

Adroddiad

Gwrandawriad a gynhaliwyd ar 22/01/19

Ymweliad â safle a wnaed ar 22/01/19

**gan Kay Sheffield BA(Hons) DipTP
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08/03/2019

Report

Hearing held on 22/01/19

Site visit made on 22/01/19

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08/03/2019

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77

Application for Planning Permission

made by

Timbershore Limited

for

**The conversion of pre-1700 building into 19 apartments, demolition of
post-1900 structures and building of 31 new apartments and gatehouse**

at

Troy House, Mitchel Troy, Monmouth, Monmouthshire, NP25 4HX

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Glossary:

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| AONB | Area of Outstanding Natural Beauty |
| DAM | Development Advice Map |
| FCA | Flood Consequences Assessment |
| FFLs | Finished Floor Levels |
| GGAT | Glamorgan Gwent Archaeological Trust |
| LDP | Local Development Plan |
| LPA | Local Planning Authority |
| NRW | Natural Resources Wales |
| PDL | Previously Developed Land |
| PPW | Planning Policy Wales |
| SoCG | Statement of Common Ground |
| TAN | Technical Advice Note |
| UDP | Unitary Development Plan |
| WG | Welsh Government |
| WHGT | Welsh Historic Gardens Trust (Monmouthshire and Gwent Branch) |
| WWU | Wales & West Utilities |

File Ref: APP/E6840/V/18/3205588

Site address: Troy House, Mitchel Troy, Monmouth, Monmouthshire, NP25 4HX

- The application was called in for decision by the Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers, under section 77 of the Town and Country Planning Act 1990, on 14/06/2018.
- The application is made by Timbershore Limited to Monmouthshire County Council.
- The application Ref DC/2008/00723 is dated 12/06/2008.
- The development proposed is the conversion of pre-1700 building into 19 apartments, demolition of post-1900 structures and building of 31 new apartments and gatehouse.
- The reason given for making the direction was that the application appears to be contrary to national policy relating to flood risk and the countryside and is considered to raise issues of more than local importance.
- On the information available at the time of making the direction, the following were the matters on which the Minister particularly wished to be informed for the purpose of her consideration of the application: *the relevant national and local policies as set out in Planning Policy Wales, relevant Technical Advice Notes and the Council's Local Development Plan, in particular in respect of highly vulnerable development in a C2 flood zone and allowing development in the countryside.*

Summary of Recommendation: that planning permission be refused.

Preliminary and Procedural Matters

1. Extensive pre-application discussions which centred around the need to save the Grade II* listed building took place between the parties over several years and culminated in the submission of applications for planning permission and listed building consent in 2008. Following protracted consideration of the proposal and the submission of additional information, the Council resolved in February 2018 to approve the applications. Whilst the Listed Building Consent has been issued, the size of the development and its location in flood zone C2 required the Council to notify the Welsh Government (WG) of its intentions regarding the planning application¹. The WG directed that the application would be determined by the Welsh Ministers².

2. The reasons given for the Direction are as follows:

National planning policy provides a clear policy context for development decisions in flood risk areas. It does not allow for highly vulnerable development, which includes residential dwellings, to be considered in flood zone C2. The Officer's report to the Planning Committee refers to advice provided in Technical Advice Note (TAN) 15: *Development and Flood Risk* and recognises developing residential accommodation on the site would be contrary to the advice in TAN 15. However, the report goes on to assess the application against the justification and acceptability tests set out in the TAN, which are used for assessing proposed developments for highly sensitive development in areas identified as being in flood zone C1. The acceptability tests do not apply to highly vulnerable development within flood zone C2. In this respect, the local planning authority (LPA) appears to have incorrectly assessed the application against national policy guidance.

New development in the open countryside is contrary to national planning policy, unless for a small number of exemptions such as agricultural workers. The Officer's report details how the proposed development is contrary to the strategy in the

¹ In accordance with the Town and Country Planning (Notification)(Wales) Direction, 2012

² By letter dated 14 June 2018

Local Development Plan (LDP) which generally only allows new residential development within development boundaries outlined within Policy S1 of the LDP. The report recognises that the proposed new build residential development in the countryside would be contrary to national planning policies. The LPA has identified LDP Policy LC1 as being a relevant policy consideration but has not provided a detailed assessment of how the conclusion was reached that the proposed development in the countryside can be considered acceptable as it represents enabling development which would facilitate the improvement of the listed building. Such an exception is not listed in national or local planning policies as a reason for allowing residential development in the countryside. It is not considered the LPA has provided adequate justification for departing from its own approved planning policy and national planning policy.

The record of the meeting of the Planning Committee does not demonstrate whether sufficient regard was had to relevant national or local planning policies in reaching the decision planning permission should be granted. From the evidence available, the Committee does not appear to have adequately discussed how it justified overriding national policy relating to highly vulnerable development in flood zone C2 to allow residential development. There also appears to be a conflict with the Council's own policy on development and flood risk (Policies S12 and SD3) to permit highly vulnerable development within zone C2 floodplain, similarly no evidence has been provided to demonstrate whether the outstanding objection from Natural Resources Wales (NRW) regarding the flood modelling used in the application has been resolved. The proposal is also contrary to national and local planning policies relating to development in the countryside (LDP Policy LC1) and detailed justification for overriding relevant policies has not been provided".

3. Edition 10 of Planning Policy Wales (PPW), published on 5 December 2018, replaced edition 9 with immediate effect. Regard has therefore been given to edition 10.
4. During the time the application was before the Council, the proposals evolved. Amended plans were submitted together with additional information in the form of specialist reports. The plans on which Council considered the application were confirmed to the Hearing (document 2).
5. At the Hearing, I was advised of an error recently found in the Flood Consequences Assessment (FCA). In the absence of NRW and to avoid adjourning the Hearing I discussed the error and its effect on the conclusions reached in the FCA with those present. Outside of the Hearing NRW was consulted and its responses were shared with the main parties who made further comments. I am satisfied that none of the parties with an interest in the case would be prejudiced by regard being given to the revised facts. The details of the discrepancy together with the comments made by the parties are set out in the report.

The Site and Surroundings

6. The application site is located approximately 1.2km south east of Monmouth within open countryside and the Wye Valley Area of Outstanding Natural Beauty (AONB). It is accessed via a private road from the B4293 which also serves Troy Lodge sited close to the road junction and Troy Farm whose land and main buildings are to the north and south of the application site. The access lane is in the ownership of Troy Farm and the Applicant has a right of access over it. The River Trothy, which joins the River Wye to the east, runs along the northern boundary of the site and is crossed by the access lane via two bridges.

7. Troy House is a large and imposing Grade II* listed building. The manor of Troy was first documented in 1314 and it is recorded that in AD 1502 the house was of a size and significance for Henry VII to stay there. By 1600 the land was owned by the Somerset family who made it their home until 1900. Large investments were made in the refurbishment and rebuilding of the house and its associated grounds between 1673 and 1699 when the main front block seen today was created. Surviving parts of the earlier house are contained in the present structure. The history of the property including its association with the Duke of Beaufort and the strong visual links between the north elevation of Troy House and the west and east facades of Badminton House, the ducal seat, are well documented in the reports forming part of the application³.
8. In 1904 the Sisters of the Good Shepherd took possession of the house for use as a Convent School and from 1935 it was a publicly funded residential Approved School. The school use resulted in alterations to the house and the erection of additional buildings to the south and west of it. Although student numbers were not high, they fell from the 1980's and the school finally closed in 1994. Since then the property has been vacant apart from a resident caretaker who occupies a small part of Troy House.
9. Since the school closed limited maintenance has led to a deterioration in the site and its buildings. Troy House has dry rot, the roof is in a poor state of repair with signs of water ingress which has caused significant damage particularly around the principal staircase, and 17th century plaster ceilings have started to collapse, some of the damage being irreparable. Inappropriate materials used in previous works have also contributed to the damage to the fabric of the building. Due to the threat to the future of the house it is identified as a building 'At Risk' with an elevated chance of decline.
10. The additional buildings to the west and south of the house date mainly from the 1960's and include a classroom block, hostel building, a chapel with cloisters, a theatre and laundry. These buildings are in poor condition and unsympathetically sited in relation to the listed building. They are not included in the list description and no objection has been raised to their removal as part of the scheme.
11. The gate piers at the entrance to the site from the access lane are Grade II listed buildings and the grounds are Grade II* on the Register of Parks and Gardens of Special Historic Interest in Wales. Historically there is evidence of a garden adjacent to the house from the late 17th century which comprised formal gardens with sunken terraces to the north of the house and walled compartments to the east and south east, beyond which were orchards. Today, in addition to some tree planting, the gardens comprise open lawns divided into shallow terraces by grass banks to the north of the house and by a flight of steps to the east. From the gardens there are views to the east over the surrounding landscape.
12. Also forming part of the historic garden is the large early 17th century formal walled garden which lies to the west of the access lane. This Grade II* listed building is an early garden of exceptional historic importance and great archaeological potential. However, it is outside the application site and the control of the Applicant.

