

Application Number: DM/2023/01341

Proposal: Construction of a New Dwelling

Address: 33 Maryport Street, Usk, NP15 1AE

Applicant: Tadman

Plans: PL02 - Rev E, PL01 – Rev B, PL03 – Rev A, Technical Note, 33 Maryport Street, Usk, JBA Project Code: 2020s0382, prepared by JBA, dated 25/08/2020

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham
Date Valid: 29.01.2024

The application is presented to Planning Committee at the request of the co-Ward Member, Councillor Tony Kear

1.0 APPLICATION DETAILS

1.1 Site Description

The application site currently consists of derelict land. A former coach house and office building occupied the area and have since been demolished under Conservation Area Consent ref DM/2019/01291. The site covers an area of 525m². Planning permission was granted in October 2020 for a pair of semi-detached two storey dwellings (both two bed), however the application site (therefore including red line boundary) has been increased as part of this application and now includes additional land to the rear of No 29 Maryport Street. A garage building previously located in the expanded site has been demolished, it is understood that this took place in January 2024, however owing to its size this would have been below the threshold for the requirement for Conservation Area Consent (CAC).

The site is in a predominantly residential location with dwellings immediately adjacent to the North, East and West. To the south is a community centre. The site is in a sustainable location within walking distance of Usk town centre and a less than five-minute walk to the nearest convenience store.

The site is accessed via an existing driveway located off Maryport Street. Off street parking along Maryport is generally limited. During the sites previous use, including an office building, it did afford informal room within the site limits for vehicles to park.

The site is located within the Usk Conservation Area, defended flood plain and within the Nutrient Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

1.2 Value Added

Initial comments from the Council's Heritage Officer noted the construction of one large dwelling on the site was considered acceptable in principle, however, there were some concerns regarding the mass and design of the proposed building. The previous comments have been taken into account by the applicant and design cues have been taken from the surrounding conservation area.

Furthermore, the scheme as originally proposed, exceeded the minimum distance between dwellings as recommended in the Council's Adopted Supplementary Planning Guidance. The scale of the proposed dwelling has therefore been reduced.

Further consideration in relation to flooding was also provided.

1.3 Proposal Description

This application proposes a single detached dwelling. This follows a previous approval in 2020 for the construction of pair of semi-detached 2-bedroom houses on the site and a subsequent approval for a single dwelling (DM/2021/01696). That application is extant and therefore the principle of residential development on the site is established. However, as noted that the application site has been enlarged and now includes an area of land to the rear of No 29 Maryport Street.

The two-storey dwelling is sized as per the following dimensions:

- Width: 11.3m
- Depth: 8.6m
- Height: 6.7m

The proposed dwelling will be accessed via the existing access to the site via Maryport Street. The proposal includes 3no. off road parking spaces for the new dwelling together with a turning area.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/01021	Demolition of coach house at rear of no.31 and office building at no.33 Maryport Street and construction of 2no. semi-detached town houses.	Approved	26.10.2020
DM/2019/01291	Demolition of coach house at rear of no.31 and office building at no.33 Maryport Street and construction of 2no. semi-detached town houses.	Approved	26.10.2020
DM/2021/01696	Demolition of coach house at rear of no.31 and office building at no.33 Maryport Street and construction of a single new dwelling.	Approved	09.03.2022
DM/2024/00705	Discharge of condition 3 (Level 1 photographic survey/building recording) for planning decision DM/2019/01291.	Approved	14.06.2024

DM/2024/00748	Discharge of condition 6 and 4 in relating to planning decision (DM/2019/01021) - Avon Archaeology Written Scheme of Investigation Archaeological Watching Brief dated: Feb 2021 Condition no.4 - Schedule of External Finishes	Approved	26.07.2024
DM/2024/00903	Discharge of condition no. 4 (written scheme of historic environment mitigation) of Conservation Area Consent DM/2019/01291	Approved	14.08.2024
DM/2024/01171	Construction of 2no. semi-detached houses with on site parking.	Invalid Application	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
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

H3 LDP Residential Development in Minor Villages
DES1 LDP General Design Considerations
HE1 LDP Development in Conservation Areas
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development

Conservation Area Appraisal

Usk 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 12

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

Usk Town Council - Recommend approval.

