

Application Number: DM/2022/01376

Proposal: Conversion of the former convent building into 4no. self-contained apartments (C3 Class)

Address: 151 Park Crescent, Abergavenny, Monmouthshire NP7 5TN

Applicant: Mr Nicholas Jones

Plans: Location Plan A001 - , Site Layout A002 - , Floor Plans - Existing A003 - , Elevations - Existing A004 - , Elevations - Existing A005 - , Site Layout A006 - , Floor Plans - Proposed A007 - , Elevations - Proposed A008 - , Elevations - Proposed A009 - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham
Date Valid: 13.10.2022

This application is presented to Planning Committee due to an outstanding objection from Highways.

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to an existing semi-detached dwelling in the centre of Abergavenny. The property was last used as a convent.

The site is within the Abergavenny Conservation Area and within the Phosphorous Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

1.2 Proposal Description

It is proposed to convert the single dwelling to four self-contained apartments. External alterations required to enable the conversion will be limited, but the following works are proposed:

Front Elevation:

New front door into communal area.

New timber bin store enclosure within front amenity area.

Rear Elevation:

Metal framed balcony with structural posts and 1100mm high balustrade to the rear elevation with 1800mm high privacy screen to both sides to serve plots 3 & 4.

New ground floor window to plot 1.

New external door / window to plot 4.

New French door (from plot 2)

New windows to bathroom / bedroom of plot 2

New horizontal slatted timber boundary fence between garden to plots 1 & 2.

Existing rear garden shed to remain and be converted into ancillary office / store for plot 1.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/00985	Proposed 18.0m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works.	Approved	29.06.2021
DM/2022/01376	Conversion of the former convent building into 4no. self-contained apartments (C3 Class).	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
DES1 LDP General Design Considerations
HE1 LDP Development in Conservation Areas
H9 LDP Flat Conversions
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations

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.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Abergavenny Town Council – No response received at the time of writing.

Natural Resources Wales (NRW) - Standard advice on drainage applies.

Dwr Cymru – Welsh Water (DCWW) - We have reviewed the information submitted as part of this application with particular focus on the existing and proposed layout plans as well as the foul water drainage calculations. We have no objection on the basis that there is no increase in foul or surface water generated by the proposal.

MCC Highways - Objection: The site is located on the classified R13 and opposite the junction of the C710.1 & C710.6, all of which have considerable parking regulations in place.

The application site as existing does not have any available off-street parking due to its historic nature and it is noted that the proposed development of 4x 2 bed flats proposes to maintain the existing situation by offering no off-street car parking provision.

It should be noted that for a residential development/conversion of 4x 2-bed apartments off-street car parking provision should be 1 space per bedroom per unit i.e. 2 car parking spaces per unit with a total of 8 parking spaces.

The Highway Authority have considered the application site's location and proximity to the town centre and local amenities therefore we could consider a relaxation on the parking standards by accepting 1 car parking space per unit. However, we would object to the proposal of zero parking provision due to the existing on-street parking stress experienced in the immediate area. The majority of roads have on-street parking restrictions and there are concerns that the proposed development and associated traffic will have a detrimental impact on the nearby private 'car park' outside the sports and social club that is ostensibly used as a carpark by local residents. Given the site cannot provide any such parking provision we would recommend refusal of the application on the grounds of insufficient parking so as to prevent further negative impacts on local on-street parking stress.

Further comments: The applicant has provided a transport statement in response to our objection. The previous use as a convent would have produced little to no vehicular traffic, and the conversion to 4 flats of two bedrooms each will result in an increase.

The proposed use of a bedroom, nurse's room or office, and the proposed occupants, is immaterial to the application of the MCC parking standards, beyond specialised residential dwellings. We have already considered a reduction in parking requirements based on sustainability criteria and therefore our expectation of providing at least one parking space per dwelling remains.

The proposal of using the nearby private parking facility outside the applicants' control is not appropriate as allocated parking for the purposes of the MCC parking standards, and we retain our concerns regarding further on street parking in this area.

MCC Biodiversity - No objections subject to conditions.

MCC Heritage - Thank you for letting me know about the additional information, my comments remain in terms of the front door (the addition of a front door). This is acceptable in principle but the proportions should remain to reflect the current window. The material choice for the door should be conditioned to be timber and in an appropriate colour finish but the comments on the western and rear elevation have been satisfactorily dealt with.

MCC SAB -The application does not appear to have drainage implications. It is not proposed that new structures will be created. We therefore have no objection on grounds of surface water drainage. SAB consent is not required.

MCC Lead Local Flood Authority - Flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding. Our database of previous flood events does not record any flood events near the site. Our database of drainage and flood assets does not record any drainage or flood assets close to the site. We therefore have no objection to the proposed development on flooding grounds.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

No comments received.