³ Supporting statement for applications for planning permission and listed building consent, June 2008

Planning Policy

Monmouthshire Local Development Plan 2011- 2021

13. For the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) the development plan is the Monmouthshire Local Development Plan 2011-2021(LDP), adopted in 2014. The main parties are agreed that the policies of the LDP relevant to the case, and cited in the Direction, are Policies S12, SD3 and LC1. The proposals have been advertised as a departure from these policies. Reference was made by interested parties to Policy H4. Copies of the policies were provided at the Hearing (Document 9).
14. Policy S12 states that, amongst other things, all new development must avoid the siting of inappropriate development in areas at risk of flooding. Similarly, Policy SD3 explicitly states that proposals for highly vulnerable development or emergency services will not be permitted in areas which may be liable to flooding, unless the residential development is for the conversion of upper floors within defined settlement boundaries or the proposal is to extend an established tourism, leisure or educational establishment. It also states that proposals within a flood plain will be required to demonstrate that set criteria have been met. In particular, it is necessary to demonstrate that: the development is, or can be, protected by approved engineering works or flood protection measures; such remedial measures would not cause flooding or significantly increase the risk of flooding elsewhere; the development and any remedial measures can be sympathetically assimilated into the environment in terms of its siting, scale, design and landscaping; it does not interfere with the ability to carry out flood control works; and the nature conservation interest is protected and, where practicable, enhanced.
15. Policy LC1 makes a presumption against new built development in the open countryside unless justified under national planning policy and local policies for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural or agricultural diversification schemes or recreation, leisure or tourism. In such exceptional circumstances, new built development will only be permitted if it can be successfully assimilated into the landscape; wherever possible new buildings are sited within or close to existing groups of buildings; the design respects the character of the surrounding countryside; and there would be no unacceptable adverse impact on landscape, historic, cultural or geological heritage, biodiversity or local amenity value.
16. Subject to certain criteria Policy H4 allows the conversion and rehabilitation of buildings in the open countryside for residential use. The criteria include the need for the design of the proposal to respect the character and design of the building, be in scale and sympathy with the surrounding landscape and not involve substantial reconstruction. The more isolated and prominent the building the more stringent the design requirements will be especially if located within the AONB. The buildings will be expected to have been used for their intended purpose for a significant period of time and be capable of providing adequate living space within the structure. Finally, the conversion of buildings well suited for business use will not be permitted unless every reasonable attempt has been made to secure suitable business use.

Planning Policy Wales Edition 10

17. 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. In order to achieve the creation of

sustainable places and improve the well-being of communities, PPW states that the concept of placemaking must be embraced.

18. In respect of flooding PPW prescribes a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers⁴. It states that development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself⁵. In areas of flood plain which are currently unobstructed and where water flows in times of flood, built development should be wholly exceptional and limited to essential transport and utilities infrastructure⁶. When considering if a development in a flood risk area is appropriate, account should be taken of the ability of emergency services to respond to flood events⁷. For further policy advice on development and flood risk PPW advocates reference to TAN 15.
19. According to PPW development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access, habitat and landscape conservation. New building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.⁸
20. The planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations⁹. For historic, scenic, aesthetic and nature conservation reasons PPW requires the special and unique characteristics and intrinsic qualities of the natural and built environment to be protected in their own right.¹⁰
21. In respect of listed buildings there should be a presumption in favour of the preservation or enhancement of a listed building and its setting. For any development proposal affecting a listed building or its setting, "*the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.*"¹¹
22. Furthermore, the aim for listed buildings "*should be to find the best way to protect and enhance their special qualities, retaining them in sustainable use*". Whilst the continuation or reinstatement of its original use should generally be the first option it is accepted that this may not be viable or appropriate and "*the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future*"¹² is recognised.
23. The effect of a proposed development on a registered historic park or garden, or its setting, is a material consideration in the determination of planning applications. PPW

⁴ Section 6.6.22

⁵ Section 6.6.25

⁶ Section 6.6.26

⁷ Section 6.6.29

⁸ Section 3.56

⁹ Section 6.1.5

¹⁰ Section 6.0.2

¹¹ Section 6.1.10

¹² Section 6.1.11

advocates that "*Planning authorities should value, protect, conserve and enhance the special interest of parks and gardens and their settings included on the register of historic parks and gardens in Wales*".¹³

24. The conservation of archaeological remains and their settings is a material consideration whether or not those remains are a scheduled monument. In cases involving less significant archaeological remains PPW identifies a need to weigh the relative importance of the archaeological remains and their settings against other factors, including the needs of the development.¹⁴ Where archaeological remains are known to exist or there is potential for them to survive, PPW expects an application to be accompanied by sufficient information to allow a full understanding of the impact of the proposal on the significance of the remains.¹⁵ Where archaeological remains are affected by proposals that alter or destroy them, the decision maker must be satisfied that the developer has secured appropriate and satisfactory provision for their recording and investigation. PPW recognises that on occasions unforeseen archaeological remains may be discovered during the development. Such circumstances can be covered through an appropriate condition for a watching brief.¹⁶
25. According to PPW enabling development is "*development which can deliver sustainable heritage benefit but would usually be contrary to other objectives of national or local planning policy*"¹⁷. Such development may be appropriate if the public benefit of rescuing, enhancing, or even endowing an important historic asset decisively outweighs the harm to other material interests. However, it must always be in proportion to the public benefit it offers.¹⁸
26. Direction is given in PPW¹⁹ to the tests in the Cadw guidance *Conservation Principles for the sustainable management of the historic environment in Wales* (the Conservation Principles) which set out when enabling development might be acceptable. Development will only be justified if it can be demonstrated that:
- i. It will not materially harm the heritage values of the historic asset or its setting;
 - ii. It avoids detrimental fragmentation of management of the asset;
 - iii. It will secure the long-term future of the asset and, where appropriate, its continued use is a sympathetic purpose;
 - iv. It is necessary to resolve problems arising from the inherent needs of the asset, rather than the circumstances of the present owner or the purchase price paid;
 - v. Sufficient subsidy is not available from any other source;
 - vi. The amount of enabling development is the minimum necessary to secure the future of the asset and its form minimises harm to other public interests; and
 - vii. The public benefit of securing the future of the historic asset through such enabling development decisively outweighs the disbenefits of breaching other public policies.²⁰
27. According to the Conservation Principles, if the decision maker concludes that a scheme of enabling development meets all the tests, permission should only be granted if:

¹³ Section 6.1.18

¹⁴ Section 6.1.25

¹⁵ Section 6.1.26

¹⁶ Section 6.1.27

¹⁷ Section 6.1.30

¹⁸ Section 6.1.31

¹⁹ Footnote 113

²⁰ Conservation Principles Section 49

- i. The impact of the development is precisely defined at the outset;
- ii. The achievement of the heritage objective is securely and enforceably linked to the enabling development;
- iii. The place concerned is repaired to an agreed standard or the funds to do so are made available as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation; and
- iv. The planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

In addition to these tests PPW has introduced a further test: the need to ensure the enabling development does not give rise to significant risks, for example residential development in the flood plain²¹.

Technical Advice Note 15: Development and Flood Risk

28. According to the Development Advice Map (DAM), referred to in TAN 15, the majority of the site lies within flood zone C2 with only the south western corner falling within flood zone A. Whilst TAN 15 classifies flood zone A to be at little or no risk of fluvial or tidal/coastal flooding, flood zone C2 is areas of flood plain without significant flood defence infrastructure where, subject to the justification test, only less vulnerable development should be considered. Highly vulnerable development should not be considered in this zone²². Less vulnerable uses are defined as general industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, mineral extraction sites and associated processing facilities, excluding waste disposal sites. Highly vulnerable development includes all residential premises (including hotels and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development (e.g. power stations, chemical plants, incinerators), and waste disposal sites.²³
29. Although allowing residential development in areas at high risk of flooding can result in a traumatic impact on people's lives, TAN 15 acknowledges that some flexibility is necessary to enable the risks of flooding to be addressed. It recognises the negative economic and social consequences if policy were to preclude investment in existing urban areas and the benefits of reusing previously developed land. Nevertheless, TAN 15 expects new development to be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue.
30. To justify the location of new development in flood zone C the tests outlined in sections 6 and 7 of TAN 15 must be applied whilst recognising that highly vulnerable development should not be permitted in zone C2. All other development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. The section 6 tests are that the 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 settlement²⁴;

or

²¹ Section 6.1.32

²² TAN 15 Figure 1

²³ TAN 15 Figure 2

²⁴ TAN 15, page 8, footnote 1 states that regeneration initiatives will be comprehensive, multi-approach, and form part of an integrated suite of initiatives which have been subject to public consultation. Local authority strategy will be the development plan for the area.

