

**Application Number:** DM/2021/01595

**Proposal:** Change of use to create 4 no. new flats in existing building (2 floors) with associated facilities and car parking. Internal conversion only with some external upgrades. Some external landscaping works

**Address:** 56 Brecon Road, Abergavenny, NP7 7RB

**Applicant:** Bailey

**Plans:** 21-024 01, 21-024 02, 21-024 03, 21-024 04 - Rev A, 21-024 05 - Rev C, 21-024 06 - Rev A, Other Ecological Enhancement 20/09/23 - 21/04/23, Bat Scoping Survey 56 Brecon Road Abergavenny December 2021

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Jo Draper  
Date Valid: 07.03.2023

**This application is presented to Planning Committee due to the number of neighbour objections and Local Member request**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The application site is an existing three-storey former Barrack building. It is a Victorian building split into different ownerships. There is a central access stair with flats 56a, 56b and 56d (one on each floor) to the north of the stairwell. The three floors to the south of the stairwell have flat 56c on the top floor in private ownership and a place of worship, Kingdom Hall, on the ground and first floor. The proposal relates to the original place of worship (216sq m) and the external grounds around it. The application site relates to the two floors that formed Kingdom Hall as the previous use; there is a third floor which is not part of this application that is already a separate flat. Each of the proposed four flats have their own garden spaces allocated to the rear of the building. The main part of the grounds to the south of the building was previously the parking area for the place of worship.

The application site is accessed via a private drive with access onto the A40 trunk road. The application site is level, there is a drop in levels on the west side to gardens of terraced domestic properties. The south boundary is adjacent to an old goods yard, a private access road runs to the west and serves local businesses.

The application site is within the development boundary for Abergavenny and in the Abergavenny Conservation Area.

#### 1.2 Value Added or Listing Grade, reference number and in CA or not

There have been significant amendments undertaken during the course of this application, originally there was a new build element proposed accommodating a further six new flats in the car park, this has been removed from the scheme, There have been revisions submitted to the parking layout also to address highway issues

#### 1.3 Proposal Description

It is proposed that the ground and first floor are converted into four flats (three 2-bedroom and one 1-bedroom). The only external changes proposed relate to the re-instatement of original openings in the rear elevation and the removal of a small lean-to extension at the rear of the property. There are amenity spaces proposed to serve each flat, the rear yard area of the building is divided to provide individual amenity areas directly accessed from the two ground floor flats respectively. The first-floor flats have access to a shared garden/amenity space in a separate enclosed area to the rear of the building; this runs adjacent to the garden of 56d and is accessed via land over which the applicant states there is a right of access. There are nine proposed car parking spaces provided around the gravel area that previously formed an informal car park to serve Kingdom Hall. A low timber fence is proposed around these spaces to demarcate them as parking areas. There is minimal information provided regarding hard and soft landscaping including boundary treatments and surfacing materials. The trees are shown to be retained.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2021/01595	Change of use to create 4 no. new flats in existing building (2 floors) with associated facilities and car parking. Internal conversion only with some external upgrades. Some external landscaping works.	Pending Determination	
DM/2021/01596	LBC- Change of use to create 4 no. new flats in existing building and to create 6 No. new flats in a new building within the existing grounds with associated facilities and car parking.	Pending determination	

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

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

### **Development Management Policies**

GI1 LDP Green Infrastructure  
DES1 LDP General Design Considerations  
HE1 LDP Development in Conservation Areas  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
LC5 LDP Protection and Enhancement of Landscape Character

## **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:** Concerns expressed.

Abergavenny Town Council welcome the amended application in terms of the scale of the proposal. We are deeply disappointed that the issues around pedestrian access, traffic and parking, that were raised previously, still have not been adequately addressed in the amended application. Grofield Councillors are particularly concerned at the lack of a Transport Assessment with this application. We welcome the repurposing of the building to provide residential accommodation, however the location has a junction with the A40, with access to a petrol station, access to a DIY and agricultural store, and a veterinary surgery. Detailed transport assessment on how the increased traffic will be managed needs to be in place before approving this application.

#### **Natural Resources Wales:** Concerns Expressed

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding foul drainage. If this information is not provided, we would object to this planning application.

We note the application site is within the catchment of the River Usk Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our Planning Advice (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note the new building to be used for 6 flats is removed from the proposal. We note the conversion of the building to be converted to 4 flats additional flats is retained in the proposal. We advise the reduction in the number of flats does not change our advice on foul drainage and the River Usk SAC, and we refer you to our previous advice in letter reference CAS-199115-G9K3.

