

DC/2010/00670

RESIDENTIAL DEVELOPMENT OF 8 UNITS, COMPRISING OF A 1 BED FLAT, A 2 BED FLAT ABOVE FOUR CAR PORTS AND 6 NO THREE-BEDROOM HOUSES AND ALL ASSOCIATED WORKS

LAND TO THE REAR OF 34 TO 39 CROSS STREET, OFF BEILI PRIORY, ABERGAVENNY

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham

Date Registered: 05/10/2010

1.0 APPLICATION DETAILS

This is a full application for eight new residential units on land to the rear (west) of 34 - 39 Cross Street. The proposed units will comprise of 1 x one bedroom flat, 1x two bedroom flat and 6 x two/three bedroom houses. The buildings are proposed to be a mix of two and two and a half stories with varying ridge levels.

The site is currently a private car park used by the staff of the shops on Cross Street and residents of the flats above. It is bounded to the north and east by a public car park. To the south is the Swan Hotel car park. It is proposed that the dwellings will utilise the existing access off Beili Priory which is itself accessed off Monk Street with only a pedestrian link to the adjacent public car park.

The site is within a Conservation Area and is also adjacent to the Grade II* listed Gunter Mansions. The site is also within a zone C2 flood plain.

2.0 RELEVANT PLANNING HISTORY

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 – Spatial Distribution of New Housing Provision
- S4 – Affordable Housing Provision
- S12 - Efficient Resource Use and Flood Risk
- S13 – Landscape, Green Infrastructure and the Natural Environment
- S16 - Transport
- S17 – Place Making and Design

Development Management Policies

- H1 – Residential Development in Main Towns
- HE1 – Development in Conservation Areas
- EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations
MV1 – Development and Highway Considerations
NE1 – Nature Conservation and Development
SD3 – Flood Risk

4.0 REPRESENTATIONS

4.1 Consultations Replies

Abergavenny Town Council – recommend refusal.

Acknowledged that the scale of the development had been reduced but concerns were still expressed about the traffic issues at the Monk Street entrance to the lane. It was also felt that with several historic buildings adjacent to the site, the development would not enhance the area.

Natural resources Wales – have commented that it is ‘unlikely to maintain objection’.

Note that during the 1% (1 in 100 year) plus climate change (CC) event, flood depths within the site are predicted to be up to 220mm (with an average of 70mm across the site) for the defended scenario. For the 1% plus CC and 0.1% (1 in 1000 year) events, flood depths are predicted up to 380 mm (average 160mm across the site) for the undefended scenario, which for this site is considered the worst case scenario. This has been reflected in the Flood Risk/Drainage Statement. TAN15 requires development to be flood free in the 1% plus CC flood event and we note that the proposed floor levels will be set to at least 400mm above the existing ground levels local to each individual plot as indicated in Appendix B, Drawing Number 014032-02 Revision A. As such the proposed residential dwellings will be flood free in the 1% plus CC flood event. However, we note that the remainder of the development i.e. shared access and car parking areas, is predicted to flood during the 1% plus CC event albeit to shallow depths (generally 300mm or less) and at low velocities. TAN15 requires all development to be flood free during the 1% plus cc flood event. Therefore, this aspect of the proposed development is not in line with TAN15. However, in this instance, in view of the shallow depths of flooding predicted and the fact that existing overland flow routes are to be maintained following the development we are unlikely to maintain our objection.

During the 0.1% (1 in 1000 year) event the site will flood up to a maximum depth of 380mm with low velocities. This depth of 380mm is within the indicative tolerable conditions set out in A1.15 of TAN15.

Should it be necessary to evacuate the site during a flood it is considered that egress on foot and by vehicle will be achievable due to the low flood hazard rating.

Minor revisions to FCA also requested on 18/9/14.

Dwr Cymru - Welsh Water – recommended that no buildings were brought into beneficial use prior to the upgrading of the Waste Water Treatment Plant and suggest three standard conditions.

Glamorgan Gwent Archaeological Trust – has no objection to the positive determination of the application subject to a condition.

We have received further details of this application, including the report on the archaeological evaluation. The results of this show that further archaeological mitigation is necessary, but can be achieved with the attachment of a condition.