Natural Resources Wales (NRW) - No objection. In summary we recommend the planning authority should only grant permission if the detailed FCA and proposed finished floor levels detailed within it are included in the condition identifying approved plans and documents on any decision notice.

Dwr Cymru - Welsh Water (DCWW) - We have reviewed the information submitted as part of this application and note that the intention is to drain foul water to the public sewer to which we offer no objection in principle. We also note that surface water will be disposed of via sustainable means and welcome this approach.

We can advise that Usk WwTW into which the proposed development site will drain, is meeting the backstop phosphate permit and there is sufficient headroom to accommodate the foul flows.

Glamorgan Gwent Archaeological Trust (now called Heneb) - We have reviewed the detailed information contained on your website and can confirm that the proposal requires archaeological mitigation. It is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members. We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

MCC Heritage - The construction of one large dwelling on the site is considered acceptable in principle. Concerns over the mass and design of the building proposed have been addressed with an amended design. If minded to approve this application, we would request that samples of the external render, colour of render, roof covering and ridge tiles are submitted to and approved by the LPA prior to commencement. REASON: to safeguard the character and appearance of the conservation area.

MCC Highways - No objections.

MCC Biodiversity – Comments made requesting building surveys on the assumption that structures remained on the site but these have been removed already. Enhancements for biodiversity will be required.

MCC SAB – SAB consent required.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Three representations received. Object on the following grounds:

- Size of the proposed new home is out of scale with the infill site and as such there will be an over-development.
- No parking space for the existing property on Maryport Street will lead to increased congestion on what is already an area where double parking occurs leading to bottlenecks on a regular occurrence.
- Proposed house will adversely affect residential amenity due to noise, disturbance, overlooking, loss of privacy and overshadowing.
- The flood report submitted by Nene Valley does not include a survey of the full redline application.
- It does also not include levels of surrounding properties that could be affected by displaced flood waters caused by raising the levels of the new property above the flood datum level.
- The two buildings on the site have already been demolished as well as a large garage on the adjoining property, which did not have planning permission as part of the previous two applications.
- The response from the Highways Officer is incorrect. It states that the new dwelling is replacing another, which it is not. The previous two applications for a pair of 2-bed semi-detached properties and a 4 bed detached property both included 2 spaces for 33 Maryport Street.
- This application includes the garden of 29 Maryport Street, which had vehicle access and a garage; therefore resulting in a loss of parking for that 2-bedroom property also. The new application should also include two spaces for this property.
- Both previous Officer Reports stated that "separation distances were limited" between 8 & 10 Church Street and the proposed properties. This application makes the matter substantially worse. Distances are much shorter than the 21m recommended distance between habitable rooms.

Impact on no.8 Church Street:

- The site plan used in the submission is incorrect. It does not reflect the removal of shed or the construction of neighbouring new kitchen.
- A buffer area has now disappeared and the proposed house is now circa 6 metres closer to neighbouring dwelling causing overlooking and affecting enjoyment of amenity space.
- The proposal breaches the 45 degree rule when using my main bedroom window. With the bedrooms of the proposed new home being able to look directly into my bedroom.
- There is also overlooking into my garden, located behind the library.

Further representations:

- The drainage proposals detail soakaways within 5m of the boundary with my property and the library. This is not compliant with regulations.
- Site now consists of 80% of the garden to 29 Maryport Street.
- Pre commencement conditions on previous applications not discharged.
- Garage belonging to No 29 has been demolished.
- Was previously vehicular access to rear of No 29
- Highway Officer incorrectly refers to this as a replacement dwelling.
- Concerns on biodiversity.
- Concerns on residential amenity, including overbearing and loss of privacy.

5.3 Other Representations

None.

5.4 Local Member Representations

No comments received, other than request from Cllr Kear to refer application to Planning Committee.

