

**Application Number:** DM/2019/01495

**Proposal:** Construction of two dwellings together with formation of car parking (Amended description 14/01/2020)

**Address:** The Tan House Inn, Shirenewton

**Applicant:** Mr M Dew

**Plans:** Location Plan - , Site Layout 910/1 - REV B, Floor Plans - Proposed 910/3 - REV A, Floor Plans - Proposed 910/4 - REV A, Elevations - Proposed 910/5 - REV A, Elevations - Proposed 910/6 - REV A, Elevations - Proposed 910/7 - REV A, Cross Section 910/8 - REV A, Ecology Report - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Mrs Helen Hinton

Date Valid: 13.11.2019

**This application is presented to Planning Committee at the request of Councillor Brown to assess the implications of the proposal on the commercial viability of the community facility in line with LDP Policy CRF1 and concerns with regards to highway safety**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The site the subject of the current application comprises a part of the car park and a garden area within the curtilage of The Tan House, Shirenewton. The site is irregular in shape with an area of approximately 0.12 hectares positioned to the east of The Tan House, south of a detached bungalow known as Taormina and to the west of a modern residential development of 2.5 storeys, and the junction of Spout Hill with an adopted but unclassified road. The site is within the development boundary and partially within the Conservation Area of Shirenewton as identified by the proposals maps of the adopted Local Development Plan (LDP). Although not within a defined archaeologically sensitive area, Glamorgan Gwent Archaeological Trust flagged the site as being of archaeological interest.

At the time of inspection the site was being used as a car park area in association with The Tan House with children's play apparatus on a grassed area to the north and two storage containers in the eastern part of the site. The boundaries were defined by a range of fencing types. Access is gained via an undefined vehicular access in the southern boundary, adjacent to the existing building leading from Sprout Hill.

The site is outside of any defined riparian Special Area of Conservation or phosphate sensitive areas.

#### 1.2 Value Added

A number of alterations have been sought with regards to the design and orientation of the proposed dwellings and the layout of the site. The site has also been the subject of an archaeological investigation prior to determination.

### 1.3 Proposal Description

The plans submitted detail the development of two detached dwellings set centrally within residential curtilages with three parking spaces per dwelling provided to the west (rear). Access to the dwellings (pedestrian and vehicular) would be gained via the existing point of access that would remain shared with The Tan House.

Dwelling A, would be developed in the south-eastern part of the site with dwelling B in the northern part of the site. The properties would be rectangular in footprint, measuring 9.85m wide, 6.4m deep with a pitched roof with a ridge height of 8.25m falling to 4.8m at eaves level. The principal elevation of each dwelling would face towards Spout Hill. Each dwelling would have a double fronted design with canopy porch detail on the principal elevation and would be finished externally with rough cast painted render with stone quoins and cill details, a natural slate roof and grey coloured aluminium windows and doors. Internally the dwellings would provide an entrance hallway, WC, living room and kitchen-diner at ground floor level with four bedrooms, a bathroom and an ensuite at first floor level. The master bedroom would benefit from a Juliette balcony on the north-eastern (side) elevation. The master bedroom of Dwelling B would not benefit from a first floor bedroom window in the principal elevation.

Although the dwellings would utilise the existing shared point of access the site would be rearranged to provide the dwellings, their curtilages, respective parking (3 spaces each) and 15 parking spaces to serve the existing property, The Tan House.

The layout plan indicates the provision of hedgerow and planting areas around the western, northern and eastern boundaries of each residential curtilage with timber fencing provided along the eastern boundary adjacent to Spout Hill. An existing section of hedgerow running east to west through the site would be removed as part of the development.