- 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; and
 - iv. The potential consequences of a flooding event for the particular type of development have been considered and, in terms of stipulated criteria contained in sections 5 and 7 and appendix 1 of TAN 15, found to be acceptable.²⁵
31. Where development is justified in flood zones C1 and C2 it will be in the knowledge that those developments will flood and will need to be planned accordingly. Section 7 of TAN 15 therefore deals with the assessment of flooding consequences. Whether a new development should proceed or not will depend on whether the consequences of the flooding of that development could be managed down to a level which is acceptable for the nature and type of development being proposed. TAN 15 stresses that it would not be sensible for people to live in areas subject to flooding (even in two storey buildings) where timely flood warnings cannot be provided and where safe access and egress cannot be achieved.²⁶
32. Where development is justified the assessment can be used to establish whether suitable mitigation measures can be incorporated within the design to ensure that the development is as safe as possible and there is minimal: risk to life; disruption to people living and working in the area; potential damage to property; impact of the proposed development on flood risk generally; and disruption to natural heritage.²⁷
33. Therefore, before deciding whether a development can take place an assessment which examines the likely mechanisms which would cause the flooding, and the consequences of those floods for the development, must be undertaken. The assessment should be appropriate to the size and scale of the development.²⁸
34. The presence of protection measures does not eliminate risk completely and certain developments are more vulnerable than others. The advice of NRW on the flooding consequences for the type and nature of the development proposed, will enable the planning authority to arrive at a judgement on the acceptability of the flooding consequences. Protection measures must be capable of being implemented at the appropriate stage as part of the development and, where necessary, long term maintenance must be provided for.²⁹
35. Appendix 1 of TAN 15 explains how the potential consequences of a flooding event should be assessed and provides guidance on the technical requirements for undertaking such an assessment. It explains that there are certain flooding consequences which may not be considered acceptable for certain developments. For instance, in view of the traumatic impact of flooding on people's personal lives it is not sensible to allow residential development in areas which flood frequently. It is advised that development should be designed to be flood free during the 1% fluvial flood (i.e. that fluvial flood with a 100 to 1 chance of occurring in any year) and the 0.5% tidal/coastal flood (i.e. 200 to 1 chance in any year event). There is therefore a

²⁵ TAN 15 Section 6.2

²⁶ TAN 15 section 7.2

²⁷ TAN 15 section 7.3

²⁸ TAN 15 section 7.4

²⁹ TAN 15 section 7.5

frequency threshold of flooding below which flooding of development should not be allowed. Indicative guidance is provided as to what that frequency threshold could be for different types of development in terms of annual probability of occurrence; for residential development the threshold frequency for fluvial flooding is 1%.³⁰

36. Beyond the threshold frequency proposed development would be expected to flood under extreme conditions. However, even with adequate mitigation it may not be sensible to allow some developments to take place. For instance, it would not be sensible for developments to be built in areas where the velocity and depth of floodwaters was life threatening or could cause structural damage to buildings and infrastructure. Indicative guidance is provided on tolerable conditions for different types of development; for residential development the maximum depth of flooding for the property and access is 600mm³¹. However, this figure is not prescriptive, therefore each site must be considered individually and a judgement taken in the context of the particular circumstances which could prevail at that site.
37. Letters to Chief Planning Officers from WG dated 9 January 2014 and from NRW dated 4 March 2015, clarify flood risk matters set out in TAN 15 and elsewhere. The letter from WG emphasises that section 6.2 of TAN 15 identifies that highly vulnerable development (e.g. housing) should not be permitted in zone C2.

Planning History

38. The planning history of the site is set out in the joint statement submitted by the Council and the Applicant. It is noted that although a change of use to offices and an administrative centre was granted in 1979 and 1984 the permissions were not implemented. The last known use of the site is therefore as a residential school.

The Proposals

39. The aim of the development is to secure the restoration of the listed building and ensure its sustainable occupation in the future. It is proposed to convert Troy House into 19 residential apartments arranged over four floors: 6 on the ground floor, 5 on the first and second floors and 3 in the attics. Some of the units would be spread over two floors. Whilst the original scheme was for 23 units in the house, this was reduced to 19 during the application process by the omission of four units within the attic to the front part of the house. This amendment secured the retention of the existing layout and historic fabric of the attic. It would provide storage space for the residents.
40. Enabling development comprising 31 apartments is proposed in two large L-shaped wings detached from but close to the east and west elevations of the main house. Whilst the western wing would replace existing buildings on the site, the eastern wing would encroach into an area of the garden currently devoid of built development. Both wings would be a mix of three and four storeys, in keeping with the overall height of the listed building. The proposals also include the construction of a gatehouse with associated outbuilding on land adjacent to the entrance into the site from the access lane. This property would bring the total number of units on the site to fifty-one.
41. Parking would be provided in the northern part of the site; the access lane and its junction with the B4293 would be improved, including the introduction of a footway, and landscaping of the site is proposed.

³⁰ TAN 15 section A1.14

³¹ TAN 15 section A1.15

Other Agreed Facts

42. According to the Statement of Common Ground (SoCG) the main parties are agreed that following further ecological surveys NRW do not raise any objection in respect of bats. Furthermore, as demonstrated by the Transport Assessment and Road Safety Audit the proposed use would be similar to the current lawful use as a school.
43. Regarding the location of the buildings within flood zone C2, it is agreed that the FCA demonstrates that the proposals would not meet section A1.14 of TAN 15. However, following further consideration of the matter in the light of the discrepancy found in the FCA, the parties are agreed that the development could be designed to meet section A1.14 of TAN 15.
44. Although the evidence, particularly regarding flooding, identifies harm, the parties agreed the harm is mitigated and justified by the preservation of the listed building.

The Case for the Council and the Applicant

45. A joint statement of case relating to the matters identified in the Direction was submitted by the Council and the Applicant and presented jointly to the Hearing. All other matters are addressed in the Officer's Report. The implications for the scheme in respect of the discrepancy found in the FCA was given verbally to the Hearing and subsequent correspondence are also addressed.
46. The application was considered as a departure from the LDP as it proposed new built development in the open countryside and is contrary to planning policies in relation to flooding. The application was advertised accordingly.

Desirability of preserving the heritage asset

47. Troy House is one of the most important listed buildings in Monmouthshire. It is one of a small number of highly graded large country houses, set in its own registered garden, with a smaller walled garden to the immediate west of the house. The current house is an enlargement and redevelopment of a former medieval property.
48. The main objective of the development is to ensure the long-term preservation of Troy House, a nationally important historic asset, in accordance with the requirements of PPW³². The heritage value of the building and its current poor condition carry significant weight in balancing the planning considerations of the site. The importance of the asset fully justifies the overriding need to save the building in the manner proposed and it is appropriate and correct for this to be the primary consideration in the determination of the application.
49. The continuation or reinstatement of its original use as a single residential dwelling should generally be the first option in seeking to protect and enhance the special qualities of Troy House and return it to a sustainable use. However, due to its size, this is no longer viable either financially or practically. Therefore, in performing its statutory function it was appropriate and necessary for the Council to be flexible when considering a new use for the building, as recognised by PPW.³³
50. Troy House is identified as being "At Risk" with an elevated chance of decline. Whilst some routine maintenance works are undertaken, it is getting to the point where

³² Section 6.1.10

³³ Section 6.1.11

materials need to be replaced if the historic fabric of the building is to be retained. The matter is of such concern to the Council that it has given its approval for an urgent works notice and work has started with the owner with a view to serving formal notices if necessary. The lack of any development at the site would result in the heritage asset falling further into disrepair and potentially being lost for future generations.

New build in the open countryside

51. The new build enabling development is contrary to the strategy in Policy LC1 of the LDP which generally only allows new residential development within development boundaries unless justified under national planning policy. New build residential development in the open countryside of the type proposed is contrary to national planning policy.
52. However, it is considered that this scheme, which involves a significant amount of demolition as well as new build, would meet the tests for enabling development. Although contrary to the objectives of other national and local policies, the proposals would deliver substantial heritage benefits. The new build is required to fund the work necessary to restore and preserve the large grade II* listed building. Without the potential for the building to become economically sustainable it will decline further. Failure to progress the positive action proposed would be contrary to the WG objective to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations.
53. Troy House is undoubtedly an important historic asset. At present it is capable of restoration which would be beneficial to the asset and fulfil the policy objective of preserving its special character. However, this is only achievable with significant funding which, given the current climate, is not available from public sources. The building is substantial in size and would require an equally substantial income to achieve a sustainable long-term future use. Listed building consent has been granted for the carefully designed scheme for the conversion of the house. Whilst it would result in the separation of the management of the asset, this is justified by the size and current condition of the building, not the aspirations of the developer. Despite encroaching into a previously undeveloped area of the registered garden, the development would not substantially harm the resulting value of the asset.
54. The enabling development is fundamental to ensuring that the renovation of Troy House can take place. Although the viability assessment concludes for an option to be viable a larger scheme than that proposed may be necessary³⁴, this could be achieved through a reconfiguration of the number and size of the units and not increased scale of the new build. Notwithstanding this, the proposed development is the most viable option to secure the long-term future of the historic asset and its continued use for a sympathetic purpose. It is also essential for the provision of finance to convert the listed building. The introduction of new build enabling development to secure the restoration of the listed building is therefore not only acceptable but, on balance, necessary and the minimum necessary to achieve this aim.
55. The planning balance and national planning policy is weighted in favour of the preservation of the listed building. Enabling development is a legitimate planning tool which provides justification for the proposed development. Notwithstanding being contrary to the principle of development in the open countryside, the proposals would

³⁴ Preliminary Viability Appraisals, 9 November 2015 section 5.1, Cooke & Arkwright

accord with the criteria set out in Policy LC1 of the LDP. The enabling development is designed to be respectful of the listed building. It is carefully detailed to match the wings of other large country houses of its type, is mostly contained in an area close to the existing building that has already been built on and would not be an incongruous feature in the wider landscape.