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

6.1.1 The site is located within the settlement boundary of Usk, which is defined as a Rural Secondary Settlement in the Local Development Plan (LDP). Policy H1 supports development in Rural Secondary Settlements in principle, subject to detailed material planning considerations.

6.2 Good Design/Impact on Conservation Area

6.2.1 The application site lies within the Usk Conservation Area and, therefore, it must be assessed whether the development preserves or enhances the Conservation Area in accordance with Policy HE1 and Policy DES1, which relates to good design.

6.2.2 Initial comments from the Council's Heritage Officer noted the construction of one large dwelling on the site was considered acceptable in principle, however, there were some concerns regarding the mass and design of the proposed building. The comments have been taken into account by the applicant and the design was amended, taking references from built forms within the surrounding Conservation Area.

6.2.3 As well as reducing the overall width of the dwelling by approximately 2m, a reduction in a portion of the proposed ridge line provides the appearance of a smaller building that has been extended rather than the construction of an unusually large building within this setting in the Conservation Area. The dropped ridge on the 'extension' is subservient and aids this visual change. Dropping the eaves on the portion of the building forming the 'extension' ensures the roof pitches match and improves the visual impact of the building to better preserve the setting of the Conservation Area.

6.2.4 Previous comments from the Heritage Officer also noted the slightly unusual fenestration on the proposed building. The addition of a flush window above the bay window on the ground floor is welcomed and more in keeping with the Conservation Area. Additionally, the proposed painted render below and roofing to the bay window to match the walls and roofing of the main building is considered more appropriate and acts to reduce the visual impact of the building. Alignment of the ground floor window to the right of the front door with the first-floor window above helps to support the visual change created by the 'extension', reducing the impact of the building on the Conservation Area.

6.2.5 Roof tiles should be natural slate or slate-effect and windows should be timber or powder coated aluminium, not uPVC as shown on the submitted drawings. Samples of the external materials can be secured via condition should Members be minded to approve the application.

6.2.6 As amended, the proposal is considered to comply with Policy DES1 and Policy HE1 of the LDP, preserving the character and appearance of the Conservation Area.

6.3 Green Infrastructure

6.3.1 PPW12 (paragraph 6.2.12) requires all development to consider existing GI assets within and bounding the site (e.g. hedges, trees etc.), how the proposal will avoid and minimise impacts on GI assets and how the proposal will enhance and/or restore GI assets, corresponding with provisions to provide net benefit for biodiversity.

6.3.2 The total area of the site has been calculated at 494m². Having been previously developed and entirely hard surfaced, there are no existing GI assets on the site. The proposed development will result in the creation of 116m² of new soft landscaping. Four rainwater planters are also proposed as part of the SuDS scheme. As such, the development will improve the site in respect of GI compared to the existing arrangement.

6.4 Historic Environment

6.4.1 The site lies in an area of archaeological sensitivity. Planning Policy Wales 12 requires development to ensure the protection of archaeological resource.

6.4.2 Information in the Historic Environment Record indicates that the application area is located in an area of archaeological potential, within the Usk Archaeologically Sensitive Area. It is approximately 90m from areas of the Scheduled Monument, Cadw reference: MM155: Usk Roman Site, which relate to the establishment of the fortress during the 1st century AD.

6.4.3 The site is also close to the internal road following the interior of the fortress defences, the Via Sagularis. These roads were also lined by buildings, mainly timber, evidence of which has been found nearby: it is likely the site is within an area of barracks.

6.4.4 As such, an archaeological evaluation was conducted by Avon Archaeology in 2019. The results indicated that Roman and Post-medieval finds and features, including a stone spread, ditch and cobbled surface are located in the development area. The report also notes the unusual depth of the Post-medieval stratigraphy at the site and the apparent lack of medieval remains, which is uncharacteristic of the archaeological resource in the area. The uncharacteristic nature of the archaeological resource on site has been attributed to ground reduction and levelling activity that occurred in the Post-medieval period. However, it cannot be certain that the archaeological remains encountered during the evaluation is typical of the archaeological resource across the remainder of the site. It is possible that further Roman, medieval and Post-medieval remains may be encountered during the proposed development.