## **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2006/00790	The closure of the public house and outbuilding and conversion and extension into two family dwellings. The building of 3 new stone cottages on the existing car park, with garages and gardens. The provision of a small 'green' common space to the front.	Application withdrawn	18.04.2013

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
S5 LDP Community and Recreation Facilities  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

### **Development Management Policies**

H2 LDP Residential Development in Main Villages  
CRF1 LDP Retention of Existing Community Facilities

SD4 LDP Sustainable Drainage  
NE1 LDP Nature Conservation and Development  
GI1 LDP Green Infrastructure  
EP1 LDP Amenity and Environmental Protection  
EP5 LDP Foul Sewage Disposal  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
HE1 LDP Development in Conservation Areas

## **Supplementary Planning Guidance**

Affordable Housing SPG July 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

Monmouthshire Parking Standards (January 2013)

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

## **Conservation Area Appraisal**

Shirenewton Conservation Area Appraisal (March 2016):

<http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance/shirenewton-conservation-area-appraisal>

## **4.0 NATIONAL PLANNING POLICY**

### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

### **Planning Policy Wales (PPW) Edition 11**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

### **Technical Advice Notes**

Technical Advice Note (TAN) 24 - The Historic Environment

## **5.0 REPRESENTATIONS**

## 5.1 Consultation Replies

**Shirenewton Community Council** - Objects to the application.

- The Tan House is referred to as an 'ex-public house'. This is incorrect as there has been no change of use
- The site is within the conservation area, is an historic part of the village and should be retained as a village amenity. The site should be considered as a whole, rather than piecemeal applications
- The proposed four bedroomed houses are potentially not affordable to local people
- Access to the properties is through the pub car park, no private access
- There appears to be no access to the properties from the parking area
- All hedges on site should be retained.

**SEWBRc Search Results** - No significant ecological record identified within the boundary of the site. A number of priority species have been recorded within 60m.

**MCC Heritage** - Concerns identified with regards to the design of the initial scheme. The application has now been amended to overcome the comments received. The Heritage Officer has welcomed the amendments and has removed any objection.

**MCC Highways** - No objection. Conditions recommended with regards to parking protection and a construction traffic management plan.

**Glamorgan Gwent Archaeological Trust (GGAT)** - The archaeological evaluation report submitted in support of the application confirms that no archaeologically significant features or finds were noted during the course of the field evaluation. No further archaeological work is required.

**Dwr Cymru/ Welsh Water** - advice provided with regards to the position of apparatus.

## 5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. Three letters of representation have been received and are summarised as follows:

The application would suggest that the plan is to re-open the Tan House Public House (currently not trading) as why would one install 15 car parking spaces.

In principle we do not object to the proposed development of two houses on the Tan House site, not least because the public house has been unused for many years and has fallen into a very poor state of repair (at least externally). The whole site is an eyesore.

The Tan House has not been used as a public house for a decade. There is no mention of any renovation of the building. This does not make its return to commercial use more likely, irrespective of the provision of parking for a pub/ restaurant in the application. The reference to the Tan House as an "ex-public house" in the application suggests the developers have already accepted this reality.

Leaving the building in its current poor state is also unlikely to appeal to prospective buyers of the proposed new houses. We speculate that the developers may have plans for the existing public house. Any decision on this application should be deferred until there is greater clarity about the developer's proposals with respect to the public house building.

There have been alterations to the height of the Tan building which can be seen from Tan House court and the addition of two new energy metre supply boxes at the front of the Tan House.

## 5.3 Local Member Representations

Ward Member, Councillor L. Brown was notified of the application on 21st November 2019. The following representation has been received:

- It is unclear how the parking for the dwellings would be distinguished from the normal pub parking spaces and/or not inadvertently blocked.
- Enclosing the plots would detrimentally impact the pub car park turning circle.
- Concerns regarding a lack of pedestrian access to the houses
- The pub occupies an important historical and archaeological site in the village and any proposal needs to fully comply with Policy CRF1. There is no evidence of marketing the existing whole site as a pub with a larger car park and play area.
- The whole site needs to be considered for any change of use, as opposed to development of part of the facility. It is unclear how any future development of the rest of the site would impact this proposal and would not cover planning enforcement concerns in relation to the pub building itself.

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

## **6.0 EVALUATION**

### **6.1 Principle of Development**

The application seeks full planning permission for the development of two dwellings within the curtilage of The Tan House, Shirenewton. The Tan House was formerly operated as a public house/ restaurant but has not traded for about ten years. As planning permission has not been granted for an alternative use of The Tan House building or wider curtilage the use for A3 - food and drink (potentially with ancillary and associated residential use at upper levels) remains lawful.