56. There may be a degree of harm to the registered garden by the encroachment of the east wing in an area of the garden which is currently not built on. Although a Resistivity Survey concluded that there were no remains in this area of the site which would be adversely affected, the results were not accepted by Cadw as the survey was not undertaken by a recognised professional. Notwithstanding this, it is the walled garden which is of greater archaeological significance. It has been previously suggested that five investigative trenches are required in specified locations to ascertain the extent and importance of any archaeological remains within the application site, this is a matter which could be addressed by condition. On balance it is considered that there is appropriate policy justification to warrant a departure from Policy LC1 of the LDP.

Flooding

57. The proposed residential development is a highly vulnerable use which, according to TAN 15, should not be permitted in flood zone C2. However, the previous long-term use of the site was a school which is also classed as a highly vulnerable form of development. It is therefore considered that the proposals could be supported subject to the consequences of flooding being fully assessed and found to be acceptable.
58. Whilst not normally applied to highly vulnerable development, it is considered pragmatic and prudent to address the justification tests set out in section 6 of TAN 15 as part of this application and review the consequences of flooding for the site. The alternative would be not to apply the tests and not review the consequences at the site. However, in accordance with PPW, the primary material consideration for this development is the preservation of the listed building.
59. With regard to the justification tests, the development would be part of a key regenerative initiative to restore and renovate the heritage asset which is quickly falling into disrepair. The site is previously developed land. The new build would predominantly be located on the site of existing buildings with an element of the enabling development located within the garden. The proposed development is reasonably required to ensure that the renovation of the listed building occurs and the social and heritage benefits of bringing the asset into beneficial use are recognised. On balance it is considered that the development would be in accordance with the justification tests set out in TAN 15.
60. Initially NRW was not satisfied that the proposals would meet the requirements of section A1.14 of TAN 15 for the 1:100 year event plus climate change. However, on closer examination of the evidence it has been found that there are numerous and contradictory reports and drawings in respect of the finished floor level (FFL) of Troy House. Furthermore, as demonstrated by the submitted ground floor survey plan and report (document 11) the FFL of 17.910m AOD quoted in the FCA is incorrect. It was taken from a survey point outside the building. Consequently, a new GPS survey of the property has been undertaken.
61. The survey confirmed that the FFL across the ground floor of Troy House fluctuates. At its lowest it is 18.09m AOD. This applies to one room with the remainder of the ground floor being at higher levels. When compared against the predicted flood level

of 18.12m AOD during a 1:100 year plus climate change event, there is the potential for this area to flood to a depth of 0.03m. However, given the solid construction of the walls and the lack of openings, the risk of water ingress in such a flood event would be extremely low. Furthermore, the refurbishment of Troy House would require new insulation and flooring to be laid across the ground floor. Consequently, it would be possible to ensure a minimum FFL of 18.20m AOD is achieved throughout the ground floor. This would be above the predicted flood level in a 1:100 year plus climate change event and section A1.14 of TAN 15 would be met. Whilst the matter could be addressed by condition and the Council is satisfied such works would not harm the heritage asset, the Listed Building Consent would have to be revisited.

62. Whilst the new buildings to east and west of the main house would be flood free in this event scenario, other parts of the site would flood. Although the access would flood to a depth of 120mm, this would not prevent safe access and egress for emergency vehicles and an evacuation route via higher ground from Troy House and the east and west wings has been identified. Moreover, the floor levels in the gatehouse could be raised to avoid the 20mm flood depth anticipated in the FCA.
63. The site would flood in a 1:1000 plus climate change extreme event. Based on a proposed minimum FFL of 18.20m AOD the maximum flood depth in Troy House would be 1.26m. Whilst the remainder of the site and buildings would flood to lesser and greater depths, all would exceed the tolerances given in section A1.15 of TAN 15. However, as the guidance is indicative not prescriptive, each site must be considered individually, and a judgement taken in the context of the circumstances which could prevail at the site. Account should therefore be taken of the flood mitigation proposed which includes flood warnings, an emergency flood plan, limited entrances for flood water ingress, the extant use as a school and the safeguarding of a heritage asset.
64. The proposed evacuation route would be via the higher ground in the south west part of the site and onto the adjoining land of Troy Farm and a route to the west. Occupants of the ground floor apartments in Troy House would evacuate the building via an internal route taking the main staircase to the second floor, along a corridor and down a secondary staircase to the ground floor before egressing the building. The Council's Emergency Planning Manager is satisfied that subject to a fully detailed plan being in place and all owners being aware of the risks, the risk to life from flooding would be abated. These matters could be satisfactorily addressed by condition.
65. The velocity, rate of rise and speed of inundation of the flood waters were not assessed as part of the FCA. However, during discussion at the Hearing the professional opinion was given that an extreme event would result from the flooding of the River Wye during which the flood waters would rise slowly, inundating Monmouth before reaching the site over a period of approximately 53 hours, having first entered the grounds and the car park after approximately 30 hours and 47 hours respectively. The primary access would be unsafe, Monmouth would be an island and the recommended advice would probably be that residents should stay on site.
66. The Council accepted that the principle of residential development in flood zone C2 is in direct conflict with TAN 15. There is also conflict with Policies S12 and SD3 of the LDP. However, given that the site has been used historically for a highly vulnerable form of development and the proposals would ensure an important heritage asset is preserved, the Council is supportive of the proposals.
67. In reaching this conclusion the Council was mindful of alternative proposals that might enable the restoration of the listed building. Although less vulnerable developments

are allowed in flood zone C2, the Council believes a less vulnerable form of development in accord with the requirements of TAN 15 and Policies S12 and SD3 of the LDP would harm the character and appearance of the listed building. Furthermore, for the building to be saved the development needs to ensure that the high costs associated with its preservation are achieved. The viability of the scheme would not warrant other less vulnerable forms of development, therefore not allowing the proposed development would effectively sterilise the site and result in the loss of a building that is of national importance. The proposals have been scrutinised by the Council for over ten years and being finally accepted as the only way of saving the listed building.

Well-Being of Future Generations (Wales) Act 2015

68. The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered. The application has several specific constraints and concerns and significant weight has been given to ensure that the listed building is preserved, and in doing so would preserve the social and cultural well-being of Wales in the long term by restoring a significant heritage asset.

Representations made by Interested Parties

69. The Planning Inspectorate received written representations from NRW, Cadw, Glamorgan Gwent Archaeological Trust (GGAT), Welsh Historic Gardens Trust (Monmouthshire and Gwent Branch), Wales & West Utilities, Agri Advisor and Peter Carroll. Representatives of Agri Advisor and the Welsh Historic Gardens Trust contributed to the discussion at the Hearing together with several Members of the Council. The written representations received in response to the Council's earlier consultations, site and press notices and neighbour notifications are summarised in the Officer's Report to Committee.

Natural Resources Wales

70. Although NRW was satisfied that the flood modelling used to inform the FCA was appropriate, it found that the proposal would not meet the technical criteria in Appendix 1 of TAN 15 and therefore considered that the consequences of flooding had not been demonstrated to be acceptable. However, following clarification of the floor levels by the Applicant (document 11) and the assurance that water ingress into the building in a flood event would be extremely low, NRW confirmed that subject to the FFL being set to a minimum of 18.20m AOD, Troy House could be designed to meet the criteria in A1.14 of TAN 15.
71. NRW recommended that the floor levels within the gatehouse be raised by a minimum of 20mm. It was content that this could be addressed by condition. Nevertheless, due to the surrounding ground levels, the property could be surrounded by flood water in a 1:100 year plus climate change event.
72. Some of the wider areas of the site including the car parks were still at risk of flooding during a 1:100 plus climate change event and the whole development and the access would be above the 600mm threshold set out in A1.15 of TAN 15. The velocity, rate of rise and speed of inundation had not been assessed and NRW was therefore unable to comment on these matters. Although it is noted that the FCA had identified an escape route, the site is only covered by the flood alert for the Rivers Wye and Monnow and is not covered by a specific warning area.

73. NRW recognises that it may not be feasible to set FFLs above the predicted flood level. In addition, if the car parks were to be designed to be flood free there would be the potential to increase flooding elsewhere which would need to be fully assessed and appropriate mitigation proposed. It recommended that advice be sought in respect of emergency plans and procedures and measures to address structural damage that may result from flooding as these matters are outside the remit of NRW.

Cadw

74. Although the development would not have an adverse impact on the listed building, Troy House, and no scheduled monuments would be affected, the proposal would be likely to cause significant harm to the registered historic garden, particularly to the north and east of the house and including potential impacts on garden archaeology. The proposed east wing would be a major intrusion into the lawned terrace; the lawns and entrance drive to the north would be replaced by a multiplicity of surfacing and subdivision of the area for car parking which would not accord with its historical simplicity. Further change would be caused by the gatehouse in a location where there is no historical evidence of such a feature.
75. Currently buried elements of the registered park and garden are located within the proposed development area and it is not known how well preserved these features are. The lack of modern development to the east and north of the house suggest that their archaeological potential is high. The survival of remains of the early garden at Troy House is significant in furthering the understanding of the development of its gardens and grounds and the wider understanding of gardens of this period in Wales.
76. An archaeological evaluation of the development area would establish the extent and importance of any archaeological remains within it and would allow an appropriate programme of mitigation for the archaeological resource to be determined. This programme may require extensive archaeological excavation to be undertaken or the redesign of the development. This could have significant financial implications and have a direct impact on the viability of the development. It is a matter which should be resolved prior to the determination of the application.