6.4.5 Condition 3 below will address this and a written scheme of historic environment mitigation will be required should consent be granted.

6.5 Biodiversity

6.5.1 PPW 12 sets out that the planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. It is clear that planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced wellbeing.

6.5.2 The previous application which included the clearance of the site was supported by an Ecology Survey which assessed the buildings for bat potential and surveys were conducted. No bats were identified using the buildings as a roost. There was some low-level foraging and commuting activity in the area by predominantly pipistrelle species. The biodiversity officer assessed the application and ecology survey in 2020 and raised no objections. The site is now clear and is therefore considered to have low ecological value.

6.5.3 The proposed development of the site for residential use will result in the creation of 116m² of garden area and sustainable drainage features which will provide new habitat for wildlife. A condition to secure bird/bat boxes on the proposed new house should also be included in the event that Members are minded to approve the application.

6.6 Impact on Amenity

6.6.1 The redevelopment of the site is challenging given its location close to other dwellings. The proposed development is modest in size and scale and has been reduced in scale to avoid an adverse impact on neighbouring properties. The site is in a built-up residential area with existing

properties immediately adjacent to the north, east and west of the site and the most likely to be affected are no. 31 Maryport Street and no. 29 Maryport Street to the west and no's 2, 4, 6, 8 and 10 Church Street to the north and east. No. 35 Maryport Street is a community centre located to the south. Compared to the most recent previous approval for a single dwelling, the proposed house has been turned by 90 degrees so the principal elevation now faces towards Maryport Street to the west rather than to the south.

6.6.2 There will be a distance of approximately 13m between 29 and No. 31 Maryport Street and the front elevation of the proposed dwelling. Whilst the separation distance is modest, the proposed dwelling will be located further away from no. 29 and 31 than the previous building that was on the site (the coach house) which had a window on the closest elevation facing towards no.29 and no. 31. Direct overlooking opportunities will therefore be reduced because of the development. Furthermore, the principal elevations of these dwellings front the street.

6.6.3 In terms of any potential overbearing impact, the coach house building was 6.4m in height and the proposed dwelling will have an overall height of 6.8m. Whilst this is a 0.4m increase, the dwelling will be positioned further away from no. 29 and 31 than the previous building. The increased separation distance offsets the impact of the increased height of the dwelling and there would not be an unacceptable adverse overbearing impact on no. 29 and 31 as a result of the proposed development.

6.6.4 Nos. 2 to 6 Church Street are linked dwellings located to the North of the application site. The rear elevations of these dwellings face towards the application site, separated by their own rear gardens. The proposed dwelling would be side-on to the rear of nos. 2 to no. 6. The Council's Adopted Supplementary Planning Guidance (SPG) relating to infill development advises that there should be a distance of at least 15m between the side elevation of any new dwelling and the rear elevations of existing dwellings. To meet this requirement, the size of the proposed dwelling has been reduced by 2m and there is now a separation distance of approx.13m between the existing and proposed dwellings. There are no windows on the side elevation of the proposed new dwelling that could overlook these existing dwellings and given that the part of the proposed new dwelling closest to the neighbouring properties has a dropped ridge (thereby further reducing the impact), the distance as amended is considered to be acceptable.

6.6.5 Nos. 8 and 10 Church Road are located to the North East of the application site. The relationship of this property with the application site differs to nos.1-6 by virtue of it being positioned closer to the application site but at a 45 degree angle. In terms of overlooking, there are 2no. upper floor windows on the rear elevation of the proposed dwelling which serve bedrooms which are approximately 7.4m (to ground floor) and 12.5m (to upper floor) distant, but at an oblique angle. Whilst this distance is limited, the angled relationship limits views and would not result in direct overlooking.

