

DC/2015/01588

CONVERSION WITH ALTERATIONS AND EXTENSIONS TO FORMER GALLERY TO PROVIDE 2 NO. DWELLINGS

THE OLD SMITHY, 34 MARYPORT STREET, USK, NP15 1AE

RECOMMENDATION: REFUSE

Case Officer: Andrew Jones

Date Registered: 14.01.2016

1.0 APPLICATION DETAILS

1.1 This application was previously presented to Planning Committee on 6th December 2016 with an officer recommendation for approval. However, Members did not agree with this recommendation and following a motion to refuse by the local Ward Member, it was resolved to defer the application for refusal. Members expressed concerns that the proposal to create two dwellings was an over-development that would not be able to provide the required off street parking standards in an area where on street parking is prevalent and is harmful to the amenity of local residents.

1.2 Should Members still be minded to refuse the application the following reason is provided:

Reason for Refusal

1. The proposal to create two dwellings is considered to be an over-development of the site which would fail to provide sufficient off-street parking in an area where on street parking is prevalent and where the lack of available parking close to homes causes congestion and displacement of parking, inconvenience to residents and significant harm to local amenity.

1.3 The previous report and recommendation are below.

PREVIOUS REPORT

DC/2015/01588

CONVERSION WITH ALTERATIONS AND EXTENSIONS TO FORMER GALLERY TO PROVIDE 2 NO. DWELLINGS

THE OLD SMITHY, 34 MARYPORT STREET, USK, NP15 1AE

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones

Date Registered: 14.01.2016

1.0 APPLICATION DETAILS

1.1 This application is a currently vacant gallery, known as the Old Smithy, which is located on the western side of Maryport Street and to the north of the junction with Priory Gardens and Old Market Street in the town of Usk.

- 1.2 Planning permission is sought for the conversion of the building to provide two dwellings (a 3 bedroom and 2 bedroom) and this would be facilitated by a two storey rear extension. The extension has been amended from a large two storey gable, to a part two storey and part single storey lean-to. With regard to external materials these would include natural roof slate, painted smooth render, conservation-style roof lights and timber joinery.
- 1.3 The building is not listed but does sit within the Usk Conservation Area (Policy HE1) and also an Archaeologically Sensitive Area (ASA).
- 1.4 The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Floor Risk (TAN15) (July 2004).
- 1.5 The application is presented to Planning Committee at the request of the Delegation Panel.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 The Spatial Distribution of New Housing Provision
S2 Housing Provision
S4 Affordable Housing Provision
S7 Infrastructure Provision
S12 Efficient Resource Use and Flood Risk
S13 Landscape, Green Infrastructure & the Natural Environment
S16 Transport
S17 Place Making & Design

Development Management Policies

H1 Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
NE1 Nature Conservation and Development
EP1 Amenity & Environmental Protection
DES1 General Design Considerations
HE1 Development in Conservation Areas
MV1 Proposed development and Highway Considerations
SD3 Flood Risk

4.0 REPRESENTATIONS

4.1 Consultations Replies

Usk Town Council (original observations) recommends refusal of the application on the basis that it is considered the proposed extension to the rear of this building is a gross intrusion of the privacy of neighbours, both sides. The proposed new kitchen window is less than 1m from adjoining kitchen window. The proposed 1830mm fence will block views and light from the old church building kitchen window.

In relation to revised plans – Recommend refusal for the same reasons previously itemised. The plot is too small for two houses and very intrusive to both neighbours.

MCC Heritage (in respect of original plans) - The proposed development is located next to 32 Maryport, which is a grade II listed building.

With regards to the proposed extension this is a large development on the rear of a comparatively compact building, converting the one unit into two. The scale and mass of the rear proposed extension is too large. The extension impacts on the listed building with overlooking issues from the rear windows. In principle an extension would be acceptable providing it was in keeping with the scale of the host building and respected the setting of the listed building. On the basis that the proposed extension is too large and affects the setting and character of the listed building this application cannot be supported and should be refused.

MCC Planning Policy - . I can confirm that the development of this site meets the requirements of Strategic Policy S1 and Policy H1 in principle, subject to detailed planning considerations.