The Glamorgan-Gwent Archaeological Trust

77. The physical nature of the archaeological resource is complex and extensive, relating to earlier major phases of activity including a medieval manor house and associated features; a 16th century house, gardens and associated features; and later 17th century activity. The nature and extent of the archaeological resource and the impact of the proposed development on it are unknown. To allow the impact of the works to be understood and suitable mitigation to be proposed, the significance, nature and extent of the archaeological resource need to be known. An archaeological evaluation should be undertaken prior to the determination of the application.

Welsh Historic Gardens Trust (Monmouthshire and Gwent Branch)

78. Welsh Historic Gardens Trust commented that the site had undergone a sharp deterioration during the long-running planning process. It expressed support for the approval of the application and looked forward to the remaining element of the registered garden being safeguarded and re-connection with the original landscape being achieved. WGHT also considered that surveys of the site would lead to increased knowledge and understanding of the archaeology and environmental significance of the registered garden and the wider designed landscape. Such evidence would be crucial in informing the conservation of the remaining garden and

would encourage greater research and debate on the evolution and value of this vanishing part of Wales's cultural landscape.

Wales and West Utilities

79. Wales and West Utilities provided documentary evidence in respect of the location of its equipment in the area. It offered no comments on the substance of the proposals.

Agri Advisor representing Irving Long of Troy Farm

80. The objections to the proposal raised by the late Graham Long have been maintained by his son, Irving Long. Troy Farm, an organic dairy farm with a herd of up to 400 cattle, has been in the family for over 50 years. The access lane is in the ownership of the farm and whilst the owners of Troy House have a right of use, they do not have the authority to do works to it. Furthermore, the dimensions of the lane shown on the submitted drawings are inaccurate, the Transport Assessment was incorrectly based on the previous school use, no account had been taken of accidents at the junction with the B4293 and no structural assessment of the two river bridges has been made.
81. Movement of the dairy herd for milking necessitates the closure of gates across the access lane a short distance from its junction with the B4293. These twice daily closures can be for up to four hours at a time. The significant increase in vehicles using the lane generated by the development would increase the risk of incidents in respect of livestock and drivers turning off the B4293 with limited visibility of any backlog of vehicles on the lane. It would also have a significant detrimental impact on the economic viability and operational ability of Troy Farm.
82. The Viability Report, which dates from 2015, fails to take account of enhanced building regulation requirements. Furthermore, potential difficulties in securing mortgages and insurance due to the site being liable to flood may make the properties difficult to sell. The proposed evacuation route via Troy Farm and to the east is unsuitable as it has a rough stone surface and a steep incline which makes it impassable even by tractors in bad weather conditions. The legal rights of Troy House to use this route were also raised. Notwithstanding this, the development would be contrary to TAN 15.
83. The water supply for Troy House comes from a borehole on Troy Farm and is shared with other neighbouring properties, some of whom have found it necessary to install mains water to ensure a reliable supply. The development would significantly increase the need for a clean and reliable water supply which may not be met by the bore hole. The proposals make no provision for the installation of mains water. Moreover, foul drainage would be to a sewage plant within the flood plain.
84. The alterations and additions to the listed building would be substantial. They would not only damage the integrity of the building but would harm the character of the area and place pressure on local services.

Mr P Carroll (owner of Troy House)

85. There is no known flooding of Troy House in living memory. Those concerned with building the property would have satisfied themselves that there had been no flood experience in the past. This wholly minimal risk could easily be dealt with by a low wall or even sand bags over the course of a few days or weeks.

86. Troy House and Troy Farm have been present for centuries. The 20th century buildings surrounding the house would be replaced by buildings more compatible with the house and their footprint would be similar to the present buildings.
87. The Council has considered all aspects of the development over the last ten years. There is no known acceptable alternative which would secure the future of this unique nationally and architecturally important listed building as well as easing housing supply by the provision of approximately 50 dwellings.

Conclusions

[The numbers in square brackets denote the preceding paragraphs on which my conclusions are based.]

88. Having regard to the available evidence and the matters on which the Welsh Ministers wish to be informed, the main issues in this case are whether the location of the proposed development would be appropriate having regard to flooding and the open countryside; and whether any harm in these respects would be outweighed by the long-term preservation of the Grade II* listed building. [2]

Flood risk

89. The site is bounded to the north by the River Trothy, which flows eastwards towards Monmouth and the River Wye. Although no significant flooding of the site has been reported, the majority of the application site is within flood zone C2. [6, 28, 43, 85]
90. The proposed development would total 51 residential units. Of these 19 would be within the listed building, Troy House, a further 31 would be split between two new purpose-built wings to the east and west of the house. The gatehouse, close to the entrance into the grounds from the access lane, would provide the final unit. [39, 40]
91. The general approach of national policy, as set out in PPW and supported by TAN 15, is to be cautious in respect of new development in areas at high risk of flooding. The framework guiding planning decisions is thus precautionary and its first preference is to direct new development away from areas at high risk from flooding. TAN 15 classifies all types of residential development as highly vulnerable. It also states categorically that highly vulnerable development should not be permitted in flood zone C2. There is no provision in TAN 15 whereby this unequivocal position can be offset by mitigation or the benefits which might accrue from a development. This is reiterated in the letter from WG. [18, 28, 37]
92. Consequently, as the proposed development is classed as highly vulnerable and would be located within flood zone C2, consideration of the scheme should end here. However, neither the Council nor NRW in its consultation responses have taken this approach. Instead they both pursue the course of justification and mitigation. [18, 28]
93. TAN 15 advises that development, other than highly vulnerable development, may be permissible in flood zone C subject to it being justified and provided the assessed consequences of flooding are acceptable. The first justification test is that a zone C location is necessary to assist a local authority regeneration initiative or strategy, or to contribute to key employment objectives. TAN 15 defines regeneration initiatives as comprehensive, multi-approach and forming part of an integrated suite of initiatives which have been subject to public consultation. A local authority strategy is clarified as the development plan for the area. The objective of the development is to secure the future of a listed building identified as being at risk, in line with national

- legislation and planning policy which seeks to protect heritage assets. [29-30, 32-33, 59, 70]
94. Although the site meets the definition of previously developed land, PPW adopts a precautionary approach of positive avoidance of development in areas of flooding and development is guided by TAN 15 to locations at little or no risk from flooding. Since the site is almost entirely within an area of floodplain without significant flood defence infrastructure, the development would not be completely consistent with the aims of PPW and would not meet the second justification test. [18, 29-30, 32, 59, 70]
95. The final justification test is that the potential consequences of a flooding event have been considered and found to be acceptable. The methodology and data on which the FCA was based and the recent clarification of the floor levels have been supported by NRW. The FCA concluded that whereas in a 1:100 year plus climate change event the apartments within Troy House and the new east and west wings would be flood free, the gatehouse together with part of the access lane and the car parks would flood. It is acknowledged that if the floor levels were raised by 20mm the gatehouse would remain flood free without having an impact on the surrounding area, a matter which could be addressed by a suitably worded condition. On this basis NRW has advised that the development would satisfy section A1.14 of TAN 15. [30, 32, 35-36, 43, 59, 60-62, 70-73]
96. Nevertheless, the site would flood in a 1:1000 year extreme event and both the buildings and the primary access would be to a depth greater than that prescribed in TAN 15. Whilst a proposed evacuation route from Troy House and the west and east wings has been identified, it is noted that for the occupants of the ground floor units in Troy House the evacuation route would not be straightforward. Furthermore, the topography and ground conditions of the proposed route may make it impassable for vehicles and the legal right of the owners of Troy House to vehicular use of this route is unclear. [31, 35-36, 43, 60, 63-64, 72-73, 81]
97. The contention made by the Applicant that any flooding would be a slow and gradual process over a lengthy period would facilitate the safe evacuation of residents from the site. However, there is no definitive evidence in respect of the rate of rise or velocity of the floodwaters and the speed of inundation to support this contention. It is acknowledged that if Monmouth became an island and roads were impassable it would be safer to remain at the site and the buildings may withstand ingress from flood water. Nevertheless, I do not find the potential consequences of a 1:1000 year extreme event to be acceptable in this instance and I do not consider that the location of the proposed development within flood zone C has been justified. [33-36, 65]
98. It is accepted that the previous school use also constitutes a highly vulnerable development. However, that use started in the early 1900's and although such a use could be re-commenced, the application has to be determined in the light of current planning policy and guidance. [8, 28, 38, 57, 66]
99. On the evidence before me, I conclude that the proposed location of a highly vulnerable development in flood zone C2 would be contrary to PPW, TAN 15 and Policies S12 and SD3 of the LDP. [13-14, 35, 37, 66]