6.6.6 The rear elevation of the proposed dwelling will also face directly towards the rear garden of no. 10 with a separation distance of approximately 8.5m but overlooking is limited to the end of the garden only. No.10 has a large garden and the overlooking is not considered likely to affect the overall enjoyment of the rear garden.

6.6.7 In terms of overbearing impact/loss of light, the rear corner of the proposed dwelling would be positioned approximately 2.5m to the boundary with No 8 Church Road. The same corner point would measure approximately 9m to the original two storey part of No 8 and 4.9m to the nearest corner of a recently built single storey extension built at No 8. Whilst it is acknowledged the distances are modest, owing to the angled orientation of No 8 to the proposed dwelling, officers are satisfied that the new dwelling would not result in such an overbearing impact that would fail to maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties.

6.6.8 Third party reference has been made to the Council's infill development SPG (as referred to in para. 6.6.4 above) and concerns that the proposal does not accord with the distance requirements in this SPG. Whilst understood, the SPG is for guidance purposes. Para. 1.5 of the SPG recognises that "each development site has different characteristics and that not all of the requirements as set out in this SPG can be met". Indeed the SPG clearly highlights the

importance of site context. Given the location of the site within the centre of the town in an area more densely populated, then the separation distances (both in a straight line from the proposal and those at an angle) are considered on balance to be appropriate.

6.6.9 No. 35 Maryport Street is a community centre/office and, therefore, a less sensitive use in terms of potential impact on amenity. The proposed development is not considered to compromise the amenity of use of no. 35.

6.6.10 On the basis of the above, it is considered that the proposed development will not fail to maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties. It is therefore acceptable under LDP policies DES1 d) and EP1.

6.7 Highways

6.7.1 The application site has an existing vehicle access and driveway directly onto Maryport Street which is to remain unchanged as part of the application. As part of the proposed development, it is proposed to provide three off-street car parking spaces which is the maximum car parking provision required for a 4-bedroom dwelling under the Monmouthshire Parking Standards. As such, there are no highway grounds to sustain an objection to the application.

6.7.2 The site is in a sustainable location within walking distance of Usk town centre and a less than five-minute walk to the nearest convenience store. The development is therefore considered to accord with the requirements of Policy MV1 of the adopted LDP.

6.8 Affordable Housing

6.8.1 Policy S4 requires affordable housing contributions to be made in relation to developments which result in a net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is five or more units in Usk, then a financial contribution is appropriate. The financial contribution is based on the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019) is (total floor area m² x £120) x 58%. In this case this would amount to £13,634.64 although the exact floor area should be provided by the applicant for the purposes of drawing up any legal agreement. On the basis of a Section 106 agreement to secure this, the proposal accords with LDP Policy S4.

6.9 Flooding

6.9.1 The planning application proposes residential development, highly vulnerable development. NRW's Flood Risk Map confirms the application site lies entirely within Zone C1 of the Development Advice Maps (DAM) as contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and is within Flood Zone 2 & 3 - Rivers.

6.9.2 Section 6 of TAN15 requires the Local Planning Authority to determine whether the development in such a C1 location is justified. Four tests are set out in section 6.2 of TAN15:

i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement;

The site is in the settlement of Usk and will develop a new home on a currently vacant, previously developed site. The site's redevelopment will support the function of the existing settlement and the viability of Usk town centre.

Or

ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

Not applicable since i) is met – the proposal would be acceptable as part of a strategy under the LDP to accommodate sustainable development in a rural secondary settlement where residential development is normally permitted.

And:

iii. It concurs with the aims of PPW and meets the definition of previously developed land;

The site is previously developed and is in accordance with the definition included in Planning Policy Wales 12.

6.9.3 The final test (iv) is for the applicant to demonstrate through the submission of a Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level. A Flood Consequences Assessment, (hereafter referred to as FCA) and Modelling Technical Note has been prepared to support the application and reviewed NRW. NRW has assessed the potential consequences of flooding in relation to the proposed development and this is discussed in more detail below.