As the site is within the development boundary and community of Shirenewton, the principle of development, in the broadest terms, is considered acceptable and appropriate.

However, being mindful that the site forms part of the curtilage of a village premises with an extant A3 use, the requirements of Policy CRF1 must also be considered. Policy CRF1 seeks to protect and retain existing neighbourhood or village shops, halls, public houses and other community facilities in Monmouthshire's towns and villages. It is important, therefore, that any new development does not result in the loss of such premises.

Following review of the application an amended site location plan has been submitted. This has excluded The Tan House building from the redline of the application site, but enclosed it within a blue line to indicate that the buildings or land is within the same ownership as those the subject of the application. This alteration seeks to clarify that the application seeks consent for the development of the dwellings and the alterations to the car park only, with no potential for the existing building to be granted a C3 (residential) use by default.

Policy CRF1 provides the following:

"The change of use or conversion to other uses of neighbourhood or village shops, halls, public houses and other community facilities will only be permitted where:

- a) the local community would continue to be adequately served by facilities to which there is easy and convenient access by means other than the private car;  
or in respect of commercially-operated facilities,
- b) there is evidence that the facility is not, and could not reasonably be expected to become, financially viable or the facility, if non-operational, has been vacant for a substantial period of time;  
and
- c) genuine attempts at marketing the facility, whether in use or vacant, have been unsuccessful.

Except in circumstances where loss of the whole facility would be acceptable, the change of use of part of a facility will not be permitted if it would prejudice the long-term retention of the remainder."

With regards to the above, it is noted that Shirenewton currently has two public house premises - The Tan House and the Tredegar Arms, although neither are currently trading. Two other pub/ restaurants are also within walking distance of the village in The Carpenters Arms and The Huntsman. Although the currently proposed development would result in the loss of the lawned area/ beer garden which accommodates children's play facilities, and would condense the car parking area, the proposed layout indicates that the existing premises would be provided with 15 parking spaces and a modest area of outdoor space adjacent to the eastern elevation of the building. Although the proposal would rationalise facilities, it is considered that the space retained does not prejudice the operation or long term retention of the public house as a commercially viable business. Whilst an objector has commented that the application should be refused or deferred until such a time that the owner's long term plans for The Tan House are known, based on the level of provision indicated as part of the current application, these details are not considered necessary to allow for the determination of the current application. Any proposed change of use of the public house would be subject to a separate application and the usual and appropriate assessment.

On the basis of the plans submitted in support of the application, the proposal is considered compliant with the requirements of Policy CRF1.

## **6.2 Sustainability**

### **6.2.1 Good Design/ Place Making**

The application site is positioned within the eastern part of the village. Whilst the village as a whole demonstrates a variety of architectural styles and property types, the area predominantly accommodates detached dwellings that benefit from good sized gardens and off road parking. Although the dwellings proposed are larger, they are considered proportionate to the overall scale of the plot with the plans detailing a design, mass, height, external material, alignment, access, layout and landscaping that would be complementary to the area. Care has been taken to ensure the external materials replicate those already evident in the immediate vicinity and that the principal elevations address the adjacent highway in order to provide an active street scene.

It is considered that the dwellings would benefit from a sufficient and proportionate area of amenity space, with soft landscaping and green infrastructure helping to off-set and integrate the development and prevent the appearance of overdevelopment.

It is considered that the design of the dwellings proposed, in conjunction with their siting to address the highway and the relative density of development, make the development acceptable in design terms and compliant with the requirements of policies S17 and DES1 of the LDP.

### **6.2.2 Green Infrastructure**

The site currently accommodates an area of amenity grassland that has been previously mown and other parts that are currently unmanaged resulting in colonisation by ruderal herb and brambles in places. Grasses and early-colonising species are also encroaching onto the hard-standing car park. There are several young, broadleaved trees in the eastern part of the site adjacent to the fence that separates the car park from the garden, with a verge of unmanaged poor semi-improved grassland approximately 1m wide, located between the boundary fence and the road.