We have reviewed section 'General Notes in response to comments received from NRW in relation to application DM/2021/01595 56 Brecon Road, Abergavenny'. We note the applicant has compared numbers of current and future occupants, including consideration of whether occupants live inside or outside the catchment of the River Usk SAC to ascertain increases/decreases in

flows and loads from the site. We note the applicant concludes that the proposal would result in fewer people from outside of the Usk catchment contributing to foul discharges and therefore a betterment. We advise your authority should satisfy itself that this is the case. Once you have made a planning judgement on the above, if you are satisfied that the change in use is likely to result in a reduction of wastewater, we recommend the method of calculations and connection to the mains system on this basis is confirmed by DCWW.

We have reviewed section 'Comment on Phosphates / Nitrates'. We note the applicant advises rainwater contains less phosphorus than potable water and by installing a rainwater harvesting system for flushing toilets, there would be a reduction in phosphorus discharging to the mains system. We recommend the advice of DCWW is sought confirm the difference in levels of phosphorus between rainwater and potable water and establish if the proposal incorporates sufficient capacity for storage of rainwater.

Furthermore, we refer you to the section in our Planning Advice titled 'What does this mean for development proposals involving connection to public wastewater treatment works'. Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

Should your Authority conclude that the proposal is likely to have a significant effect on the River Usk SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

#### European Protected Species

We note that the bat report submitted in support of the above application ('Bat Scoping Survey: 56 Brecon Road, Abergavenny, NP7 7RB' by Ecological Services Limited, dated December 2021) has identified that bats would not be affected as the proposal does not require works to the roof of the building to be converted. We therefore have no comments to make on the application as submitted.

#### **MCC Land Drainage Officer:** No objection

##### Surface Water Drainage

The revised application is for conversion of the existing building with very limited new construction proposed. The development will therefore not require a Sustainable Drainage System (SuDS) designed, constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB).

We have no objection on ground of surface water drainage.

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 in close proximity to the site. Our database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site. We therefore have no objection to the proposed development on flooding grounds.

**MCC Highways:** The Highway Authority have been reconsulted on the application following the submission of revised plans to include a proposed car parking layout in response to our previous objection dated 15/05/2023 as outlined below. 3 no. 2-bedroom flats and 1 no. 1-bedroom flat are proposed within the existing building therefore in accordance with the MCC car parking standards 2 car parking spaces are required for the 2-bed flats and 1 car parking space is required for the 1-bedroom flat, a total of 7 car parking spaces. Drawing '21-024 05 Rev C' has been submitted which shows a total of 9 car parking spaces to be provided within the application site which includes an additional 2 car parking spaces for visitor use. The Highway Authority are therefore satisfied that the car parking provision is satisfactory and accords with the MCC car parking standards.

Regarding provision of services to the application site in terms of refuse collection and deliveries it would be desirable to see provision within the site to enable access for service vehicles however due to the fact the site is set back from the A40 and is served from an existing private commercial access road there are no highway grounds to object to this element as the application site can be serviced from the existing access road as to other commercial units in the immediate area.

In light of the above comments there are no highway grounds to object to the application. It is recommended that a construction traffic management plan be submitted for approval prior to any commencement of development

**MCC Heritage Officer:** No objection

The proposal has been amended to remove the new build element of the scheme which means that the previous heritage concerns have been overcome.

The conversion of the barracks to four flats makes no immediate impact to the conservation area, there are no external changes proposed to the front elevation. The reintroduction of former openings, albeit to the rear, is welcomed particularly where the new openings reflect the strong style and use appropriate materials to enhance the scheme. Similarly, there are no proposed changes to the boundary treatment at the site and therefore no comments are made to this. On this basis no adverse heritage impact is noted.

**MCC Ecology:** No objection

On ecology grounds I have no major concerns with the application. Additional information detailing ecological enhancement installing three swift boxes on the eastern elevation of the building has been submitted there is now no objection to the proposal

**Welsh Government Trunk Roads:** No objection

I refer to your consultation of 21/06/2023 regarding the above planning application. Due to the extant use of the development land, the proposals will not be material and the Welsh Government as highway authority for the A40 trunk road does not issue a direction in respect of this application.