6.9.4 The proposed finished floor level (FFL) of this development is to be set at a minimum of 17.50m AOD. From review of the topographical survey, it was indicated that the site's general topography previously ranged from 17.19m AOD (greatest ground level) along the southern boundary to 16.99mAOD (lowest ground level) towards the east of the site south-west of the office building. This is a difference in ground levels of approximately 0.2m across the site.

6.9.5 1% (1 in 100 year) event

During the 1% (1 in 100 year) plus climate change event with the additional 5% blockage allowance on the road bridge, the proposed development site and its surrounding area are free from fluvial flood risk. This demonstrates that the site is compliant with the A1.14 requirement of TAN 15.

6.9.6 0.1% (1 in 1000 year) event

The maximum flood level experienced at the site of the proposed dwelling during the 0.1% (1 in 1000 year) event with the 5% blockage allowance is 17.86m AOD. Therefore the proposed dwelling would flood to a predicted depth of 0.36m. This is within the tolerable limits set out in A1.15. Therefore this aspect of the proposed development is compliant with A1.15 of TAN15.

6.9.7 External Areas

During the 0.1% (1 in 1000 year) event with the 5% blockage allowance the external areas are predicted to flood to a depth of 700m. Therefore, this aspect of the proposed development is not compliant with A1.15 of TAN15. NRW have also noted that without the blockage on the bridge, the 1 in 1000 year flood level on site may be lower than provided and within the tolerable limits of A1.15.

6.9.8 Access/Egress

Safe access and egress are available via Maryport Street to the west of the site and is unlikely to experience a rapid water level rise with no prior warning.

6.9.9 Third Party Flooding

There is no flood risk assessment on flooding elsewhere in the FCA. However, based on the reconfiguration of the site, i.e. from three buildings having been demolished to one dwelling on the site, NRW have confirmed that they are satisfied that the risk of an increase in flood risk elsewhere is negligible during this extreme event and no further assessment on this matter is required.

6.9.10 Within the Section Flood Resilience & Recoverability, the FCA contains details relating to flood resilience and resistant measures, these include occupiers signing up to early flood warnings from NRW and undertaking a flood plan for the site.

6.9.11 On the basis of the above, it is considered that the requirements of TAN15 have been met and the risks of flooding can be managed to an acceptable level.

6.10 Drainage

6.10.1 The development will connect to the local waste water treatments works (WwTW) with an environmental permit that has been reviewed against revised conservation objectives for water quality. The Environmental permit also specifies limits for ammonia. There is capacity in place to accommodate the additional wastewater in compliance with revised permit limits. DCWW have confirmed that the sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows.

6.10.2 Based on the Test of Likely Significant Effect, the project is unlikely to have a Significant Effect on the phosphate sensitive River SAC alone. As such, there is unlikely to be a significant effect on the River SAC and a full Appropriate Assessment is not required.

6.10.3 A Drainage Strategy has been submitted with the application that demonstrates that surface water can be dealt with in a sustainable manner. Formal SAB Consent will also be required.

6.11 Planning Obligations

6.11.1 Financial contribution towards the provision of affordable housing in the local area at a rate of (total floor area m² x £120) x 58%. This would be paid upon occupation of the dwelling and is likely to be in the region of £13,634.64

6.12 Response to the Representations of Third Parties and/or Town Council

6.12.1 Whilst the concerns raised by neighbouring occupiers have been discussed above, clarification on other matters raised do require further comment.

6.12.3 Observations have been made in respect of previously approved Conservation Area Consent (CAC) application, DM/2019/01291, and compliance with the conditions of this. It has been put to the Local Planning Authority (LPA) that the former coach house and office building, that were subject to the CAC application were demolished in January 2024. The pre-commencement conditions, 3 and 4, were not determined until June and August (respectively) 2024. Comments have been received that “no punitive” action has been taken against the developer. However, planning enforcement powers are not designed to be used for punitive purposes. The necessary information required via the conditions, in respect of photographic surveys of the buildings and archaeology, have now been submitted and approved. As per advice provided by HENEB (previously GGAT), condition 4 has only been partially discharged and will need further information submitted after works are completed. Therefore no enforcement action against the developer would be appropriate at this time.