The evaluation was undertaken by GGAT Projects, and the report (reference 2015/030, April 2015), noted that five evaluation trenches were opened within the proposed development area, two of which were archaeologically sterile and three of which encountered a variety of complex archaeological remains. Roman deposits which are identified as a well preserved road, with associated finds, were located in the north west of the site. Medieval deposits which may relate to fishponds and included organic remains were identified in the south east of the site; stratified post-Medieval deposits at a shallow depth overlay Medieval remains, the later probably relating to buildings shown on historic mapping.

Clearly the proposed development will impact upon the archaeological resource and will encounter further Medieval and post-Medieval remains, as well as Roman. The provision of the report on the evaluation means that there is sufficient information to provide your Members with advice in regard to the importance of the archaeological resource in the application area and the impact of the proposed development on it. Consequently, we have no objection to the positive determination of the current application but recommend that a condition is attached to any planning consent that is granted ensuring that any archaeological features that are disturbed by the works are identified, fully investigated and recorded. The detail of this will need to be worked out in relation to locations of buildings and foundations, services and landscaping to balance the depth of the archaeological remains with the depth of the proposed works. This will then provide the detail needed to mitigate the impact of the proposal; this may entail the full excavation and recording of some features, as well as ensuring that groundworks are undertaken under archaeological supervision in other areas. Given the nature of some of the features identified, there should be provision for sampling, particularly of organic material and anaerobic deposits; which given the findings so far are likely to be encountered; together with suitable contingency arrangements to ensure the provision of sufficient time and resources to ensure that archaeological features and finds located are excavated and recorded, and that the post-excavation work is undertaken.

We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

All archaeological work must meet the Standard and follow the Guidance of the Chartered Institute for Archaeologists (CIfA) and it is our policy to recommend that it is undertaken by a Registered Organisation or a MCIfA level Member with CIfA (www.archaeologists.net/ro and www.archaeologists.net/codes/ifa).

MCC Housing Officer - Confirm that we will accept the offer of one 4 person 2 bed house as low cost homeownership at 50/50. This means that the developer will be paid either 50% of ACG Band 4 or 50% of market value, whichever is the lesser, by the RSL.

MCC Highways – is uncomfortable about supporting the application without confirmation of a satisfactory safety audit.

The site is a rear car park area for the shops fronting onto Cross Street. It is accessed over a very narrow public highway that currently offers no turning facility. Passing provision within the public highway is not provided. This highway serves a number of dwellings as well as rear access to Cross Street. A private car park leased to the authority as a car park forms the boundary to the highway opposite the site.

The proposal is for 8 dwellings within the service yard to the rear of the shops. No alternative servicing facility has been provided or parking provision for the shops or rooms above. Swept paths for small refuse vehicles have been shown but the turning area is over private land and extremely tight. It would be impossible to turn a service vehicle such as a commercial delivery, gas, electric and other general service vehicles wholly within the highway. The site will not be accessible for delivering of building materials without using the internal area off the site for turning. There is no provision for passing of two vehicles along the length of Beili Priory. I consider that the site cannot offer a safe egress/access for the number of dwellings proposed. A safety audit must be provided should you be minded to support the proposal to prove that safety is sustainable in this location.

MCC Tree Officer – no objections.

The trees within the proposed development consist of one Goat Willow and nine self-seeded Sycamore. They are shown numbered 1 to 10 on the plan within the tree report submitted with the application. In my opinion, none of the trees merit protection with a Tree Preservation Order for the following reasons;

- With the exception of tree 1 which is growing on MCC land outside the site all of the other trees appear to be self-seeded.
- Trees 2 to 6 are growing out of the top of a crumbling stone wall.
- Trees 7, 8 and 9 are adjacent to a single block wall which divides the application site from the car park of the Swan Hotel. In particular, trees 8 and 9 are tight up against the wall and a significant crack has appeared in the wall as a result.
- Tree 10 is a Goat Willow pollard with little or no landscape value.

The main views into the site are from the main A40 road to the south; the bus station car park to the east and the Priory church car park to the north east. From each of

these view-points the trees on the application site are obscured to varying degrees due to the presence of mature MCC owned trees on the perimeter of the site.