At part of the application, it is proposed that the young broadleaved trees in the eastern part of the site be removed in order to accommodate the dwellings and associated amenity space. Whilst the Community Council object to the removal of any green infrastructure on the site, the plans detail the provision of compensatory planting on the northern, western and southern boundaries of the residential curtilages through the provision of new hedge and planting areas. Subject to conditions to secure appropriate mix, species and density of planting, it is considered that the development would enhance green infrastructure linkages across, into and out of the site and is therefore compliant with the requirements of LDP policies S13 and GI1.

### **6.3 Landscape**

The site is located in the eastern part of a defined main village with dwellings and properties on all sides. The wider village is semi-rural in its character and appearance with the surrounding landscape made up of agricultural land, both arable and pasture with small and large tracts of woodland and meadows with an interconnecting network of managed and unmanaged hedgerows.

Whilst the provision of buildings on site would obviously change its character and appearance, relative to the context of the site, it is considered that potential impact on the landscape arising would be negligible and the proposed development would be in keeping with the overall density, character and appearance of the wider village.

On balance and relative to the existing context, it is considered that the development of the site would create a development of a form, bulk, size, layout and scale that respects the character of the surrounding village and through the use of appropriate external materials and landscaping, would enhance the character and appearance of the plot to the benefit of the wider village setting. It is considered that the proposal would assimilate into the landscape and would not cause significant visual intrusion or create significant adverse change in the character of the natural or built form landscape. The proposal is therefore considered compliant with the requirements of policies S13, LC5 and EP1 of the LDP.

### **6.4 Historic Environment**

The southern part of the application site is positioned within the boundary of the Shirenewton Conservation area. The Tan House is not a listed building. The Conservation Appraisal identifies the Tan House as being a building that makes a particular or special positive contribution to the character and setting of the Conservation Area with the building identified as being of historical interest, marking the eastern extent of the village on the 1840s tithe map.

Although the building retains much of its architectural character, most notably on the western elevation, there has been some loss of architectural features and materials and already a degree of loss to the historic setting due to modern developments in the immediate vicinity. Whilst the proposed development would reduce the area of open space around the building, The Tan House would still be visible from the highway to the east and on the journey up Spout Hill. Given the scale of The Tan House it is considered the property would remain the visually dominant structure on site and the maintenance of 26m distance between The Tan House and the closer of the two proposed dwellings would help prevent the appearance of overdevelopment or excessive encroachment, detrimental to the character and appearance of the site and wider Conservation Area.

During the initial consultation, the Council's Heritage Team provided comments in relation to the design of the proposed dwellings. Whilst concerns were identified with regards to detailed design and orientation, these concerns have now been addressed by the submission of amended plans. The Heritage Officer has responded and has now withdrawn any objection as these concerns have been addressed.

Although not located within a defined archaeologically sensitive area, Glamorgan Gwent Archaeological Trust (GGAT) have identified the site as having an archaeological restraint and provided the following information:

"The application area is situated within the historic core of Shirenewton as identified in the Monmouthshire Historic Settlement Study...The earliest record of structures being on this site is in 1705 when a tanner occupied the site and it was presumably used as a tannery. The earliest architectural features inside the building suggest that it was constructed in the late 16th or early 17th century, although it could be earlier. It is possible, especially given its location that the current structure was not first built on the site and that evidence for medieval settlement is likely to be located in the current application area. As a result an archaeological report is requested."

Following the submission of a subsequent archaeological investigation report by the applicant and review by GGAT the following response has been received:

"The report notes that all four trenches displayed a similar stratigraphy of brown topsoil (approximately 0.15m in depth), overlying a dark brown silty clay which was likely an imported levelling material and increased in depth towards the northeast as the underlying natural deposit dropped away. The report also confirms that no archaeologically significant features or finds were noted during the course of the field evaluation.

Considering the above it is our advice that no further archaeological work is required."

On the basis of the amended plans, reports and consultation responses received, it is considered that the development will not have a harmful impact on the historic environment, would preserve the character and appearance of the Conservation Area and is compliant with the requirements of Technical Advice Note (TAN) 24 - The Historic Environment and LDP policies S17 and HE1.

