have been some tree/vegetation clearance. Although the trees appear to be of moderate quality they are still a component of a wider woodland and are still deemed to be of importance to it. A condition requiring an

Arboricultural Method Statement and Tree Protection will be required to be included in any decision granted. (Pre-Application Advice Comments).

#### MCC Public Rights Of Way Officer

Public Path no. 271 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Rights of Way taking place.

#### Natural Resources Wales

NRW has no objection to the application as submitted.

However, we acknowledge the advice provided by your ecologist in his email dated 15 November 2016. Given the proximity of the Wye Valley and Forest of Dean Bat Sites SAC we advise that you ensure a Regulation 61 assessment is carried out of this proposal.

#### 4.2 Neighbour Consultation

No consultation responses have been received.

### **5.0 EVALUATION**

#### 5.1 Siting / Design

5.1.1 This application relates to the construction of an agricultural type building to be used as a multi-use building for storage of garden equipment and tools, a general garden workshop, garaging and log store for the benefit of the residential property known as Upper Llananant farm, Pentwyn Lane, Penallt. The property is detached and sits within its own large garden and wooded curtilage within the AONB. The proposal seeks to provide a large multi-use building for storage of equipment and tools required to maintain the property and surrounding wooded garden area.

5.1.2 The siting for the proposed agricultural style building is to be within a wooded area of a small parcel of land in the ownership of the applicant. This area is also to be included in the application and is the subject of a 'change of use' to be included as part of the garden curtilage. This area has been cleared of vegetation some months prior to the application being made. It is to be accessed via an existing entrance off an unclassified lane, and can also be accessed through the main entrance of the property.

5.1.3 The type and style of building applied for is considered to be respectful of the surrounding habitat. The integral roof lights (originally proposed) have been removed from the design in order to avoid any light pollution into the area in respect of bats and other foraging mammals. The overall length of the building is proposed to be 18.0 metres with the overall width being 9.0 metres. The eaves height is proposed to be 2.7 metres with the maximum ridge height being 4.0 metres.

5.1.4 It is proposed to have double opening doors to the south-east elevation to provide the garaging element of the building with a further three sections to the building providing a workshop, tool and implement store and a log store. The access doors for each section will be located on the north-east elevation of the building. The roof is proposed to be steel sheeting in olive green and with all side to the outer building being clad in either larch or cedar which are appropriate materials.

## 5.2 Visual & Environmental Impact

5.2.1 As requested by NRW a Regulation 61 assessment has been carried out by MCC's Biodiversity Officer - a Habitats Regulations Assessment Screening has been undertaken and it is considered that subject to the submitted design (lighting) and a proposal to undertake compensatory priority habitat planting, there is no pathway to Significant Effect on the Wye Valley and Forest of Dean Bat Sites SAC.

5.2.2 The proposed building will be of an acceptable scale, form and design and will have a non-intrusive visual impact on the area. The proposed development is not considered to have any detrimental effect upon street scene or be detrimental to the local AONB.

5.2.3 The application is considered to be in accordance with the Local Development Plan and meets the criteria as set out in Policies DES1, EP1, H6 (b), LC1 (b, c), LC4, LC5 (a, b, c, d) and RE4 (a). The application is also considered to be in accordance with Supplementary Planning Guidance (SPG) - Policies H5 & H6—Replacement Dwellings in the Open Countryside & Extension of Rural Dwellings, referencing Garaging and Outbuildings.

## 5.3 Response to the Community Council's representations

5.3.1 These have been addressed above.

## 5.4 Response to the Representations of the Community/ Town Council (if applicable) Well-Being of Future Generations (Wales) Act 2015

5.4.1 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.

## 6.0 **RECOMMENDATION: APPROVE**

### Conditions:

Condition No:	Condition
1.	This development shall be begun within 5 years from the date of this permission.
2.	Development to be built in accordance to any of the approved plans that are listed on the decision notice
3.	Prior to the commencement of the development details of compensatory priority habitat provision shall be submitted to the local planning authority for written approval. The agreed details shall be implemented within the first planting season following the completion of the development and upon completion of planting confirmation shall be provided to the local planning authority.

4.	No development may take place until the local planning authority has received and agreed in writing the following tree protection information: i) An arboricultural method statement (AMS). ii) A tree protection plan (TPP) The development shall be carried out in accordance with the approved statement and plan.
5.	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 outbuildings shall be erected or constructed.
6.	The works shall be undertaken in accordance with the Ecological Appraisal, Project: Land adjacent to Upper Lanant, Penallt, NP25 4AP on behalf of: Mr and Mrs Price Date: October 2016.by Pearce Environmental.

Reasons:

1.	To comply with Section 91 of the Town and Country Planning Act 1990.
2.	To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
3.	In order to comply with LDP policy NE1 and compensate for the loss of Section 42 list habitats.
4.	To protect valuable green infrastructure assets in accordance with Policy S13 – Landscape, Green Infrastructure and the Natural Environment.
5.	To prevent the proliferation of outbuildings in the AONB.
6.	To provide and maintain biodiversity and therefore comply with the Biodiversity Duty in the Environment (Wales) Act 2016 and LDP Policy NE1.

Informatives

- Bats