Due to a combination of the above factors it is not considered appropriate to protect any of the trees within the application site. However, any trees intended for retention must be fenced off in accordance with British Standard 5837 *Trees in Relation to Construction Recommendations 2005*.

SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

4.2 Neighbour Notification

No formal objections received to date.

4.3 Other Representations

Abergavenny and District Civic Society - Recent press coverage regarding this planning application has prompted us to review the 2010 planning application that has never been determined. At that time the Society was dormant and not commenting on applications.

The site in question was part of the curtilage of listed buildings 34, 36, 37-39 (consec) Cross Street when listed Grade II and II*. A change of ownership may have more recently separated the application site from these buildings but it appears to have no effect on structures that would require Listed Building Consent. Clearly consideration of this proposal requires special regard to be paid to the setting of these important listed buildings, which have notable historic value as well as architectural interest. It is particularly relevant that the Grade II* buildings, commonly known as the ‘Gunter Mansion’, originally faced east on to the application site. Early maps show no buildings fronting the lane. In our view the proposals for eight dwellings on this site will detract from the setting of these listed buildings; a lesser number might be arranged so as not to do so, and offer the potential to enhance the setting, consistent with LDP policy HE1 on development in conservation areas.

Other matters that appear not to be fully resolved are:

- archaeological considerations, where recent investigations appear to justify further explorations and possibly some protection of finds, especially the Roman road;
- the adequacy of off-highway access arrangements for larger vehicles needing to visit the site (and we understand that at least one Cross Street business is serviced via Beili Priory);
- the need to safeguard access from Beili Priory to carry out very necessary works on the listed buildings;
- the adequacy of flood protection, though this may be within levels of acceptable risk;
- uncertainties regarding the location of the Cibi Brook culvert which may affect the feasibility of the proposals.

We are unsure about the amended elevations that have raised floor levels to avoid flood risk and lowered the ridge line, but replaced the 19thC style vertical sliding sash

windows that dominate the Conservation Area (see the Conservation Area Appraisal para 7.7.4) with earlier squarer casements and the dormers with Velux-type windows. Historically this simple, more cottagey, style with square windows in a slightly arched opening, probably set flush with the rendered wall, is probably now absent at Abergavenny and a shallower roof pitch might be typical. Attention to details will be important; plain doors and a minimal canopy would be necessary.

We object to the proposals primarily because of their detrimental effect on the setting of important listed buildings. Our objection might be overcome if the rear of the site could be arranged differently and a substantial landscaped buffer could be provided between the development and the listed buildings. This would require the two bedroom units over car ports to be omitted along with the visitor parking (unnecessary with a public car park very close). These revisions would also allow the location of the Roman road and the Cibi culvert to be established, with the former protected from building.

As you know, the ‘Gunter Mansion’ is one of the town’s most historically significant buildings and we believe that this application is an opportunity for creative development management that would assist the fulfilment of its tourism potential as well as enhancing the Conservation Area.

4.4 Local Member Representations

Cllr Prosser – requests that the application is considered by the full planning committee in the light of the discovery of a Roman Road in the vicinity.

5.0 EVALUATION

5.1 Principle of Development

The application site is within the development boundary of Abergavenny where new residential development is acceptable in principle under Local Development Plan Strategic Policy S1 subject to detailed planning considerations.

5.2 Visual Amenity and Impact on the Conservation Area

The proposed scheme has been designed to replicate a traditional form of development rather than take a modern approach. A terrace of 6 two and a half storey three-bedroom dwellings is proposed to front Beili Priory. The terrace will be linked by a first floor one bed flat with access beneath. The access will lead to a parking and turning area and a two storey building that will house a two bed flat at first floor with garaging below.

There is a mix of architectural styles within the vicinity of the site including the Victorian Swan Hotel and the much older Gunter Mansions together with more modern flats further north west on the opposite side of Beili Priory. The Abergavenny Conservation Area Appraisal describes the area encompassing Beili Priory as the historic core of the town characterised by varied storey heights and stepped roof lines reflecting the gradient of the roads.