**MCC Landscape/GI Officer:** No objection

The revised site plan and proposed ecological enhancements plans have been reviewed from a Landscape and GI perspective and there is considered to be little adverse impact on the external landscape and setting.

5.2 Neighbour Notification

Neighbour Comments

There are six individual representations received, including a single representation signed by 8 separate addresses on Hatherleigh Road. There is a collective response from 4-18 Hatherleigh road in relation to the original application which included the new build.

The comments submitted in response to the original application which included the new build element for an additional six units are included if relevant to the current proposal which is for the conversion of the existing building only.

Removal of new build element is welcomed.

Access via a private road is highly congested with cars visiting the petrol station and cash and carry store. This area is further used for the unloading of articulated lorries, frequently blocking the entrance to Kingdom Hall. There is no pavement access.

No problem with the 'existing building (2 floors) into flats' being converted but with two caveats added: that at no point in the future can the new build element be re-added and retrospective planning be granted.

At no point can a House in Multiple Occupation (HMO) be applied for in the existing building.

There is no acknowledgement of the 3-bedroom apartment on the top floor, which currently has parking for 3 cars. They also chose not to include this in their schedule of accommodation and justification of parking numbers. This is very misleading for the planning authority and relevant consultees to make accurate judgments, as by leaving off the top floor apartment this is an attempt to make their parking figures look better when in fact they need additional parking spaces. The highway department comments regarding parking numbers, were based on this factually inaccurate information provided by the Architect.

The Architects describes how the building has D1 planning use but there is no mention of any residential planning change of use for the top floor to be used as a residential apartment.

This development will increase traffic flows and residents' pedestrian footfall in a highly congested area with no pedestrian footpaths and wholly inadequate narrow shared (pedestrian and cars)

access to the site. The applicant attempts to justify the increase in traffic by saying that the site has D1 permissions and they could, potentially, put all manner of businesses on this site and make the traffic even worse

Regarding the applicant's response to Highways there are factual inaccuracies and seeming contradictions contained within the detail. The applicant cites that domestic and commercial traffic can co-exist as peak flows occur at different times. The collective objection raised by the residents of Hatherleigh Road contained photographs of HGV's being unloaded outside the access to Kingdom Hall. The time stamps for most of the photographs indicate that these trucks are being unloaded after 16:30 which must be considered a peak time for residential traffic, with some HGV's being observed at 17:30.

What is not mentioned is the negative amenity value of the location of the flats. They are located in a high volume traffic area, including HGV's, which the applicant does not deny.

The applicant references 'out of area' users to justify their calculated loads. This is given as 10% following a small survey. Any small survey has the potential to be highly skewed. The applicant gives no detail about the size and content of the survey which may make this figure of 10% highly unreliable. Furthermore, they make no reference to NRW comments that those moving from within the area will vacate their current properties which could then be filled from outside the area. Using the applicant's survey results of 10%, and with a base of 100 to more clearly demonstrate the percentage. If 100 new spaces were created 10 residents will be from outside and 90 filled internally.

Like to applaud the applicant for their suggestion of a rainwater harvesting system as promotion of a 'green' alternative. Everything we can do to re-use resources naturally has to be a welcome addition. It is appropriate that the same rainwater harvesting system is made available to possible uses under a D1 scenario thereby reducing their D1 phosphate calculation

No mention of electric car charging points make sense to install a dedicated charging point for each flat at the outset of any new development.

The current site is being currently being used for business purposes for the developers to store palletised freight and staff parking, due to there being limited parking and storage space on their current site. Should they wish to apply for retrospective planning change of use, as we can find no evidence that they have planning for the current use, we would have no issues should they wish to build a low-level single storey storage facility in the proposed location of the new build.

Reference in supporting information to 140 visitors to the site each day for 12 hours. NRW rightly questions this figure for verification and reasonability. If this figure were correct it would make Kingdom Hall one of the most popular places in Abergavenny.

Section 5 of the application asks, 'Has the work or change of use already started?' to which the applicant has answered 'No'. We would point out that the developer has already installed an enhanced water supply to the premises. This work was carried out some six weeks prior to this application. A resident spoke with the on-site contractor on 8th Aug 2021 who confirmed that the improved supply to Kingdom Hall was being installed in preparation for a conversion and building a new block of flats. We suggest that this constitutes building works have commenced.

