

Application Number: DM/2021/01367

Proposal: Change of use of building from offices to single dwelling with associated works

Address: Ashbourne House, 33 Bridge Street, Chepstow

Applicant: Mr and Mrs R Taylor

Plans: Floor Plans - Existing 2341/1 - , Elevations - Existing 2341/2 - , Block Plan 2341/3 G - Rev G, Floor Plans - Proposed 2341/4 - , Elevations - Proposed 2341/5 A - Rev A, Other FLOOD STATEMENT - , Heritage Statement - , Other

RECOMMENDATION: Approve

Case Officer: Ms Kate Young
Date Valid: 10.08.2021

This application is presented to Planning Committee due the number of objections received exceeding four

1.0 APPLICATION DETAILS

Site Description

1.1 Ashbourne House is a three-storey property, originally built as a dwelling house but about 25 years ago it was converted into offices and has remained in office use ever since. It occupies a prominent position with the property fronting onto Bridge Street and the rear facing towards Chepstow Castle. There is vehicular access through the Castle carpark and a large car parking area at the rear of the property within the existing curtilage. The property is finished in render with a slate roof. It is a Grade II listed building and located within the Chepstow Conservation Area.

1.2 The site is located within the Chepstow Development Boundary. The rear part of the building along with the car parking area and vehicular access is located within a C1 Flood Zone as defined in the TAN 15 DAM maps. Under the provisions of the December 2021 TAN15 the Castle carpark is defined as being in the Defended Zone, although the updated maps and revised TAN15 have been suspended for 18 months. Thus, the building's position in respect of current planning policy is that it is in a C1 Flood Zone. The site is also located within an Archaeologically Sensitive Area.

1.3 A concurrent application for listed building consent has been submitted under DM/2021/01368.

Value Added

1.4 The detailed design of the proposal was discussed at the pre-application stage. All fencing and gates have now been removed from the proposal. Neighbours and interested parties were re-consulted on these amendments.

Proposal Description

1.5 The application seeks the conversion of the offices back into a single residential property. There will be no external alterations to the front of the property that faces onto Bridge Street. At the rear a roof lantern will be added to the existing single story extension. The large window on the side elevation facing into the courtyard will be changed to timber patio doors and a small new window will also be added to the side elevation which will serve a landing and face the existing store building.

The existing access and car parking arrangement will not alter.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/01367	Change of Use of building from offices to single dwelling with associated works	Pending Determination	
DM/2021/01368	Change of Use of building from offices to single dwelling with associated works (LBC)	Pending Determination	

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

HE1 LDP Development in Conservation Areas
E1 LDP Protection of Existing Employment
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

Supplementary Planning Guidance

Chepstow Conservation Area Appraisal (March 2016):
<http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance/chepstow-conservation-area-appraisal>

Monmouthshire Parking Standards (January 2013)
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

National Planning Policies (If Any)

Technical Advice Note (TAN) 15: Development and Flood Risk (2004):
<http://gov.wales/topics/planning/policy/tans/tan15/?lang=en>

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 that 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

Chepstow Town Council – Approve

MCC Highways - No objection

The property is ideally located within walking distance of all available amenities and attractions you would expect and good access to bus and rail transport links. The application proposes the retention of the rear car parking area and access from the adjacent car park.

MCC Heritage Officer - No objection

Ashbourne House is a grade II listed building in the Chepstow Conservation Area. The proposal would restore the historic use of the building as a single dwelling. External alterations are minimal, focused on the rear elevation. The proposal will not impact the Conservation Area.

MCC Environmental Health - No objection.

Glamorgan Gwent Archaeological Trust (GGAT) - No objection

The application is for the change of use from offices to a dwelling. Whilst there will be changes to the interior, which is not included in the listing description, the footprint of the structure will remain unchanged. Therefore, it remains the case that is unlikely significant archaeological remains will be encountered.

Cadw - No Objection.

The removal of the proposed fence has significantly reduced the likely impact of the proposed development on the setting of the scheduled monument. The Heritage Impact Assessment contains sufficient information for us to conclude that whilst there may be a very slight visual change in the view from the Castle, this will not have any effect on the way that it is experienced,

understood and appreciated. Consequently, the proposed development will have no impact on the setting of scheduled monument MM002.

Natural Resources Wales (NRW) - No objection

The planning application proposes highly vulnerable development, change of use from offices to single dwelling. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15. The FCA shows that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no objection to the application as submitted.