Development in the open countryside

100. There are two distinct elements to the proposed residential development on the site, the conversion of the existing listed building, Troy House, and the erection of two

large detached wings and a gatehouse which would constitute new development in the open countryside. [6, 39-40]

101. The proposed conversion of Troy House into apartments is supported by Policy H4 of the LDP provided certain criteria are met. There is no dispute that the scheme would respect the character and design of the building and be in scale and sympathy with the surrounding landscape. The building has previously been in residential use and it is eminently suitable for conversion into apartments. Although the implementation of the conversion would involve significant work, the scheme would provide adequate living space within the structure without the need for substantial reconstruction. [13, 16]
102. Limited consideration has been given to alternative uses for the site other than residential and it is acknowledged that less vulnerable developments may not be appropriate in this location or could harm the historic asset. Furthermore, to return the listed building to beneficial use would require substantial funds which are more likely to be forthcoming from a residential rather than a business use. On balance I am satisfied that the proposed conversion of Troy House would accord with Policy H4 of the LDP. [16, 67]
103. Nevertheless, the proposal is reliant on a significant amount of new build on a site which lies within open countryside. There is a presumption in national and local planning policy against new development in the open countryside except in certain circumstances, none of which apply to the development proposed. There is no dispute that the development would be contrary to PPW and Policy LC1 of the LDP. [13, 15, 19, 40, 51, 55]

Preservation of the listed building

104. Troy House is an important listed building. The current house is largely a result of the enlargement and redevelopment in the late 17th century of the former medieval house which is still encapsulated and evidenced within this later enlargement. Due to its composition and extraordinary retention of historic fabric, the house is architecturally important. It is also historically important because of its association with the Beaufort family. The building therefore has significant evidential, aesthetic and historical value. [7-8, 10-12, 47]
105. However, Troy House is deteriorating. Since the closure of the school most of the building has been vacant. Despite the best efforts of the resident caretaker the house has fallen into an increasingly bad state of repair and the grounds have had minimal attention. Key architectural features within the building are suffering from water damage and structural defects due to a lack of occupation and maintenance. The condition of the roof has resulted in severe water ingress, especially in the area around the main staircase where it has caused significant damage. Seventeenth century plaster ceilings are also in a state of collapse. As a result, the building is classed as 'At Risk' with an elevated chance of decline. [9, 48, 50, 78]
106. The primary consideration for any development affecting a listed building or its setting is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. The architectural and historical importance of Troy House justifies an overriding need to save the building. The main objective of the application is to facilitate a new use in order to secure a sustainable future for the heritage asset and ensure its future preservation. If no action is taken the asset will continue to deteriorate and potentially be lost. [9, 11 20-21, 39, 48, 57, 74]

107. Whilst in preserving a listed building the reinstatement of its original use should generally be the first option, in this instance Troy House is too large and the works required to restore it would be financially prohibitive. To return the property to its original use as a single residential dwelling is not a viable option. To secure the survival of Troy House and provide a sound economic future it is therefore necessary and appropriate to adopt a flexible approach when considering a new use. As evidenced by the viability report enabling development is required to fund the work necessary to restore Troy House and effectively sustain it into the future. [22, 25, 40, 49, 54, 59]
108. There is no dispute that the proposed development meets the definition of enabling development. However, for it to be appropriate, the public benefit of rescuing, enhancing or even endowing an important heritage asset must decisively outweigh the harm to other material interests. To ascertain if the enabling development would be acceptable regard has to be given to the tests in the Conservation Principles. [25, 40, 52]
109. It is generally accepted that the proposed development would not materially harm the heritage values of the listed building. It would be a sympathetic use which would resolve the problems arising from the inherent needs of the listed building and secure its long-term future. Whilst the apartments would be individually owned, large areas of the house and grounds would be in communal ownership with responsibility being borne by a management company. Overall the development would secure the restoration of an important historic asset which, currently, is capable of restoration that would be beneficial to the asset and would fulfil the policy objective of preserving its special character. However, this could only be achieved through significant funding which would not be available from public sources. Furthermore, a substantial income would be required to achieve a sustainable long-term future use. [26-27, 52-53]
110. The viability report is several years old and has not been updated to reflect the present economic situation. It is also not clear if account has been taken of the location of the site within the flood plain where it may be more difficult to secure mortgages and insurance and the properties may be less attractive to potential purchasers. Whilst it is reasonable to estimate the cost of the new build on industry averages for this type of development, the nature of the works to restore the listed building are more difficult to predict. Moreover, the building will reveal more of its history as restoration work is undertaken. The report would therefore need to be the subject of on-going review as more information becomes available, as the market place changes and as costs become better defined. It is therefore understandable that in recognising the extreme sensitivity of the proposals, the report concluded that to secure a viable option a larger scheme comparable to the current proposals would be required. [26-27, 54, 81]
111. There is no certainty regarding the scale of the development required to ensure the restoration of the listed building would be financially viable. There is also a distinct possibility that the scheme would need to be amended in the light of updated costings. This may entail a review of the size and number of the units to reflect market demand. It is possible that this could be achieved by amending the internal layout without necessitating elevational changes or larger buildings to enable the development to proceed successfully. However, regard would need to be given to any potential harm to the heritage asset from such changes. Notwithstanding this, for the purposes of this application a development of the scale proposed would be the minimum necessary to secure the restoration of the listed building. [26-27, 54]

112. The final test is whether the public benefit of securing the future of the historic asset through the enabling development decisively outweighs the disbenefits of breaching other public policies. Whilst I am highly aware of the condition of the building and the need to secure an alternative viable use if it is to be saved, the statutory requirement to have special regard to the desirability of preserving the building must be balanced against the disbenefits of breaching national and local policies in respect of flooding and development in the open countryside. Furthermore, it is an expectation of PPW that enabling development should not give rise to significant risks, for example residential development in the floodplain. Given my conclusions in respect of flooding and development in the open countryside I do not consider that these tests are met. [26-27, 55, 67]
113. I am aware that the Council has approved an urgent works notice and work is ongoing with the owner of the building with a view to serving formal notices if necessary. Although to proceed along this route may secure the urgent works required to halt or slow down the deterioration of the building, it may not result in the positive action required to ensure it is restored, in line with the WG's objective to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. [20, 26-27, 48, 50]
114. Consideration must also be given to the effect of the development on the registered historic garden. Both Cadw and GGAT concluded that the proposal would be likely to cause significant harm to the garden, particularly to the north and east of the house and including potential impacts on garden archaeology. [11-12, 23-24, 47, 56, 74, 77]
115. Although the Archaeological Desk Based Assessment states that there is uncertainty over the original presence of any formal garden features and expresses doubt over their survival, they are not discounted. The assessment concluded that a programme of archaeological works may be necessary to confirm the presence or otherwise of any significant remains and to investigate their nature, quality and extent. The need for five trenches in specified locations was identified. Cadw and GGAT both consider an archaeological evaluation is needed prior to the determination of the application in order to establish the extent and importance of any archaeological remains and allow an appropriate programme of mitigation for the archaeological resource. [24, 56, 75-77]
116. Whilst the need for further investigation is acknowledged by the Council, it does not consider it necessary for such works to be undertaken prior to the determination of the application. This may be appropriate when there is a chance that unforeseen remains might be discovered during a development. However, in the current circumstances where the potential for archaeological remains has been accepted, I do not consider this course of action would be appropriate. [24, 56, 76-77]
117. I am not satisfied that the information submitted is sufficient to fully assess the presence or otherwise of any significant archaeological remains. Further archaeological evaluation is required which would enable a mitigation strategy appropriate to the significance of any archaeological assets identified to be evolved and any implications it may have for the design of the scheme to be addressed. I recognise that in the light of further investigation there is the potential that amendments may be required which could have significant implications for the financial viability of the scheme. This is a further reason why the matter should be resolved prior to the determination of the application. [24, 56, 76-78]

118. It is acknowledged that in cases involving less significant archaeological remains it is necessary to weigh the relative importance of the archaeological remains and their settings against other factors, including the needs of the development. I accept that the walled gardens may be of greater archaeological importance than the garden terraces affected by the proposals. However, the gardens are an integral part of Troy House and any archaeological remains could be equally important to its status as a listed building. I acknowledge that the survival of Troy House is in the balance. Nevertheless, I am not satisfied that sufficient information has been submitted to allow a full understanding of the impact of the proposals on the historic significance of the registered historic garden. [24, 56, 66, 76-78, 87]