The applicant states that 9 parking spaces are being made available for the new development. We agree that the plans indicate there are 9 spaces. The applicant further informs that the top floor of Kingdom Hall is a flat for residential use. The applicant fails to inform that said flat is a 3 bed roomed apartment and, we believe, currently enjoys parking for 2 vehicles on site. Does the applicant intend to deny parking to the top floor flat or should the proposed 9 spaces be decreased to 7 spaces.

The current perimeter fence is not fit for purpose and is in need of replacement regardless of this development. Last year panels blew down and were hastily tacked back into place. In respect of this particular proposal, a replacement with something more substantial in its build quality, permanent posts that will not rot and taller to assist with privacy, security and noise issues which would inevitably ensue should this proposal go ahead in part or in full. We would be prepared to

see this extended a little above the regulation 2m.

As parking is being proposed perpendicular to this fence, crash prevention bollards would be necessary to prevent vehicles potentially ending up in a Hatherleigh Road garden.

It was noted that the current surface of the parking area is loose gravel and dust which is intended to be replaced with hoggins. Due to the relative instability of the raised bank that adjoins the Hatherleigh Road gardens, any surface drainage will be required to flow in the direction of the exit from the car park and away from Hatherleigh Road.

The access from R M Jones, passing Kingdom Hall, Bailey's DIY and fuel station along with Riverside Vets down to Brecon Road is a bottleneck which experiences periodic gridlock caused by excess traffic sometimes extending along Brecon Road to the roundabout, Belgrave Road in the other direction. This is further compounded by goods deliveries to Bailey's DIY with LGV's and HGV's sometimes blocking access to and from Kingdom Hall and R M Jones. The latter two types of vehicle then requiring two banksmen to stop the traffic in both directions on Brecon Road to allow them to reverse out.

We understand the needs of business and the requirement to unload goods will not diminish. The limited number of households (five) currently within and adjacent to Kingdom Hall have co-existed with Bailey's DIY and in its former life, Rockfields, for as many years as we can remember. We're sure these households don't appreciate the inconvenience caused by the unloading of trucks and the general traffic flows and associated pollution but have simply become accustomed to living with it. It cannot be appropriate therefore, to increase the number of households in this tiny 'business' cul de sac.

The overall traffic issues were increased by the relocation of R M Jones, a necessary relocation due to the closure of the market and no fault of this business. These traffic flows will subsequently be further compounded when, at some point, the remainder of Corporation Yard is redeveloped.

We need to briefly consider the original building in order to fully appreciate the negative amenity of the new build. Flats 1 and 2 on the ground floor of the main part of Kingdom Hall benefit from a total of 63 square metres of garden / drying areas enclosed in individual plots to the rear. These are lucky ones. These are the only two flats having a reasonable and private amenity area. There is a small area at the front of Kingdom Hall which is described as a garden where one could 'car spot' in the afternoon shade whilst breathing in the carbon monoxide and particulates from the plethora of idling vehicles just over the low wall whilst watching the forklift truck unloading the HGV. Discounting this area as unrealistic to provide any form of amenity value we now move to rear of Kingdom Hall. Squeezed between four gardens which belong to the existing flats is an amenity / drying area measuring 58 square metres. If this was expected to service the needs of the two flats on the first floor we would agree that it was reasonable. However, this 58 square metres has not only to accommodate flats 3 & 4 in the main building, but also the needs of the entire new build who have nowhere else to go save sit in the carpark.

The proposal would result in the removal of several TPO trees which contribute greatly to the beauty of the area. The removal of these trees would detrimentally impact upon my property's character and appearance. The removal of the trees is going to have a huge impact on our privacy also.

Single bed Flats are out of keeping with the family homes in the area. Police records will show the high levels of criminal activity directly associated with the current single bed flats situated at the end of Hatherleigh Road, as residents we do not want to see these levels increased further.

Valuation of our property. The value of my property is going to be severely impacted by the new build. Why can Baileys make further money within the community while I must suffer losses at the hands of this development. There has been no mention of compensation thus far from any parties associated with the build

## 5.2 Local Member Representations

Local Member Comments: Former County Councillor Woodhouse (in response to original scheme made the following comments)

With regard to the above planning application, I have serious concerns about this regarding the visual impact and the highways access and therefore request that it is considered by the full planning committee, as a member of the planning committee and local member I would then have an opportunity to speak on the application.

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 site is situated within the Abergavenny town development boundary and the conversion of this building to a residential use is acceptable in principle subject to detailed considerations below.

### **6.2 Sustainability**

The application site is close to the Town Centre of Abergavenny, within close walking distance of many local amenities and shops. The location is sustainable as is the re-use of what is now a vacant building.