## **6.5 Biodiversity**

A Preliminary Ecological Appraisal (PEA) submitted in support of the application indicates that the site accommodates a number of habitat types namely:

- Amenity grassland
- Poor semi-improved grassland
- Broadleaved trees
- Hard standing
- Ornamental shrubs
- Scrub and ruderal
- Spoil heap

As part of the report it is concluded that the habitats on site are generally of low ecological value, with several young trees and areas of ruderal and scrub having slightly higher ecological value, particularly for pollinators. No impacts on designated sites or protected species are predicted and sympathetic retention, enhancement and protection in perpetuity of existing features plus the inclusion of bird, bat and invertebrate boxes, areas of flowering grassland and creation of a species-rich native hedgerow on site will ultimately deliver planning and biodiversity gains. There is no long-term unacceptable adverse impact on Ecosystem Services.

Broad information with regards to the level and type of mitigation and enhancement are given at paragraph 6.3.2 of the PEA. Subject to a conditions to secure the PEA as an approved document and more detailed information of the mitigation provision proposed, it is considered that the application would not have a significantly detrimental impact on the ecological value of the area and is compliant with the requirements of LDP policies S13 and NE1.

## **6.6 Impact on Amenity**

As a result of its positioning within the eastern part of the village the site is enclosed on all sides by existing buildings and dwellings. Most notably: Sain y Gwynt that is a modern, detached two and half storey dwelling to the east, Taormina, a detached bungalow to the north, 9 Tan House Court, a detached bungalow to the west and Ballintober and Highmead, a detached and semi-detached two storey dwellings (respectively), to the south.

The site layout plans submitted indicate that Dwelling B would be positioned in the northern part of the site, almost directly opposite the principal elevation of Sain y Gwynt to the east. Based on the layout plan a minimum distance of 17m and a public highway would be maintained between the principal elevations of the two dwellings. Given the currently open and undeveloped status of the site, the works proposed would inevitably represent a significant change to outlook and could generate increased overlooking of windows in the front elevation of Sain y Gwynt. The windows affected in Sain y Gwynt serve a ground floor living/ diner with a bedroom, bathroom and utility space at first floor level. The living room, and bedroom benefit from windows in other elevations



unaffected by the development. As a result of height, it is considered that the dormer windows would not be unaffected.

To reduce the impact generated the proposed elevation for Dwelling B indicates that bedroom 1 would not benefit from a window in the eastern elevation, with two centrally positioned windows serving a bedroom and an ensuite and the window of bedroom two overlooking the garage and the space between the dwelling and the garage building. Although the separation distance between the principal elevations is less than the standard 21m distance normally sought, the infill development SPG outlines that in some cases a lesser distance may be acceptable where windows face a public highway. The proposal will affect the outlook from Sain y Gwynt, however the change needs to be considered in terms of any potential detrimental effect on the privacy and amenity of the existing dwelling and not the attractiveness of the open space. A number of factors are considered to mitigate against any potential detrimental impact on the existing property, these include; the distances and public highways maintained between the properties; the internal layout of the proposed dwelling away from the private amenity space; and the scale of Sain y Gwynt (to which the proposed dwelling would be similar). It is therefore considered that the development would not be so overbearing or so detrimental to the amenity of the existing dwelling Sain y Gwynt in terms of increased overshadowing, loss of light, increased overlooking or loss of privacy to warrant refusal of the application.

In relation to Taormina to the north, it is noted that Dwelling B would be positioned approximately 16m to the southern side of the existing bungalow, albeit at a raised level. The proposed dwelling would be set slightly forward of the building line of Taormina and would benefit from a Juliette balcony in the northern elevation. The change in building line, reflects the natural curve of the road and given the 16m intervening distance, together with the existing bank of trees, the existing and proposed landscaping and the increased topographical height of the site relative to the Taormina, it is considered that privacy is maintained and that any views would be out towards the wider countryside rather than directly into the front garden of the neighbouring property. Being mindful of the village context, it is considered that the proposed development would not generate such an increased level of overlooking, loss of privacy, increased overshadowing or loss of light to warrant refusal of the application.

Based on the plans submitted it has been determined that a minimum distance of 28m would be maintained between the rear elevation of Dwelling B and 9 Tan House Court to the west. Although the proposed development would alter the outlook from no. 9, given the distances maintained, it is considered that the development would not be overbearing or have a detrimental impact on amenity.