It is considered that the proposed new development should not compete visually with the buildings on Cross Street and therefore effort has been made to keep the ridge height of the proposed new dwellings to a reasonable height while also ensuring the scheme is financially viable in terms of the number and size of the units. As a result, the character of the proposed development is more akin to the smaller properties along Beili Priory rather than the buildings on Cross Street. External materials are proposed to be traditional: rendered walls, brick detailing and natural slate roofs. The scale, design and layout of the proposed development are considered to be appropriate in this setting but the detailing of the buildings will be critical to the overall success of the scheme. As such it is suggested that the window details and materials are conditioned.

5.3 Impact on Listed Building/ Conservation Area

The application site is immediately adjacent to the grade II* listed Gunter Mansions with the rear elevation of this building forming the boundary with the site. Gunter Mansions form part of the street frontage of Cross Street but the building is grade II* listed for its interior which contains rare and historically important 17th Century decorative plaster ceilings. However, externally the original part of the building is also distinctive with the elevation facing the application site being stone with two projecting gables.

As existing, the parking area for the shops and flats on Cross Street abut an unfortunate modern rendered single storey flat roofed extension running along the length of the building. On the proposed plans, this area is to be retained for parking for Cross Street with the only change being to the surface, together with some tree planting. Whilst a landscaped buffer between the listed building and the application site would be preferable, given that there is no change of use of this area proposed, it would be unreasonable to insist upon this or refuse the application on this basis. In the longer term it is hoped that the modern extension will be removed from the listed building which would result in the creation of additional space around the building, separate from the application site. The proposal, while adding a modern development in relatively close proximity to the rear of Gunter Mansions, would leave a reasonable space to leave the ability to 'read' the rear of the historic building (particularly to its northern end), would enhance the area visually by replacement of the unkempt parking area and would sit as an attractive feature in its own right – especially provided high quality, traditional materials and detailing such as reveals and robust sub-cills are employed. As such, the proposal is not considered to harm the setting of the listed building and indeed, would enhance the character and appearance of the Conservation Area.

5.4 Residential Amenity

The nearest neighbouring residential properties are on the upper floors of the properties on Cross Street, including a long gable projection to the west of the site. As a result, no habitable room windows are proposed in the side elevations of the proposed flat at the rear of the site. Similarly, no windows are proposed in the northern elevation of this building as this would lead to a lack of privacy for the proposed terrace element of the development. The upper floors of Gunter Mansions to the rear of the application site are currently vacant and have been for some time. It is

not therefore considered that the proposed development would harm local residential amenity. Even if occupied subsequently, it is not unusual in dense, urban areas for privacy distances to be reduced, and this is could be reasonably recued to around 13-15m as proposed here between the rear of the first floor of Gunter Mansions and the front elevation of plot 8.

5.5 Access and Parking

Contrary to the comments from the Highway Officer, the site is not a service area or formal parking area for the shops fronting onto Cross Street. It is private vacant land over which tenants of the buildings on Cross Street have a right to pass over to get to ad hoc parking spaces behind the shops. The rest of the site is currently uncontrolled and used (unlawfully) by others to park. As a result, the properties on Cross Street are serviced from the front. Formalised parking is proposed in this application for use by tenants of the shops of Cross Street which would be an improvement.

As the site is uncontrolled and used informally, there is currently a relatively high turnover of vehicles accessing the site (as shown in the Transport Statement accompanying the application). Use of the site for 8 units with 14 car parking spaces is unlikely to lead to a significant change in vehicle numbers using Beili Priory. Given the current use of the site, it is not therefore considered that it would be reasonable to insist upon the submission of a safety audit to prove that safety is sustainable in this location as suggested by the Highways.

While the number of parking spaces falls below the required amount as stated in the Parking Guidelines, given the proximity of the site to a large public car park and town centre location, it is considered that the parking provision is adequate. There would also be an additional eight visitor spaces for use by tenants of Cross Street that may not always be fully utilised and would be likely to be vacant outside normal business hours.

The construction of the development, including the delivery of building materials can be controlled via a Construction Method Statement or Management Plan that can be a condition of any consent.

In their comments the highway officer was concerned that the turning area for larger vehicles is over private land and extremely tight. The applicant maintains that vehicles are varying sizes can turn within the site and do not have to use the highway to turn as there will be no gates preventing public access.