#### **6.2.1 Good Design**

The proposal has been amended to remove the new build element of the scheme. There is no new build now proposed, the only external changes proposed relate to the re-instatement of original openings in the rear elevation which is welcomed together with the removal of a small lean-to extension at the rear of the property. The reintroduction of former openings to the rear reflect the strong style of the existing building, the materials proposed are appropriate and this aspect enhances the scheme.

With the exception of this, there is no change in relation to the existing building. The external area will be subject to some changes, with the provision of amenity areas to the front and rear of the building, demarcated by a low timber fence and details are required of the boundary treatment (a condition is recommended accordingly). There is a formalisation of the existing gravel parking area to deliver the 9 spaces proposed to serve the development. There are no proposed changes to the boundary treatment at the site. The changes proposed are minimal, there are small positive improvements represented in the design of this scheme, it is low key, sensitive and is appropriate in form design and scale for this location and complies with relevant planning policy in this case.

#### **6.2.2 Place Making**

There are neighbour representations that have raised concerns that due to the level and type of traffic generated by the surrounding land uses that this building is inappropriate for residential use. This is addressed in more detail below under 'Impact on Amenity'.

However, this application reuses an existing vacant building for residential use in a mixed use area which includes, retailing, warehousing, a vets and residential uses.

There are amenity areas and on site car parking provided for all flats. The proposal delivers a scheme that improves upon placemaking, delivering 4 flats as opposed to a use that has potentially may generate more visitors. This use is less intensive and more appropriate given the immediate surrounding residential uses.

There has been neighbour representations received that the proposal falls short of complying with Development Quality Requirements and should therefore not be permitted to reduce floor space of the flats below the standards of the Notional Floor Area. The floor areas of the flats are as follows Flat 1 is 56.9sqm, Flat 2 is 57.3sqm, Flat 3 is 39.5 sqm, Flat 4 is 35 sqm. The DQR relate to standards for affordable housing, but this is not applicable to this development. The floor area for all flats is acceptable for this type of development.



### **6.3 Landscape**

The application relates to the change of use and refurbishment of an existing building and retention of the existing external landscaping and boundary treatments with new parking provision for flats and ecological enhancements. The revised site plan and proposed ecological enhancements plans have been reviewed from a Landscape and GI perspective and there is considered to be little adverse impact on the external landscape and setting. There are no trees being removed, the trees are being retained; these provide some relief on the boundaries providing an element of separation. It is noteworthy that the trees are in the Conservation Area and they are covered by a TPO, although a further condition to ensure these trees are retained, and in the case they are felled replaced accordingly, is proposed to maintain the landscape buffer on the boundary particularly on the western boundary of the application site.

### **6.4 Historic Environment**

The application site is within the Abergavenny Conservation Area and Policy HE1 is relevant in this case, requiring development proposals to preserve or enhance the character or appearance of the area and its landscape setting, with no adverse significant effect on views into or out of the Conservation Area. This proposal has sought to retain what is there, what has changed has made enhancements with the new openings reflecting the strong style prevalent on the existing building with appropriate materials used to enhance the scheme. The proposed refurbishment of the existing building and retention of the existing external landscaping and boundary treatments with new parking provision for flats and ecological enhancements has been assessed by the Heritage Officer and the proposal complies with LDP Policy HE1.

### **6.5 Biodiversity**

The application has been supported by the relevant supporting information, this has identified that bats would not be affected, as the proposal does not require works to the roof of the building to be converted. The applicant has provided revised plans to deliver the appropriate level of ecological enhancement with the installation of three swift boxes on the eastern elevation of the building. The proposal complies with LDP Planning Policy NE1.

### **6.6 Impact on Amenity**

There is sufficient separating distance between the proposed new flats and the existing neighbouring properties to the west for there not to be any overlooking issues arising from this proposal. The intervening vegetation/trees to be retained on the western boundary helps to partly screen both existing and proposed receptors from each other.

The proposed flats are to be served by a separate amenity space, the one area serving flat 3 and 4 to the rear of the building is to run adjacent to other similar small, enclosed areas of land which form designated amenity areas for adjacent flats. The eastern boundary is shared with neighbouring properties on Hatherleigh Road and these properties have long gardens with a significant separating distance preventing the proposed outside amenity area, and parking and turning areas serving the proposed four flats to not have an adverse impact upon the residential amenity of these neighbouring properties.