Other material considerations

119. In addition to the matters already addressed concerns were raised by interested parties regarding the access lane and its junction with the highway network, the effect on the economic viability of Troy farm, and water supply. [6, 41]
120. It is acknowledged that the lane is in the ownership of Troy Farm and that the occupants of Troy House only have a right of access. It is noted that the improvement of the junction of the lane with the B4293 is required in the interests of highway safety. Whilst the improvement of the junction together with any alterations to the lane could only be carried out with the agreement of the landowners, it is a separate legal matter with no bearing on the planning application. I have no definitive evidence regarding the accuracy of the drawings or the inability of the two bridges to carry any additional traffic. Notwithstanding this, any works in this respect would form part of the carriageway construction details. [6, 80-81]
121. Concerns were raised regarding the accuracy of the Transport Statement in respect of the assessment of the likely impact of the development on traffic flows. Whilst I am aware that the traffic generated by the site in recent years has been significantly below the proposed use, the last use as a school could be re-commenced. I am therefore satisfied that the Transport Assessment was correct in taking account of this use in assessing traffic flows. [42, 80]
122. It is noted that the lane is closed for long periods twice a day to allow animals to travel between the fields and the farmyard at will for milking rather than being moved as a herd. Closure of the lane for such periods has the potential for a backlog of vehicles approaching the site from the B4293 and for animals to stray onto the road if the lane is not secured. Such closures would also inconvenience future occupants of the development. However, I am satisfied that the gate across the lane is adequate distance from the junction to give drivers enough warning that it is closed. There would also be the opportunity for drivers to pass through the gate, opening and closing it behind them. Whilst it may not be an ideal situation, the occupiers of Troy House have a right of access over the lane and any hindrance of that right is a legal issue separate from the planning application. [80-82]
123. It is acknowledged that a development of the size proposed would result in a significant increase in the number of residents living near a working farm. However, I am not persuaded by the evidence that this would have a significant detrimental impact on the economic viability and operational ability of Troy Farm to maintain and grow the existing farm enterprise. [81]
124. Concerns were also raised in respect of water supply. Whilst the application form states that either a private or a mains supply is available, some residents served by the borehole have found it necessary to install mains water in order to ensure a

reliable supply. It is accepted that the scale of the development would give rise to a significant demand for water. However, there is no evidence that the development would be without a supply and separate legislation will demand it prior to occupation. Although further details of the proposed private plant for the disposal of foul drainage are required, there is no evidence that this method would be unacceptable. [83]

Planning Conditions

125. The joint statement of the Council and the Applicant included a list of suggested conditions which were discussed at the Hearing. In the light of the advice in Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (October 2014), it was agreed that in the interests of clarity and precision the wording of some of the conditions required amendment. The Council subsequently submitted a revised list (document 9) to which I have had regard.
126. In addition to the standard conditions regarding time limit and confirmation of the approved plans, in the interests of highway safety details are required in respect of improvements to the junction and access lane including a Construction Management Plan and the timing of the provision of parking. [41]
127. The condition requiring a Construction Management and Restoration Phasing Plan regarding the works to Troy House duplicates the Listed Building Consent and has therefore been omitted. I consider the condition preventing the commencement of the development prior to evidence of a binding contract for the completion of the work to be ultra vires. Nevertheless, to ensure the listed building is satisfactorily restored at the earliest point in the programme, the phasing of the new build is stipulated. To protect the heritage asset, further details are required of identified features of the new build and samples of all the materials prescribed to be used externally. The attic is to be used solely for storage, no additional external miscellaneous features are allowed and permitted development rights are withdrawn in respect of means of enclosure. [40]
128. In the interests of biodiversity, a Demolition and Construction Environmental Management Plan, a Green Infrastructure Management Plan, details of mitigation regarding bats, a landscaping scheme and a lighting design strategy are required. [42]
129. In addition to details of surface water and foul drainage, a flood evacuation plan are required. I consider that the foul drainage details should be approved prior to development commencing on site. In view of the discussion in respect of the flood risk, it is also necessary to ensure the finished ground floor level of Troy House and the gatehouse are at a level which will satisfy section A1.14 of TAN 15 is met. The parties were agreed that such a condition was necessary. [45, 71, 79]

Overall Conclusions

130. The application site is almost entirely within flood zone C2 and the residential development proposed is classed as highly vulnerable. Although the development could be designed to satisfy section A1.14 of TAN 15, it would not completely satisfy section A1.15. Notwithstanding this, TAN 15 is unambiguous that highly vulnerable development should not be located within flood zone C2. This has been reinforced in a letter from WG. Furthermore, Policies S12 and SD3 of the LDP respectively seek to avoid inappropriate development in areas at risk of flooding and place strict control on highly vulnerable development in areas which may be liable to flooding.

131. The proposal is reliant on a significant amount of new build on a site which lies within open countryside where there is a presumption in national and local planning policy against new development except in certain circumstances, none of which apply to the development proposed.
132. The development would secure the preservation of the listed building and return it to an appropriate use. However, to do so would entail a significant amount of new build which would not meet the tests regarding enabling development. The presence of archaeological remains has not been discounted and there is insufficient information to fully assess its presence or the effect of the development on it. The proposal would therefore be likely to cause harm to the registered historic garden.
133. On balance I conclude that the statutory requirement to have special regard to the desirability of preserving the listed building is outweighed by the identified harm in respect of flooding and the location of the development in the open countryside. The potential harm to the registered historic garden adds further weight against the proposal. I therefore find that the planning application should be refused.
134. In reaching this decision I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle, through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Recommendation

135. I recommend that the application be refused

K Sheffield
INSPECTOR

APPEARANCES

FOR THE APPLICANT:

Graham Frecknall
George Baker

Graham Frecknall Architecture & Design,
JBA Consulting

FOR THE LOCAL PLANNING AUTHORITY:

Craig O'Connor
Amy Longford

Development Management Area Manager
Heritage Manager

INTERESTED PERSONS:

David Dovey
Louise Brown
Maureen Powell
Ruth Edwards
Lucy Pritchard
Michael Robinson
Anne Robinson
Anthea Prest
Karen Anthony
Hazel Nash

County Councillor
County Councillor
County Councillor
County Councillor
Welsh Historic Gardens Trust
Welsh Historic Gardens Trust
Welsh Historic Gardens Trust
Welsh Historic Gardens Trust
Agri Advisor acting for Mr Long
Agri Advisor acting for Mr Long

DOCUMENTS

Submitted to the Hearing:

1. Letter and circulation list regarding the arrangements for the Hearing.
2. List of drawings on which the Council reached its decision together with copies of existing drawings of Troy House and proposed ground floor previously omitted.
3. Appendices to Planning Statement previously omitted.
4. Revised FCA Table 1 and accompanying site plan.
5. Extract of Land Registry document submitted by the Applicant.
6. Land Registry Document submitted by interested party.
7. Officer's report on the application for Listed Building Consent.
8. Submission on behalf of Welsh Historic Gardens Trust.
9. Relevant policies of Local Development Plan.

Submitted post-Hearing:

10. Updated list of suggested conditions.
11. Comments from Natural Resources Wales on disparity in FCA, 01/02/2019.
12. Clarification from the Applicant, 08/02/2019.
13. Final comments from Natural Resources Wales, 15/02/2019
14. Final comments from the Council, 15/02/2019

Schedule of conditions to be imposed if the application is allowed

1. The development shall begin no later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with approved Drawing Nos: AL.0.01; AL.0.02; AL.0.03; AL.0.04 Rev C; AL.0.06 Rev A; AL.0.100; AL.0.101; AL.0.102; AL.0.103; AL.0.104; AL.0.200; AL.0.201; AL.0.202; AL.0.203; AL.0.105 Rev B; AL.0.156 Rev C; AL.0.157 Rev B; AL.0.158 Rev C; AL.0.254 Rev D; AL.0.255 Rev D; AL.0.206; AL.0.207 Rev A; AL.0.109 Rev A; AL.0.110 Rev A; AL.0.111 Rev A; AL.0.112 Rev A; AL.0.208 Rev A; AL.0.209; AL.0.210; AL.0.211 Rev A; AL.0.212 Rev A; AL.0.213; AL.0.115 and AL.0.116 Rev C.
Reason: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
3. Notwithstanding the details shown in Drawing No. AL.0.116 Rev C, no development shall commence until details have been submitted to and approved in writing by the local planning authority of the carriageway construction and surfacing materials together with improvements to the junction showing a level plateau for the first 10m from the edge of carriageway. The development shall be carried out in accordance with the approved details and the works shall be completed prior to any of the residential units being occupied.
Reason: In the interests of highway safety and to ensure the development complies with the requirements of Policy MV1 of the LDP.
4. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The construction work shall be carried out in accordance with the approved CTMP.
Reason: In the interest of highway safety and to ensure the development complies with the requirements of Policies S16 and MV1 of the LDP.
5. Samples of the proposed external finishes including a one square metre sample panel of render, stone and brick shall be presented on site and shall be agreed in writing by the local planning authority prior to their use in the development. The development shall be carried out in accordance with the agreed finishes.
Reason: To ensure a satisfactory form of development which respects the character and appearance of the listed building in accordance with Policies S17 and DES1 of the LDP
6. No development shall commence on site until a phased schedule of works has been submitted to and agreed in writing by the local planning authority. The schedule shall ensure that with the exception of the west wing as outlined on Drawing No. AL.0.04 Rev C, no other buildings hereby approved shall be erected until the listed building known as Troy House has been repaired and restored to a stage to be agreed with the local planning authority as part of the schedule of works.
Reason: To safeguard the protection and restoration of the Heritage Asset in accordance with the requirements of enabling development in PPW (6.1.30).
7. No development shall take place on until a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: to ensure account is taken of any archaeological features in accordance with the requirements in PPW (6.1.32).