5.3 Other Representations

None.

5.4 Local Member Representations

County Councillor - No comments received.

6.0 EVALUATION

6.0.1 Principle of Development

6.0.2 Abergavenny is identified in Local Development Plan (LDP) Strategic Policy S1 as a main town. Policy H9 *Flat Conversions* sets out that proposals for the conversion of properties into flats within town and village development boundaries will be permitted provided that the development:

- a) *will not adversely affect the particular qualities of the street or area where the proposed conversion is located;*

This matter is addressed in Section 6.1

- b) *will not adversely affect the particular qualities of the buildings, particularly where they make a positive contribution to the character of Conservation Areas;*

This matter is also addressed in Section 6.1

- c) *provides reasonable levels of amenity and privacy of adjacent properties through careful consideration of the positioning of entrances and fire escapes, and noise transmission issues; and*

This matter is addressed in Section 6.3

- d) *ensures that car parking and service requirements are met in a manner which preserves the character and appearance of the area and do not have an adverse impact on highway safety or cause traffic congestion.*

This matter is addressed in Section 6.4

6.1 Good Design/ Impact on Listed Buildings and Conservation Area

6.1.1 The site is located within the Abergavenny Conservation Area and is adjacent to the Grade II Listed Building Mulberry House. The front elevation (south) is noted to have one alteration - the addition of a front door. This is acceptable in principle but the proportions should remain to reflect the current window and the material choice for the door should be conditioned to be timber and in an appropriate colour finish, should Members be minded to approve the application.

6.1.2 The western elevation is visible from the Conservation Area and can impact on the setting of Mulberry House. The proposed change which will have an impact is the balcony at first floor level. Only one small section of the balcony is visible from this angle and is likely to be a powder-coated aluminium frame with glazed balustrades. This type of high quality modern material is considered to be appropriate in this context.

6.1.3 In terms of the rear view from Mulberry House, the only significant change is the addition of the balconies which will only project around 1.2m from the building line so the impact should be very limited. The Council's Heritage Officer has confirmed that they are satisfied that the proposed alterations will not impact upon the neighbouring listed building and (subject to the new front door being painted timber) will preserve the appearance of the Conservation Area in accordance with LDP Policy HE1.

6.2 Foul Drainage (Phosphates)

6.2.1 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a Habitats Regulations Assessment (HRA) to determine whether they are likely to have a significant effect on the SAC condition.

6.2.2 This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued July 2022). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion as set out in the interim advice:

Any development that does not increase the volume and phosphorus concentration of wastewater;

This conclusion has been reached following a request from Officers for the applicant to provide a detailed breakdown of foul water discharge rates for the existing use of the building compared to the proposed use, the results of which are summarised below.

Existing usage = 0.145l/s.

Proposed usage = 0.085l/s.

The calculations take account of the likely demography of occupiers of the existing building use (a convent for nuns) which results in an overall reduction in flow rates. However, one must also consider that the existing use could bring existing rooms (2 x reception rooms) into accommodation or subdivide one of the larger existing upper floor bedrooms without the need for planning permission.

Having regard to the information provided by the applicant as well as the possibility of the existing lawful use providing increased accommodation without the need for planning permission it can be concluded on balance that the development would not increase the volume and phosphorus concentration of waste water.

6.3 Impact on Residential Amenity

6.3.1 The only potential significant impact on any neighbouring dwellings is the addition of the balconies on the rear elevations which will project around 1.2m from the building line. Privacy panels to each side have been shown to screen views sideways between apartments. The building already benefits from multiple windows on the rear elevation and therefore the extent of additional overlooking as a result of the small balconies will be minimal and is not considered to harm local residential amenity. A condition is to be imposed to ensure the privacy screens are installed and retained in perpetuity. As such there is no conflict with LDP policies DES1 (d) and EP1.

6.4 Access / Highway Safety

6.4.1 Sustainable Transport Hierarchy

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located close to the town centre of Abergavenny, which provides a wide range of services and amenities. There are schools within walking distance of the site, as well as shops and service functions. There is a public bus service that runs regularly to a variety of onward destinations with their own range of facilities. The site is in a highly sustainable location so that the occupiers of these apartments will be able to be less reliant on the private motor vehicle.

6.4.2 Parking

The Highway Authority have objected to the proposed development on the grounds of lack of parking. Monmouthshire Parking Standards would normally require one space per bedroom so for 4 x two bedroom flats, 8 spaces would be required. Due to the town centre location, Highways have advised that they would accept a reduction in this standard to one space per flat; so 4 spaces.

6.4.3 There is no off-road parking either currently available at the site or proposed given the physical constraints of the site. However, the existing residential property at 151 Park Crescent has been in use as a six-bedroom house of multiple occupation for about the past 40 years. As such up to 6 adults potentially all with their own vehicles have been in residence at any one time needing to park their cars on Park Crescent where parking restrictions allow, on neighbouring roads, or across the road in the car park that belongs to the local club.