6.12.4 A technical inaccuracy in the comments made by the Council’s Highway Engineer has been correctly observed also. The Highway Engineer refers to the scheme as a replacement dwelling, which as a matter of fact it is not. The site did not previously contain a dwelling, rather it contained an office building, coach house and also the garage serving No 29 Maryport Street. Notwithstanding this point, the number of parking spaces required for a dwelling of the size proposed would not change, and the number provided (3) is compliant with policy standards.

6.12.5 In respect of parking for No 29, the garage linked to this property (now demolished) would not have been accessible for parking under the previously approved application for 2 x 2 bed dwellings, DM/2019/01021. The previous approval provided a total of 4 parking spaces which was policy compliant for the number of dwellings and bedrooms approved. Therefore as confirmed by

the Council's Highway Engineer the current proposal is considered to provide appropriate levels of parking and therefore there would be no highway grounds to object.

6.12.6 Finally, concerns have been raised that soakaways will be within 5m of the site boundaries and therefore "not compliant with regulations". With regard to foul drainage, the site is to connect to the mains system and therefore there would not be a need for a soakaway system in respect of foul drainage (that one would expect for a non mains system such as a treatment plant). Whilst the comments do not specify which regulations would not be complied with, the development would require both separate SAB and Building Regulations approval. Management of surface water would be controlled under both these regimes; the Council's SAB Team have reviewed the current planning application and offer no objection in principle.

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

6.13.1 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.

6.14 Conclusion

6.14.1 The proposed development meets the requirements of LDP Policy H1 and is acceptable in principle.

6.14.2 The potential risk of flooding has been considered in detail by NRW and the Local Planning Authority as required by criterion iv. of TAN 15. The supporting FCA is comprehensive including an assessment of flood risk with and without the Usk bridge being 25% blocked. The flood scenario with the bridge blockage, so a worst-case scenario, complies with TAN 15 requirements, save for the level of flooding at the access being 100mm over the tolerable limit of 600mm. The access flood levels are deemed acceptable to the LPA. NRW has raised no objection to the application subject to a condition to raise the floor levels. It is concluded the potential consequences of flooding are acceptable in accordance with criterion iv. of TAN 15 and LDP Policy SD3.

6.14.3 The proposed development has been carefully designed to avoid any unacceptable adverse impact on neighbouring properties. The proposed development has been subject to amendment and redesign. Officers conclude on balance that the proposal would maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties in accordance with the provisions of LDP Policy DES1 and EP1.

6.14.4 The proposed dwelling would not fail to preserve or enhance the special character and appearance of the Usk Conservation Area in accordance with Policy HE1.

6.14.5 The development of the site will result in the creation of new soft landscaping and associated enhancements for biodiversity in accordance with LDP Policies GI1 and NE1.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

Financial contribution towards the provision of affordable housing in the local area at a rate of (total floor area m² x £120) x 58%. This to be paid upon occupation of the dwelling.

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 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the application and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
REASON: To ensure the development meet the terms of the Historic Environment (Wales) Act 2016, PPW and Technical Advice Note 24 (TAN 24): The Historic Environment.

4 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.

5 Finished floor levels shall be no lower than 17.5 metres above Ordnance Datum (AOD) as set out in Technical Note, 33 Maryport Street, Usk, JBA Project Code: 2020s0382, prepared by JBA, dated 25/08/2020 and section 3.1.
REASON: To ensure the proposed development is protected from flooding in accordance with TAN 15 and Policy SD3.

6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.
REASON: To protect neighbouring amenity in accordance with Policy EP1.

7 Prior to the commencement of development a scheme of ecological enhancement to provide net benefit to biodiversity shall be submitted to and approved in writing by the local planning authority. This shall include full details of the location and specification of ecological enhancements and the timing of their inclusion. The details shall then be implemented as approved and shall be retained in perpetuity.
REASON: To provide ecological net benefit on the site as required by the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1.

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.

2 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member.