8. No development shall commence on site until a detailed surface water management scheme has been submitted to and agreed in writing by the local planning authority. The scheme shall include details for the whole site including car park, access lane and other hard and soft landscaped areas. The scheme shall be completed in accordance with the approved details prior to any of the residential units being occupied.

Reason: To safeguard the riparian habitat of the River Trothy and River Wye SSSI and SAC and to ensure adequate drainage of the site in accordance with Policies NE1 and SD4 of the LDP.

9. No development shall take place (including demolition, ground works and vegetation clearance) until a Demolition and Construction Environmental Management Plan (DCEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The DCEMP (Biodiversity) shall include:
- a) a risk assessment of potentially damaging demolition & construction activities;
 - b) identification of "biodiversity protection zones";
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on site to oversee works;
 - f) details of responsible persons and lines of communication;
 - g) details of the role and responsibilities on site of the ecological clerk of works;
 - h) use of protective fences, exclusion barriers and warning signs; and
 - i) details of the management of Invasive Non-Native Species to reduce their occurrence at the site and prevent uncontrolled spread.

The development shall be carried out in accordance with the approved DCEMP during the demolition and construction periods.

Reason: To safeguard the riparian habitat of the River Trothy and River Wye and other ecological interests at the site including protected and priority species in accordance with Policy NE1 of the LDP.

10. Notwithstanding the details forming part of the submitted plans, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The details shall include:
- a) proposed finished levels or contours;
 - b) means of enclosure;
 - c) car parking layouts;
 - d) vehicle and pedestrian access and circulation areas;
 - e) hard surfacing materials including the use of permeable materials within the curtilage of the site;
 - f) minor artefacts and structures (e.g. furniture, artwork, refuse or other storage units, signs, lighting, floodlighting and CCTV installations etc.);
 - g) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports and CCTV installations.);
 - h) retained historic or other landscape features and proposals for restoration, where relevant;

- i) soft landscape details shall include: planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities; and
- j) watercourse features.

The hard and soft landscaping, shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure the provision afforded by appropriate Green Infrastructure design & to safeguard roosts and flight lines of populations of horseshoe bats connected with the SSSI and SAC and wider ecological considerations including protected and priority species in accordance with Policy GI1 and NE1 of the LDP.

11. No development shall take place until a Green Infrastructure Management Plan (GIMP) has been submitted to and approved in writing by the local planning authority. The GIMP shall include:
- a) description and evaluation of Green Infrastructure assets to be managed to include but not be limited to:
 - i) bat roosts & supporting habitats, mitigation and compensation including flight lines for foraging/commuting
 - ii) riparian habitats to conserve SINC habitat (River Trothy) supporting Interest Features of the River Wye SAC;
 - b) trends and constraints on site that might influence management;
 - c) appropriate management options for achieving identified aims and objectives;
 - d) prescriptions for management actions;
 - e) preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period);
 - f) details of the body or organization responsible for implementation of the plan;
 - g) ongoing monitoring of Green Infrastructure assets and remedial measures including a monitoring scheme for bats. Monitoring should include the bats, their roosting locations, and the establishment of newly planted and existing habitats/flight lines.
- The GIMP shall also include details of the legal and funding mechanisms by which its long-term implementation will be secured by the developer with the management body(ies) responsible for its delivery. The GIMP shall also set out (where the results from monitoring show that conservation aims and objectives of the GIMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The development shall be implemented in accordance with the approved GIMP.
- Reason: To ensure effective management of Green Infrastructure assets at the site in accordance with LDP Policy GI1 including flight lines and riparian habitat integral to the maintenance of favourable conservation status of protected sites and species.*
12. No development shall take place until the final Method Statement detailing mitigation for bats has been submitted to the local planning authority. The Method Statement shall be implemented in full and any subsequent amendments provided to the local planning authority for record and enforcement purposes.
- Reason: To safeguard roosts and flight lines of populations of horseshoe bats connected with the SSSI and SAC and other species of bats using the site in*

accordance with the Conservation of Habitats and Species Regulations 2017 and Policy NE1 of the LDP.

13. No development shall take place until a detailed schedule of the phasing of works likely to detrimentally affect bat species and the detail of measures to be employed to prevent or minimise impacts has been submitted to and approved in writing by the local planning authority. The phasing schedule shall be implemented in full and any subsequent amendments provided to the local planning authority for record and enforcement purposes.

Reason: To safeguard roosts and flight lines of populations of horseshoe bats connected with the SSSI and SAC and other species of bats using the site in accordance with the Conservation of Habitats and Species Regulations 2017 and Policy NE1 of the LDP.

14. No residential unit hereby approved shall be occupied until car parking has been provided in accordance with the approved plan and that area shall thereafter be retained and used solely for the parking of vehicles.

Reason: To ensure provision is made for the parking of vehicles in accordance with Monmouthshire Parking Standards 2013 SPG and Policy MV1 of the LDP.

15. No residential unit hereby approved shall be occupied until a detailed flood evacuation plan has been submitted to and agreed in writing by the local planning authority. The plan shall include precise details of:

- a) the actions to be taken in the case of a flood;
- b) the evacuation/escape route;
- c) the content and location of all flood warning signs to be erected at the site and within the buildings to ensure people are aware of the risk of flooding and the evacuation procedure; and
- d) the measures to be taken to ensure that all occupants of the apartments shall be made aware of the evacuation plan to be implemented in the event of any flood.

Reason: To ensure there are adequate flood protection measures in place and the consequences of flooding are adequately managed in accordance with the requirements of TAN15 and Policies S12 and SD3 of the LDP.

16. No development shall take place until details of the private water treatment system have been submitted to and agreed in writing by the local planning authority. The treatment system shall be installed in accordance with the approved details prior to the residential occupation of the development.

Reason: To safeguard the impact of any discharge on wildlife interests and to ensure a satisfactory system is installed at the site in accordance with Policies NE1 and EP5 of the LDP.

17. A lighting design strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall build upon the principles in Section 3.6 of the submitted Bat Mitigation Strategy, Proposed Detail Site Plan AL.0.06 and Bat Mitigation Strategy Troy House Revision A and shall:

- a) identify those areas and features on site that are particularly sensitive for protected and priority species and likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for roosting or foraging;
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications including operational

measures) to clearly demonstrate that areas to be lit will not disturb or prevent species using their territory or having access to their breeding sites and resting places; and

- c) demonstrate (through the provision of appropriate lighting contour plans and technical specifications including operational measures) that artificial lighting spill from internal lighting shall not disturb or prevent species using their territory or having access to their breeding sites and resting places.

All artificial lighting shall be installed prior to the occupation of any of the residential units in accordance with the strategy and shall be maintained thereafter in accordance with the strategy. No other artificial lighting shall be installed without the prior consent of the local planning authority.

Reason: To safeguard roosts and flight lines of populations of horseshoe bats connected with the SSSI and SAC and wider ecological considerations including protected and priority species in accordance with Policy NE1 of the LDP.

- 20 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than that approved by this permission shall be erected or placed without the prior written approval of the local planning authority.

Reason: In the interests of visual amenity and to safeguard the appearance of the area in accordance with Policies S17, DES1 and EP1 of the LDP.

18. Other than those hereby approved, no flues, vents, services, external lights, alarms or satellite dishes shall be fixed to the new buildings.

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP

22. The ridges and hips to the new buildings shall be formed with wood core lead rolls

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP.

23. External rendering to the new buildings shall have a smooth surface finish. Metal angle beads shall not be used. The final coat shall be finished with a wood float and shall not be belled outward over the heads of wall openings or at a damp-proof course level. The render shall have a painted finish, the colour of which shall be submitted to and approved in writing by the local planning authority prior to painting.

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP.

24. All rainwater goods to the new buildings shall be in cast metal and have a painted finish, the colour of which shall be submitted to and approved in writing by the local planning authority prior to installation.

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP.

25. The windows to the new buildings shall have stone sub-cills the details of which shall be submitted to and approved in writing by the local planning authority prior to the installation of the windows. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP.

26. Detailed drawings of the proposed dormers; windows; cornice; urns; ashlar quoins; parapet and coping, windows and external doors to the new buildings shall be submitted to the local planning authority. The drawings shall be to a minimum scale of 1:10 and shall include elevations, vertical and horizontal sections with larger scale details to sufficiently describe the features. The written approval of the details shall be obtained prior to their installation, which shall be in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP.

27. All external timber to the new buildings shall have a painted finish in accordance with a detailed schedule to be submitted to and approved in writing by the local planning authority prior to the timber being installed and shall be finished in accordance with the approved schedule.

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP.

28. The attic rooms within Troy House not forming part of the residential units shown in Drawing No. AL.0.158 Rev C shall only be used for domestic storage in association with the residential units hereby approved.

Reason: To protect the historic fabric of the building in accordance with Policy DES1 of the LDP.

29. Notwithstanding the details already submitted, the minimum finished ground floor level of Troy House shall be 18.2m AOD and 18.12m AOD at the gatehouse.

Reason: In order to protect the historic fabric of the building in accordance with Policy DES1 of the LDP and to ensure there are adequate flood protection measures in place and the consequences of flooding are adequately managed in accordance with the requirements of TAN15 and Policies S12 and SD3 of the LDP.