5.2 Neighbour Notification

Letters received from five addresses following re-consultation on 09/09/21.

Several residents in this Terrace have been subjected to retrospective planning obligations to re-visit alterations to their properties that in some instances were not carried out by the purchaser but by the previous occupant. This is as a result of the change from the status of Grade II to Grade II* for Castle Terrace. I believe the residents from no 37 down to no 33 as in the Title Deeds should have access to the grassed area adjacent to the Cadw Parking for service access and essential maintenance to their houses. They have prescriptive practical rights.

It is considered that the historic gateway access from the Cadw Parking area should be re-established according to Listed Planning Law as it is in the curtilage of these Listed Buildings and a Conservation Area directly in front of Chepstow Castle.

Concerns over the impact of the proposed boundary fence because of the impact on light and views to and from neighbours, it will look out of place in the Conservation Area and setting of the Listed building.

Objections in relation to the installation of a gate, electric or otherwise, as it will prevent access for utilities.

Concerns over the impact on the occupant of the new residential unit given the adjacent public house and potential noise disturbance.

Concerns over enclosing the lawned area and restricting access to adjacent properties.

Use of a second-floor side window in Ashbourne House (which was never used during business occupation) would mean loss of privacy for me and my neighbours as it directly overlooks our outside spaces. The change of use will result in an overall loss of privacy.

Concerns over the loss of a business premises.

Concerns about the loss of wildlife to the rear of the property, reference is made to Hedgehogs.

Concerns over the ownership and rights to the land.

Please note all representations can be read in full on the Council's website:
<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

6.1.1 Policy S1 of the LDP says that the main focus for new housing development will be within the main towns of which Chepstow is one. Policy H1 of the LDP allows for residential conversion within development boundaries, subject to detailed planning considerations. There are residential

properties to the south of Ashbourne House, while the adjoining property to the north is a public house. The property was originally built as a residential property; therefore, the principle of residential development in this location is acceptable. PPW11 encourages residential development in sustainable locations saying that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.

6.1.2 The building is currently used as a B1 office use. The site is not within an area protected for employment purposes under Policy E1 of the LDP. The fact that these and many other office sites within Chepstow remain vacant would indicate that there is limited demand for such premises in this location. It is more beneficial for the character and appearance of the Conservation Area to have occupied residential units than it is to have a range of vacant commercial units. The loss of the office unit in this location would not be prejudicial to the aim of creating a balanced local economy given the variety of industrial and commercial facilities that are currently available in the area. Within the town centre there is a surplus of office accommodation and there is no policy reason for Ashbourne House to remain as offices as it is not in the Central Shopping Area. The principle of the proposed change of use therefore accords with Policies S1 and H1 of the LDP.

6.2 Sustainability

6.2.1 Chepstow Town Centre is one of the most sustainable locations within the County with good public transport links, including bus and train services within walking distance of the site. The occupiers of this property would also be able to walk to all of the facilities within the town centre. The LDP and PPW encourage sustainable development and promote making the most efficient use of brownfield land. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

Good Design and Place Making

6.2.2 Policy DES1 of the LDP requires that the proposed dwelling contributes to a sense of place while its intensity is compatible with existing uses. The application relates to a very imposing three storey listed building that makes a very positive contribution to the Chepstow Conservation Area. The rear elevation and access to the site are seen in the context of Chepstow Castle. There will be very few external alterations to the building. The front elevation that faces onto Bridge Street will not be altered in any way. In the rear, there will be a roof lantern over the existing flat roofed extension. The character of the roof lantern is in keeping with the character of the property. Cadw states that the new sky lights will result in a very slight visual change in the view from the Castle, although this will not have any effect on the way that the Castle is experienced, understood and appreciated. Thus, the proposed development will have no impact on the setting of scheduled monument MM002. The other alterations to the ground floor are the alterations of the large existing window on the side elevation to form new timber patio doors and the introduction of a new window on the side elevation. Both face towards the existing courtyard and store building and will not be visually prominent from any public vantage point. Following revision to the plans, the fence and gates have been omitted and so there will be no alterations to the boundary treatment of the site or the parking area. The building is listed and Listed Building Consent will consider the design in greater detail.

6.2.3 This application seeks the conversion of an existing building. There are very few external alterations. The change of use will have very little impact on the design of the existing building; it will retain the building's appearance and not alter the street scene. The design of the proposal is respectful of the prevailing character of the area and would contribute towards a sense of place. The proposal therefore accords with the objectives of Policy DES1 and HE1 of the LDP. PPW 11 says that good design is fundamental to creating sustainable places where people want to live, work and socialise. The special character of an area should be central to its design. In this case the physical alterations are only minor and do not adversely affect the character of the area or alter the sense of place.