Strategic Policy S4 applies relating to Affordable Housing Provision. While the proposal would fall below the five dwelling threshold in relation to affordable housing in Rural Secondary Settlements, the sixth bullet point of S4 relates to financial contributions to the provision of affordable housing in the local authority area for proposals below this threshold. Such contributions will be requested if the application is determined once there is relevant adopted SPG in place. The SPG has been out to public consultation but is not yet adopted, it is scheduled to go through the relevant Committee cycles in February 2016.

The site is located in Zone C1 floodplain, Strategic Policy S12 and supporting development management Policy SD3 relating to Flood Risk are therefore of relevance. Strictly speaking the proposal is contrary to Policy SD3 as it does not relate to the conversion of existing upper floors. It is necessary to consider whether the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15. In this respect the proposal represents a 'windfall' brownfield development within the existing settlement boundary that contributes to meeting the housing targets set out in LDP Policy S2 and thereby assists in achieving the objectives of the LDP strategy. It is also noted a Flood Consequences Assessment has been submitted and it must be considered whether the FCA sufficiently demonstrates to the satisfaction of the NRW whether the risks and consequences of flooding can be acceptably managed. In this respect, compliance with national policy in TAN15 may be considered to be sufficient to outweigh any potential non-compliance with Policy SD3.

In addition to the above, the site is located within the Usk Conservation Area, Policy HE1 must therefore be referred to along with Policy HE2 relating to alterations of unlisted buildings in Conservation Areas. While the existing building is not listed, the adjacent dwelling is, as there is no specific local planning policy in relation to listed buildings it is important to ensure DES1 in relation to General Design along with Policy EP1. The site is located in an Area of Special Archaeological Sensitivity, National Planning Policy Guidance set out in Chapter 6 of Planning Policy Wales therefore applies.

Finally, the Council is currently progressing the implementation of a Community Infrastructure Levy (CIL). At present it is envisaged that CIL could be adopted towards the end of 2016. If the planning application was approved after the adoption of CIL then the development could be liable to the payment of a CIL charge.

Natural Resources Wales - does not object to the proposed development subject to an appropriately worded condition being attached to any planning permission your Authority is minded to grant relating to flood risk management.

MCC Highways – (original observations) Supplementary Planning Guidance, Monmouthshire Parking Standards 2012 specifies that 1 car parking space shall be provided per bedroom per property with a maximum of 3 car parking spaces per dwelling. The application site therefore requires a total of 6 car parking spaces, 3 for each dwelling. However, the proposal as presented shows no car parking to be provided for either dwelling.

On street parking along Maryport Street is already at an absolute maximum therefore there is insufficient capacity to accommodate an additional 6 vehicles associated with the development. The existing gallery has been disused for some time therefore the site does not attract any vehicular traffic that contributes to the existing on street parking. In the event the site is reopened under its current use visitors are likely to arrive on foot from the public car park whilst visiting Usk Town therefore would not exacerbate the existing on street car parking situation.

For the reasons stated above it is recommended that the application be refused.

Second Observations - The subdivision of the building will intensify the parking problems already experienced in this residential area of Usk. The comments provided that on street parking will be utilised is of serious concern as the adjacent highway is an important through route and a very busy one. There is unlikely to ever be six available parking spaces in the close proximity to the building. Usk, does not enjoy an abundance of public parking spaces and it is unlikely that specific spaces will be allocated within the public car parks for residential purposes.

I would be more inclined to support the conversion to a single dwelling with a maximum of three parking spaces required and can be accommodated within the environment surrounding the building.

I would not wish, from a highway viewpoint, to support the subdivision of the building for residential use.

Final Observations - The following comments and observations are provided following the applicants submission of photographic evidence indicating the extent of available on street parking in the immediate vicinity of the proposed conversion of the studio to two 3 bedroom residential units.

The photographic analysis submitted is not definitive and very subjective in respect of identifying the available on street parking at any given time of the day, no physical measurements have been carried out, nor any allowance taken in respect of the sizes of vehicle that may take up the spaces or inappropriate and poor parking etc. Therefore it is my opinion that the actual level of available on street parking may well be less than indicated and in the absence of a full and detailed technical review I would recommend that the level of parking available is less than indicated.

The proposal would require the provision of 6 on-site parking spaces in accordance with the Councils adopted Supplementary Planning Guidance “Monmouthshire Parking Standards 2012” The standards allow for a relaxation where a development is proposed in a sustainable location, I am of the opinion that Usk is not what could be considered a sustainable location because residents are very reliant on the domestic car for commuting and day to day activities. I do not consider that a relaxation in the required number of parking spaces is appropriate in respect of this application.