There have been neighbour comments raised about the future living conditions of the new occupiers given the type of traffic and noise and disturbance that arises from some of the surrounding employment sites. This is a mixed-use site, there are existing residential units to the north and west with business and employment uses to the south and east. It is noteworthy that this was previously a meeting place with potentially a higher number of visitors and overall usage. The proposed flats are separated from the employment users by the the private road and there is a significant separating distance from the closest unit and the nearest employment site for this not to represent a conflict of uses in this case. The proposal complies with Policy EP1 of the Local Development Plan.

### **6.7 Highways**

The application has been subject to amendments to include a proposed car parking layout in response. Drawing '21-024 05 Rev C' has been submitted which shows a total of 9 car parking spaces to be provided within the application site which includes an additional 2 car parking spaces for visitor use. The Highway Authority are satisfied that the car parking provision is satisfactory and accords with the MCC car parking standards.

With regard to service provision, this is taken from the existing private commercial access road, the highway engineer is satisfied that subject to a pre-commencement condition being imposed securing a construction traffic management plan to be submitted, the proposal is acceptable and complies with relevant planning policy.

There have been representation received from neighbouring properties making reference to the existing flat on the second floor. It is noteworthy that this flat (as well as other flats adjacent) existed alongside the JW Hall and had to park outside of the site, making use of on-street car parking. This does not relate to the application site, the two floors subject to this application and the associated car parking that previously served the building as a JW Meeting Hall is a single unit. The existing flat is not part of the application site and there is not a requirement to accommodate car parking spaces to serve these existing flats.

## **6.8 Affordable Housing**

As this is a conversion of an existing building for less than five units, affordable housing contributions are not a requirement in this case.

## **6.9 Drainage**

### **6.9.1 Foul Drainage**

The application site is within a phosphate sensitive area, There is supporting information that was submitted with the original scheme which included the new build development including a further six flats.

The information however is relevant in considering the conversion of the existing building into four units. The figures provided in relation to the flows and loads of the previous D2 use was equivalent to 30.5 cubic metres per week. This was working on the basis that over a 12 hour period in a day there were 140 people visiting/using this building per day.

There are neighbour objections that have questioned whether the visiting numbers were this high. In terms of the proposed new use for four flats, namely 3 x 2-bedroom and 1x 1 bedroom, the flows and loads associated with this are 2.33 cubic metres for a 1 bed flat and 3.09 cubic metres for a 2 bed flat. The volume total arising from the proposed development being in the realms of 12 cubic metres less, this is significantly less than that of 30 cubic metres per week (even if the user numbers of the previous use may appear high).

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 Special Areas of Conservation (SACs) in Wales (21st January 2021). 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 HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (version 3 issued 22nd July 2022). It is considered that No Likely Significant Effects on the SAC are anticipated as a result of these development proposals as there is unlikely to be a source of

additional phosphorus or pathway for impacts. The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice:

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

### 6.9.2 Surface Water Drainage

The Land Drainage Engineer has reviewed the proposal and concluded there is no objection to the proposal. However, a neighbour has raised concern that the change in surface material of the parking area from loose gravel and dust which is to hoggins will cause drainage problems that will undermine the boundary material. This surface (which is composed of clay, gravel, sand or granite) is permeable and does not represent a drainage issue that is covered under planning legislation.

## **6.10 Response to the Representations of Third Parties and Town Council**

Abergavenny Town Council have expressed disappointment that the issues around pedestrian access, traffic and parking, that were raised previously, still have not been adequately addressed in the amended application. Also there is concern that no traffic assessment has been submitted.

- This application has been considerably reduced from the previous scheme of 10 units to a conversion of the existing building into 4 flats. The Council's Highway Engineers have confirmed that the proposed access and parking is acceptable for this scale of development. The request for a Transport Assessment is also not required for this scale of development. There are no objections raised from MCC Highway Engineers and Welsh Government Trunk Road Department,

Neighbours have expressed concern that at no point in the future can the new build element be re-added and retrospective planning be granted.

- Such fresh development would require separate planning consent; in the case an application is submitted for further development it will be considered on its own merits.

Neighbour has stated that the application forms are incorrect as works have started with the provision of an enhanced water supply,

- This does not constitute commencement of development.

Concern that this proposal becomes a House in Multiple Occupation (HMO)

- This is totally different to 4 individual flats as proposed in this scheme and such a change requires separate planning permission.