6.3 Historic Environment

6.3.1 The impact on the Listed Building will be considered in full in the concurrent Listed Building Application which concludes that the proposal will restore the historic use of the building as a single dwelling. External alterations are minimal, focused on the rear elevation so the proposal will not fail to preserve the character or appearance of the Conservation Area. The proposal therefore accords with the objectives of Policy HE1 of the LDP.

6.4 Impact on Amenity

6.4.1 The front of Ashbourne House looks over Badminton Gardens and there will be no alterations to the front elevation. There will be no overlooking of neighbouring properties from the proposed roof lantern as it is set into the ceiling above eye level. The new window on the ground floor looks directly into the existing storeroom of the property itself and does not overlook any neighbouring properties. The enlarged window to the kitchen faces south-west and looks towards an existing stone wall and green space. There will be no significant increase in overlooking or loss of privacy resulting from the conversion of this window into patio doors. All of the other windows on the property are existing. There will be no additional overlooking as a result of this proposal as the buildings form a terrace and have views north-west towards the Castle rather than onto each other. Residential amenity will not be affected by this change of use. The impact of the adjacent public house on the new occupants of the newly formed residential unit has been raised. However, the public house is existing and a new occupant will be moving into an existing situation and would be aware of the current use and activity associated with the property. The proposal accords with the objectives of Policy EP1 of the LDP as it does have regard to the privacy, amenity and health of the occupiers of neighbouring properties.

6.4.2 The local residents in adjoining properties have referred to loss of light and views resulting from the proposed fence. The proposed fence has been removed from the scheme and no new fences are being proposed.

6.5 Highways

Sustainable Transport Hierarchy

6.5.1 PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located in the centre of Chepstow within easy walking distance to all the amenities and facilities in the Town Centre. The site is also within easy walking distance of good public transport links including the bus and railway stations. This site occupies one of the most sustainable locations in the County and the occupiers of this dwellings will be less reliant on the car to go about their daily business.

Access / Highway Safety

6.5.2 There will be no alterations to the vehicular access into the site. The amount of traffic generated as a result of the change of use may be less than the current office use. The Highway Authority have no objection to the proposal.

Parking

6.5.3 The adopted Monmouthshire Parking Guidelines require one car parking space per bedroom up to a maximum of three. In this case there are more than three off road parking spaces provided at the rear of the property; these will be unaltered so that the proposal accords with the objectives of Policy MV1 of the LDP

6.6 Right of access and Land ownership

6.6.1 Local residents have raised concerns regarding landownership and legal rights of access to the rear of their properties. These are not material planning considerations, rather they are private legal matters between the interested parties. The applicants have submitted title deeds to the property which shows that all of the land within the red line boundary is in the ownership of

Ashbourne House. There are five properties on Bridge Street whose rear gardens extend to the green garden space of Ashbourne House and it appears that the occupiers of some of those properties may cross the land to the rear of Ashbourne House to gain access. There is no definitive footpath shown on the Council's records, but the residents of other properties may have historical private rights over the land. The neighbours state that the utility companies have the right to access their equipment and assets; this is correct and will not be affected by this proposal. The application has been amended and there is now no additional fencing.

6.7 Flooding

6.7.1 The rear part of the property, the access and parking area are all in a C1 Flood Zone have regard to the Development Advice Maps (DAM) contained in TAN15. The application proposes highly vulnerable development, a change of use from offices to a single dwelling. Policy S12 of the LDP refers to Efficient Resource Use and Flood Risk, it states that " all new development must avoid the siting of inappropriate development in areas at risk of flooding".

6.7.2 LDP Policy SD3 also refers to flood risk and Section 6 of TAN15 requires the Local Planning Authority to determine whether the development in the location is justified with regards to the tests set out in section 6.2 of TAN15. The application has been supported by a Flood Consequence Assessment. NRW has reviewed the submitted FCA and concluded that the risks and consequences of flooding are manageable to an acceptable level. Therefore, they have no objection to the application as submitted.

6.7.3 The tests in part 6 of the TAN set out that new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development will only be justified if it can be demonstrated that:

- i) its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii) its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

- iii) it concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv) the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.