5.6 Flooding

The site is within a zone C2 flood plain and therefore new residential development (vulnerable) is in conflict with Policy SD2 of the Local Development Plan. However, it is often necessary to undertake individual site studies to assess the existence, or not, and height of floodwaters. In the case of this site, NRW have undertaken recent studies that reveal that at worst case scenario flooding would be at a depth of 380mm for both the 1 in 100 and 1 in 1000 flood events. The lowest floor level proposed is 150mm above this level. As such the proposed residential dwellings will be flood free in a flood event.

The remainder of the development i.e. shared access and car parking areas, is predicted to flood at levels of generally 300mm or less and at low velocities. TAN15 requires all development to be flood free during the 1 in 100 flood event. Therefore, this aspect of the proposed development is not in line with TAN15. However, in this instance, in view of the shallow depths of flooding predicted and the fact that existing overland flow routes are to be maintained following the development it is concluded that it would be unreasonable to refuse the application on this basis.

It should be noted that NRW has advised that it would not be likely to be able to substantiate an objection to the proposed development on flooding grounds.

Additionally the Cibi Brook is indicated on NRW plans as passing through the application site via a culvert. The layout of the proposed development has been arranged in such a way as to provide clearance between the culverted Cibi Brook and the nearest dwelling (plot 8). However, it will also be necessary to verify the exact location of the culvert prior to construction work commencing.

5.7 Archaeology

During the application process, the Council's archaeological advisors, GGAT recommended that the application be deferred pending an archaeological site investigation. This was undertaken earlier this year and uncovered a well preserved Roman Road and also some medieval and post medieval artefacts. Although this is an important find, following the investigative work already undertaken, GGAT have no objection to the positive determination of the application but recommend that a condition is attached to any planning consent that is granted ensuring that any archaeological features that are disturbed by the works are identified, fully investigated and recorded. This will then provide the detail needed to mitigate the impact of the proposal which may entail the full excavation and recording of some features, as well as ensuring that groundworks are undertaken under archaeological supervision in other areas.

5.8 Affordable Housing/ Section 106 Heads of Terms

In line with Local Development Plan Strategic Policy S4, provision should be made within the proposed development for 35% of the dwellings to be affordable subject to an appropriate viability assessment. This calculates as 2.8 (rounded up to 3) dwellings. In the case of this site, financial figures provided by the applicant and tested by the housing officer and external independent consultant, evidence that the site has exceptional build costs. 'Normal' build costs allow for the construction of a basic dwelling including and some external works to a standard specification on a serviced greenfield site. In this case it is acknowledged that abnormal foundations are required and as the site is brownfield and used as a car park remediation and remodelling will also be required to facilitate the development thereof, along with some infrastructure improvements. On this basis, when the figures are run through the Development Appraisal Toolkit (DAT) the Residual Value (RV) of the site shows that the scheme is not viable with 3 affordable houses. When the exercise was repeated with 2 affordable units the results showed that the scheme remained very borderline and other Section 106 obligations would have to be lost. Therefore, after

much discussion between the applicant and the Council's housing officer, it was agreed to accept one 2 bed house for low cost homeownership at 50/50 (50% of ACG). The other Section 106 contributions agreed are £31,360 towards public open space provision and £5,984 for children's play.

5.9 Response to Town Council representations

The objections relating to access and effect on the setting of the adjacent historic buildings are considered under pars. 5.3 and 5.5 above.

6.0 **RECOMMENDATION: APPROVE SUBJECT TO SECTION 106 AGREEMENT**

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
4	No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
5	Foul water and surface water discharges shall be drained separately from the site.
6	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995, as amended (or any order revoking and re-enacting that Order with or without modification) no development within Parts 1 and 2 of Schedule 2 to the Order, shall be carried out on land to which this permission relates, without express planning permission having first been obtained from the Local Planning Authority.
7	No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
8	Details of the proposed windows, doors, reveals, headers and cills to a minimum scale of 1:20 including elevations, vertical and horizontal sections with larger scale details to sufficiently describe the proposed units shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.
9	No development shall take place until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used unless otherwise agreed in writing by the Local Planning Authority. Where samples are to be agreed, these shall be presented on site for the agreement of the Local Planning Authority

	and those approved shall be retained on site for the duration of the construction works
10	All rainwater goods shall be of cast metal and matt painted and remain as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Informatives - Please note that this application is subject to a Section 106 Legal Agreement