There is no acknowledgement of the 3 Bedroom apartment on the top floor, which currently has parking for 3 cars.

This is addressed above under 'Highways' section above.

The applicant references 'out of area' users to justify their calculated loads.

- This has not been influential in the screening process, the difference in flows and loads from that of the previous use is significantly more than that generated by the proposed new flats. The proposal has been screened out for phosphates.

No mention of electric car charging points make sense to install a dedicated charging point for each flat at the outset of any new development.

- This is indeed preferable, but not a requirement in this case

The current site is being used for business purposes for the developers to store palletised freight and staff parking, due to there being limited parking and storage space on their current site.

- This use cannot work alongside that of the approved development, if the intention is to do this a new planning application is required to cover this.

Questions reference in supporting information to 140 visitors to the site each day for 12 hours.

- The figures given are accepted as being high, but the difference between the two uses is significant enough to enable discrepancy to be applied and the overall result is still betterment.

The current perimeter fence is not fit for purpose and is in need of replacement regardless of this development. Last year panels blew down and were hastily tacked back into place. In respect of this particular proposal, a replacement with something more substantial in its build quality, permanent posts that will not rot and taller to assist with privacy, security and noise issues which would inevitably ensue should this proposal go ahead in part or in full.

- The trees are being retained with a condition imposed to further secure this. A pre-commencement condition requiring further details to be submitted regarding boundaries is proposed accordingly.

As parking is being proposed perpendicular to this fence, crash prevention bollards would be necessary to prevent vehicles potentially ending up in a Hatherleigh Road garden.

- This is not considered necessary or proportionate in this case.

It was noted that the current surface of the parking area is loose gravel and dust which is intended to be replaced with hoggins. Due to the relative instability of the raised bank that adjoins the Hatherleigh Road gardens, any surface drainage will be required to flow in the direction of the exit from the car park and away from Hatherleigh Road

- This is addressed under 'Surface Water Drainage' above.
- Concerns relating to gridlock and traffic conflict are addressed under 'Highways' above.

The proposal would result in the removal of several TPO trees which contribute greatly to the beauty of the area. The removal of these trees would detrimentally impact upon my properties character and appearance. As stated in point 2 the removal of the trees is going to have a huge impact on our privacy also.

- There are no trees being removed and a further condition is proposed to safeguard them.

Single bed Flats are out of keeping with the family homes in the area. Police records will show the high levels of criminal activity directly associated with the current single bed flats situated at the end of Hatherleigh Road, as residents we do not want to see these levels increased further.

- There is a mix of residential home types and tenure in the area; this does not warrant an objection to this development in this case.

Valuation of our property.

- This is not a planning issue.

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

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

## **6.12 Conclusion**

6.12.1 The proposed development has been significantly downscaled from the original scheme. The conversion of the existing building into four new flats has been thoroughly assessed and deemed to comply with planning policy in relation to highways, amenity, biodiversity, drainage, visual amenity, with particular regard to the impact upon the Conservation Area. The proposed development is recommended for approval subject to conditions.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

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

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

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

3 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP.

REASON: In the Interest of Highway Safety and to protect the amenity of the local residents

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 each dwelling unit 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 The approved 'Ecological Enhancement' document dated 21.09.2023, which illustrates the position of the biodiversity net benefit features, shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the Local Planning Authority no more than three months later than the first beneficial use of the first dwelling.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1

6 None of the existing trees, shrubs and hedges on the site shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or wilfully damaged. If any of these trees, shrubs or hedges are removed, or if any die or are severely damaged, they shall be replaced with others of such species, number and size and in a position to be agreed in writing with the Local Planning Authority. Any lopping or topping which may prove necessary shall be carried out in accordance with a scheme previously approved in writing by the Local Planning Authority.

REASON: To protect valuable tree or other landscape features on the site in the interest of preserving the character and appearance of the visual amenities of the area in accordance with Policy LDP G11.

### **INFORMATIVES**

1 Nesting birds - Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended).

The protection also covers their nests and eggs.

To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection

#### Planning Policy Wales - Net Benefit for Biodiversity

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" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

#### Policy S17 - Place Making and Design

Development shall contribute to creating high quality, attractive and sustainable places. All development proposals must include and promote high quality, sustainable inclusive design which respects local distinctiveness, respects the character of the site and its surrounding in order to protect and enhance the natural, historic and built environments and to create attractive, safe and accessible places