Having regard to the orientation of the site, topography of the area (that falls from south to north), existing boundary landscaping, the maintenance of a distance of at least 26m and a public highway, it is considered that the development would not have a detrimental impact on the amenity of Ballintober and Highmead to the south.

Whilst three letters of representation have been received following the public consultation process, none raise concerns with regards to the impact on amenity.

On the basis of the above, the application is considered compliant with LDP policies S13, S17, EP1 and DES1.

## **6.7 Highways**

### **6.7.1 Sustainable Transport Hierarchy**

Shirenewton is defined as a Main Village by LDP policy S1. Although there are currently no shops, the village does benefit from a primary school, two public houses (albeit currently not trading due to the Covid pandemic) a church and a village hall. A bus that passes through the village four times a day Monday - Friday, provides connections to Chepstow and Cwmbran.

### **6.7.2 Access / Highway Safety and parking**

With regards to access (both pedestrian and vehicular), the development would utilise the existing point of access in the southern boundary leading from Spout Hill which would be shared with The Tan House.

Following submission of additional information the Highways Department has identified that there are no highways grounds to sustain an objection to the proposal. The Officer identifies that the existing public highways serving the immediate area are narrow (at approximately 4.5m width), there a number of side road junctions along with a 90 degree horizontal bend in the road, numerous dwellings and a lack of existing footway provision in close proximity to the site. However, no objection is raised to the shared use of the existing access subject to conditions. It is recommended that any grant of consent requires the submission of a Construction Traffic Management Plan to reduce potential conflict between the public, delivery and construction traffic and potential customers to The Tan House.

With regards to parking provision, the layout plan indicates that each dwelling would benefit from three off street parking spaces with 15 spaces provided for The Tan House. The residential parking spaces would be grouped together and positioned in the northern part of the car park leading from the main Tan House car park. Although the Highway's Officer has raised concerns as to how the domestic spaces would be protected for use by the new dwellings, this could be achieved by the installation of some form of chain or lockable bollards. It is considered that the details of such measures could be adequately secured by condition.

Being mindful of the sit layout plans submitted and the statutory consultee comments received, the application is considered compliant with LDP policies S16 and MV1.

## **6.8 Affordable Housing**

LDP policy S4 identifies that development sites within defined main villages with a capacity of three or more dwellings will be required to make a provision of at least 60% of the total number of dwellings on the site to be affordable. In this instance the application proposes the development of two detached properties and is therefore exempt from the need to provide on-site provision. However, the proposal is liable to make a commuted sum provision to be used towards the development of affordable housing within the area.

In line with the formula given as part of the adopted 2019 affordable housing SPG and based on the floor area of each dwelling, the sum due would be in the region of £8,775 per dwelling.

Following consultation the applicant has indicated that they would be willing to enter into a Section 106 agreement to make the contribution and the application is considered compliant with LDP policy S4.

## **6.9 Drainage**

### **6.9.1 Foul Drainage**

Details submitted as part of the application form indicate foul water would be disposed of into the mains sewer system. In accordance with details provided by Natural Resources Wales, the site is outside of any riparian Special Area of Conservation and is not within a Phosphate sensitive area.

Following consultation Dwr Cymru/ Welsh Water have indicated that they have no apparatus crossing the site that may have an impact on the developable area.

On the basis of the above, the application is considered compliant with LDP policies S13 and EP5.

### **6.9.2 Surface Water Drainage**

As of 7th January 2020, all new dwellings are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh

Government Standards for Sustainable Drainage. The applicant has been made aware of this requirement and will be seeking consent from the SuDS Approving Body (SAB) independently of the planning application.

## **6.10 Planning Obligations**

In line with the requirements of LDP policy S4, the development will be liable to make a commuted sum contribution of £8,775 per dwelling, to be used to in the development of affordable housing within the area.

## **6.11 Response to the Representations of Third Parties and/or Community/Town Council**

Following consultation Shirenewton Community Council have raised and maintained an objection to the application with three local households also providing comments.

The Community Council identified that the applicant refers to The Tan House as an 'ex-public house' and have recommended the whole of site be retained for community purposes with a further objector requesting the application be deferred or refused until such a time that the long term plans for The Tan House are known.