6.7.4 In this case the application relates to the conversion of an existing building. The site has been previously developed and only a small part of the property will be in the flood zone. The proposal is required to sustain the existing settlement in Chepstow and provide much needed housing within the town. This also represents a new and sustainable use for the listed building which supports the need to preserve the County's rich heritage. NRW has confirmed that the submitted FCA has demonstrated that the risks and consequences of flooding can be acceptably managed. The proposal therefore accords with the four tests outlined in paragraph 6 of TAN15.

6.7.5 The new TAN 15 and Flood Map for Planning was intended to come into effect on Wednesday 1 December 2021 bringing in newly revised and updated mapping and more up to date policy. However, this has been suspended until June 2023 and so the revisions are not a material consideration in respect of this application.

6.7.6 The changes however show that under the revised maps the site is partially in a Defended flood zone 2. The access and part of the parking provision for Ashbourne House is also in a TAN Defended Zone. In a TAN Defended Zone applications for development can proceed subject to the risks and consequences of flooding being acceptably managed. In this case the applicants are aware of the flooding issues and the flood emergency plans. The application relates to a change of use with no new build and so that the proposal will not increase the risk of flooding elsewhere. The house itself is outside the flood zone. On implementation the proposal will therefore accord with the advice given in the present version of the new TAN15.

6.8 Drainage

Foul Drainage

6.8.1 The foul water discharges to mains drains, there will be no increase in discharge as a result of this change of use.

6.9 Surface Water Drainage

6.9.1 There will be no increase in the amount of hard surfaces on the site as a result of this proposal. There will be no increase in the size of the footprint of the building and no increase in the car parking area. Rates of surface water flow will remain unchanged as a result of this change of use from offices to residential.

6.10 Phosphates

6.10.1 Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application is outside of the phosphate vulnerable area and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.11 Biodiversity

6.12.1 PPW11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The proposal includes biodiversity enhancements in the form of bat and bird boxes on the rear of the dwelling. These measures have been shown on the elevation drawings and this will provide ecological net benefit on the site as required by the Environment (Wales) Act 2016 and Planning PPW11.

6.12 Response to the Representations of Third Parties

6.12.1 The majority of the objections refer to a timber fence blocking access to the rear of adjoining properties in Bridge Street. The fence and electric gates have now been removed from the scheme and so no longer form part of the application.

6.12.2 The right of access over a piece of land is not a material planning consideration. This right of access has not been conclusively proven, but it appears to be historical, but this is not a planning matter being a civil legal matter between the parties involved. The right of access for utilities and services will not be affected by the proposed change of use. No public rights of way will be blocked as a result of this application.

6.12.3 An objector has referred to a second-floor window suggesting that this would increase the level of overlooking, but there are no new windows being proposed to the upper floors which would increase overlooking. The current use sees the building occupied throughout mainly business hours, and the residential use will mean the building is occupied most of the time, albeit to a lower intensity. For the reasons identified above the position of the building in relation to neighbours and the position of windows means that despite the longer periods of occupation the impact on overlooking would be limited and acceptable.

6.12.4 Neighbours are concerned by the impact on wildlife especially the fence preventing the movement of hedgehogs. The proposal does not now involve any new boundary treatments. The change of use of the property will not involve any alterations to habitats - in fact biodiversity enhancements are to be introduced in the form of bird and bat boxes.

6.12.5 In addition, views of the Castle will not be impacted; the only physical alterations to the building are the enlargement of one window, the introduction of a small window on the side elevation and the installation of a roof lantern. Cadw has considered the impact of these on the Castle and concluded that the proposal will have no impact on the setting of scheduled monument MM002 Chepstow Castle.

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

6.13.1 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.

6.14 Conclusion

6.14.1 For the reasons identified above it is considered that the change of use of the listed building is acceptable and meets the relevant policies by being located within the development boundary and in a sustainable location. It is not a protected employment site, provides the necessary parking and has sufficient access. It proposes suitable physical changes to the listed building and respects the setting and character of the area protecting the natural and built environment as well as maintaining neighbour amenity. The impact on flooding has also been assessed and considered acceptable.

The proposals therefore accord with the policies identified above and the proposals are recommended for approval.

7.0 RECOMMENDATION: APPROVE

Conditions:

- 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 The Biodiversity net benefit measures as illustrated in plans entitled Proposed Elevations 2341 5A submitted on 22/11/21, shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the extension commencing.

Reason: To ensure appropriate mitigation for protected and priority species and provide biodiversity net benefit ensuring compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1