6.4.4 In the proposed development, each of the flats will be less than 60m² in area. The floor plans show 2 bedrooms in each flat, one large and one small. It is expected that the second smaller room would be most likely to be used either as a home office or perhaps as a nursery / young child's room and therefore it is unlikely that the flats would regularly be served by 8 vehicles. As such the development of 4 small units does not materially alter the number of adults likely to live at the property nor increase either parking or road use in the local area. It would therefore be unreasonable to refuse the application on highway safety grounds as there is a negligible change between the existing permitted use and that proposed.

6.4.5 Notwithstanding the above justification to the objection from the local Highway Authority, both PPW11 and Future Wales provide support for the relaxation of parking standards in suitable locations (in this instance the site is within the Main Town of Abergavenny, a sustainable location, and it is considered appropriate to allow such a relaxation in this context).

PPW 11

4.1.50 "Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed".

4.1.52 "Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high-quality places".

Future Wales

Policy 12 page 83 "Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time".

Policy 12 Page 86 "Planning authorities should also challenge perceptions that housing needs to be built with parking on plots, which promotes car-dominated developments, and promote different ways of dealing with cars that encourage a reduction in car use and increase active travel and use of public transport".

Policy 12 Page 87 "Whilst we do not know what the future holds, the location and design of car parking should enable conversion to other uses over time".

6.4.6 Given the above, it is considered that whilst no off street parking is proposed, the development is acceptable due to its particularly close location to the town centre of Abergavenny and therefore its proximity to local amenities/facilities and access to public transport (both bus and rail).

6.4.7 In conclusion, Officers have given due regard to the advice provided by the Highway Authority as the relevant statutory consultee, but for the reasons detailed above, in particular the more recent policy and guidance set out in PPW11 and Future Wales, the development is considered to be acceptable.

6.5 Biodiversity

6.5.1 It is understood that no works will be undertaken to the roof of the property. Following a review of the proposals and use of aerial imagery, the Council's Biodiversity Officer is content that sufficient evidence has been provided a Preliminary Roost Assessment for bats is not required for this application.

6.5.2 Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity". This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

6.5.3 In this case no details of biodiversity enhancements have been provided with the application submitted. As such, a site plan will need to be annotated to provide the location, positioning and specification of the net benefit measures. Should Members be minded to grant consent, a condition can be used to secure this (see Section 7 below).

6.6 Affordable Housing

6.6.1 Policy S4 of the LDP requires that all new residential development contributes towards the provision of affordable housing in the local area. Where less than 5 new residential units are proposed, the development will need to contribute financially. As this is a change of use from a single unit to 4 separate residential units, the affordable contribution will be required for the 3 additional the properties. This is calculated at a rate of £120 x total floor area m² (x 58%). This should be secured via a Section 106 legal agreement. The applicant is aware of this requirement.

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

6.7.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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 WCFG Act.

6.8 Conclusion

6.8.1 Abergavenny is identified in LDP Strategic Policy S1 as a main town. Policy H9 *Flat Conversions* sets out that proposals for the conversion of properties into flats within town and village development boundaries will be permitted subject to details.

6.8.2 The proposed external changes will preserve the character and appearance of the Abergavenny Conservation Area in accordance with LDP Policy HE1 with minimal alterations proposed to the main front elevation of the building and no extensions (other than small balconies).

6.8.3 Officers have given due regard to the advice provided by the Highway Authority as the relevant statutory consultee, however for the reasons detailed above, in particular the more recent policy and guidance set out in PPW11 and Future Wales, the development is considered to be acceptable without the expected level of off-street parking.

6.8.4 This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (July 2022). It is considered that this development is unlikely to increase phosphate inputs as there will be no increase in waste water compared to the lawful use.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

A financial contribution for affordable housing in the local area calculated at a rate of (£120 x total floor area) x 58%. Payable upon occupation.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Conditions

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

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

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

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

3 Prior to the commencement of works, details of Biodiversity net benefit and enhancement measures must be submitted on plan, identifying location, positioning and specification which provides net benefit. The scheme shall provide for the future management and an implementation timetable. The scheme shall be submitted to an approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1.

4 No development shall take place until details of the proposed new timber front door (including the colour it shall be painted) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such in perpetuity.

REASON: To protect the character and appearance of the Abergavenny Conservation Area in accordance with LDP Policy HE1.

5 All 1.8m high privacy screens, as shown on drawing A009 and A008, shall be installed prior to the apartments hereby approved being brought into beneficial use and retained as such in perpetuity.

REASON: To safeguard existing levels of residential amenity and ensure compliance with LDP Policy DES1 (d) and EP1.

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.