The applicant cannot provide 6 parking spaces within the curtilage of the development. The parking associated with the development will be expected to be accommodated on street in the immediate vicinity of the development. It is accepted that the proposal is within reasonable walking distance of public car parks (currently free of charge) but

it is unrealistic to assume that occupiers will park vehicles in these areas particularly overnight.

Therefore will the development impact on the existing streets and increase or create parking stress, I am of the opinion that the level of development proposes will create a negative impact and what available resilience that the applicant has demonstrated at various times of the day and particularly overnight will be lost and existing residents who rely on stress parking and visitors will be directly affected.

I consider that the proposal will be detrimental to highway safety and will create or increase parking stress in the adjacent streets if approved in its current form. The applicant may wish to consider a reduction in the number of beds an subsequent parking requirements.

Flood Risk Management

The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, which is a designated main river. Our records show that the proposed site has also previously flooded from the River Usk.

The planning application proposes the conversion of a building into housing, low to highly vulnerable development, on previously developed land within a flood risk area. Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified. We refer you to TAN15 for these considerations and refer you in particular to the justification tests at section 6.2. As part of this justification, the applicant should undertake and submit a flood consequence assessment (FCA) prior to determination of the application that meets the criteria set out in TAN15. The purpose of the FCA is to ensure that all parties, including your Authority, are aware of the risks to and from the development, and ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding.

The flood consequences assessment (FCA) produced by Engineering Associates dated October 2015 reference 15/2310 FCA rev A, submitted in support of the application states:

- The existing threshold level of the existing building is 16.92m AOD and this will be raised to 17.3m AOD post development.
- The following flood levels are given for the relevant TAN 15 events:
 - 1 in 100 year plus climate change: NULL
 - 1 in 1000 year: 17.9m AOD
- Based upon the proposed finished floor levels of 17.3m AOD, the development will remain flood free during the 1 in 100 year plus climate change event, and therefore compliant with A1.14 of TAN 15.
- During the 1 in 1000 year flood event, the development site will experience a flood depth of 600mm, which is within the tolerable limits of A1.15 of TAN 15.

Given the defences in the area, we are satisfied that the defended scenario represents the most realistic flood event.

The FCA also assesses the flood risk to the access / egress routes, which when using NRW flood data demonstrates that the proposed route, north along Maryport Street, will remain flood free during the 1 in 100 year plus climate change event and will flood to an average depth of 0.66m in the extreme 1 in 1000 year flood event. We refer you to A1.15 in TAN15 which provides indicative guidance on acceptable depths of flooding in the 0.1% event.

In order to further mitigate the development during the extreme 1 in 1000 year flood event, the FCA states that it is recommended that concrete ground floor slabs, external walls and building finished will be built to flood resilient standards. All electrical supplies

will be maintained well above ground slab level. New residents should be made aware of the flood warning arrangements and emergency plans / procedures to deal with evacuation of the site.

The FCA also assesses the increase that the post development footprint will have on third parties, it states that the increase to the flood level post development would be 0.04m. We would find this to be within model tolerance limits and would therefore have no objection or further comment in relation to third party impacts post development.

Based on the information submitted within the supporting FCA we have no objection to the development subject to the inclusion of the following condition in any planning permission.

European Protected Species (Bats)

We note that the bat report submitted in support of the above application (The Old Smithy, Usk, Bat Survey Report by Acer Ecology dated September 2015) has identified that there was no evidence of bats using the application site. We therefore have no objection to the application as submitted with regard to bats, a European Protected Species.

MCC Ecology - Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision.

A daytime internal/external inspection of the building was carried out on the 31st July 2015, no evidence of bats was found although the inspection was constrained by a covering of dust.

A dusk emergence and dawn re-entry survey were conducted on the 10th August 2015 and 4th September 2015. It is noted that the latter is outside the optimal time for survey but given the early September date and the temperatures, it is considered the survey is acceptable.

No bat activity was recorded associated with the building, low numbers of soprano pipistrelle, common pipistrelle and noctule were recorded in the vicinity during the dusk survey and soprano pipistrelle during the dawn survey.

No signs of birds nesting was found during the internal/external inspection of the building.