It is confirmed that the existing building has not been the subject of a change of use application and has now been removed from the redline of the current application. It is considered that this amendment helps prevent any confusion with regards to change of use being granted by default/association of the current application. Being mindful that the site is within private ownership, there is no obligation on the owner to allow public or customer access to the garden area. Although the proposal would reduce the outside space and parking provision, in this instance it is considered the proposal would not have such a prejudicial impact on the commercial viability of the premise to warrant refusal of the application.

In terms of affordability it is acknowledged that the dwellings are large and are likely to be expensive. However, they are in keeping with the context of the site and provide an acceptable balance between traffic generation, density of development and impact on neighbour amenity. In line with Policy S4, the developer has confirmed that they are willing to make a commuted sum contribution by way of a Section 106 agreement, to be used to develop affordable housing in the locality.

In line with the site layout plan, vehicular and pedestrian access to the dwellings will be via the existing point of access shared with The Tan House. This arrangement has been deemed acceptable by the Highways Department. Although there is a pavement alongside Spout Hill adjacent to the site this does not connect with any other footway. Given the parking provision to the rear of the dwelling, it would not be desirable to direct pedestrians out of the site and onto the footway in order to access the properties. A pedestrian access from the rear parking spaces as indicated on the layout plan is therefore considered appropriate and acceptable.

Although some immature broadleaved trees would be removed as part of the development, it is considered that the application proposes sufficient compensatory planting and ecological enhancements to generate biodiversity net gain as part of the development, although the specific details with regards to provision will need to be secured by condition.

## **6.12 Well-Being of Future Generations (Wales) Act 2015**

The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## 6.13 Conclusion

It is considered that the proposed dwellings are of a form, scale and design appropriate for the site and the development would not have an adverse impact on the character and appearance of the area, the residential amenity of those living closest to the site or the highway safety and free flow of traffic. Subject to the imposition of a number of conditions to secure details with regards to ecological and green infrastructure mitigation and traffic management, the application is considered compliant with the policies of the LDP and is recommended for approval subject to conditions and the applicant entering into a Section 106 agreement.

### 7.0 RECOMMENDATION: APPROVE

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

4 No development shall commence until details of the design, height and materials proposed for the screen walls or fences shown on the layout plan have been submitted to and approved in writing by, the Local Planning Authority. Such walls and fences shall be erected before the dwelling is completed or occupied whichever is the earlier and retained in perpetuity.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, details of any to be retained and details all proposed soft landscape planting to be provided, together with measures for their protection in the course of the development.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

6 All planting, seeding or turfing comprised in the approved details of 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 similar size and species.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

7 Notwithstanding the details of the approved plan, no development shall take place until full details of hard landscaping works (to include all parking areas) have been submitted to and approved in writing by the Local Planning Authority. These details shall be carried out prior to the beneficial use of the approved development.

REASON: To ensure the long term maintenance of the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

8 Prior to construction works commencing on the dwellings, details of all proposed habitat enhancements as detailed at paragraph 6.3.2 of the approved preliminary ecological appraisal (to include location, position and specification) shall be submitted to and approved in writing by the Local Planning Authority. The mitigation shall be provided prior to the first beneficial use of the dwellings and shall be maintained as such thereafter.

REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policies S13, and NE1.

9 Prior to the first beneficial occupation of the dwellings, detail of how the proposed residential parking spaces shall be protected from use by other car park users shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be maintained as such thereafter.

REASON: To ensure adequate parking provision is provided and maintained in the interests of the highway safety and free flow of traffic in the area. In compliance with LDP policies S16 and MV1.

10 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measure to protect adjoining users from construction works, provision for the unloading and loading of construction material and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall only be carried out in accordance with the approved CTMP.

REASON: In the interests of the highway safety and free flow of traffic, in compliance with LDP policies S16 and MV1

11 Prior to the commencement of development, details of the appointed Ecological Clerk of Works to conduct a pre-clearance search of any vegetated areas of the site and the spoil heap/rubble pile (and any other potential refuges) immediately prior to site stripping to move any vulnerable taxa to safety, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans. The Clerk shall be retained for the duration of the development.

REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policies S13, and NE1.:

12 The windows serving all bathrooms and ensuites shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