The report highlights opportunities for enhancement which would be in accordance with LDP policy NE1 and MCC's duty under the Natural Environment and Rural Communities Act 2006 to have regard for Biodiversity. A planning condition is recommended to support this.

Glamorgan Gwent (Final Observations, previous comments are available on the Council's website) - We can confirm that the proposal has an archaeological restraint. We note the submission of the archaeological evaluation report (Report no. 2016/12, dated September 2016) compiled by Cardiff Archaeological Consultants for the above site. A 30 square metre area, set within the footprint of the proposed extension, was excavated. The evaluation revealed that the Roman occupation horizons and features have been extensively damaged by the late medieval, Post-medieval and recent occupation of the site. Two large rubbish pits were partially excavated, both dating to the Post-medieval period. Additionally a medieval stone-filled soakaway was recorded and two medieval pits partially excavated. The Roman occupation layer was also encountered, including two circular pits, again not fully excavated.

Overall the stratigraphic sequence suggests a post fortress Roman occupation of the site, followed by the construction of a soakaway and pits associated with a building dating to the late medieval period. The evaluation concludes that the surviving archaeological resource is significant, but could be fully excavated and preserved by record in order to mitigate the impact of the proposed development.

We concur with the conclusions of the report and clearly there are surviving archaeological features and deposits on the site, which have only been partially

excavated. Therefore 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 the excavation of the remainder of medieval pit (context number 20), followed by 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.

Welsh Water – We would request that if you are minded to grant planning consent for the development that the conditions and advisory notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

4.2 Neighbour Notification

Objections from two local households in respect of original proposals citing the following:

- Would block natural light to both ground and first floor windows of adjoining properties;
- May potentially affect structural stability of neighbouring building;
- Will remove any access for the purposes of maintenance;
- Will adversely affect enjoyment and amenity of property;
- Close boarded fence along boundary would also reduce light levels;

Objections from three local households in respect of the revised proposals citing the following:

- Would have adverse impact on amenity and privacy;
- Would increase eave level which would go from 3.3m to 4.5m which would considerably increase the bulk of the main building;
- Would badly block natural light and would mean neighbour would have to resort to artificial illumination increasing property running costs;
- Changes do not overcome impact on neighbours;
- Close boarded fence along boundary would also reduce light levels;
- Principle of converting gallery is not contested;
- Does not comply with Policy DES1 (b) and (d);
- The claim that parking requirements generated two dwelling are likely to be less than the previous use is spurious;
- The fact the site is close to shops and bus stops does not necessarily lessen the need for a car and car parking;
- The Monmouthshire Parking Standards 2013 are nowhere near satisfied for occupants or visitors to the property, one dwelling would mitigate the problem;
- Proposal must be considered within the context of the adjoining listed (II) properties;
- No evidence application was properly advertised;
- Concern of asbestos within existing roof;
- If permitted as two dwellings would create long narrow gardens and would cause problems by virtue of closeness of families.

4.3 Other Representations

Usk Civic Society – (original observations) objects to the proposal to build a pair of semi-detached houses on the site of the former Old Smithy Gallery. While it would not be opposed in principle to the replacement of the disused and unsightly gallery building with residential development suitable in scale and design to this site within the conservation area, it considers that two dwellings on this site constitutes overdevelopment. It is apparent from study of the plans and other material that two dwellings can only be achieved at the expense of unacceptable loss of light and visual amenity for the neighbouring properties 32 and 36 Maryport Street. We have seen the extremely detailed objection submitted by Mrs Collis of 36 Maryport Street, with which we respectfully agree in all points. The detriment to 32, which is currently undergoing restoration, is equally great, with a gap of less than 2 metres between facing side windows on both ground and first floors. 32 Maryport Street is also listed, so alteration to mitigate the problem is not an option. We agree with Mrs Collis that a single dwelling on this site could be designed to sit within, or close to, the footprint of the gallery building. In consequence 32 and 36 need not suffer the loss of light and amenity inherent in the present proposal. The developer argues that narrow frontages are historically appropriate in Usk. While prime mediaeval Burgage plots (e.g. in Twyn Square) were very narrow, plots further from the centre, such as those in Maryport Street, were and still are wider. In any event, the street elevation of the proposed two dwellings looks to all intents and purposes like a single frontage.

In relation to the revised plans - objects to the revised proposal (on the website as drawing 1034(03)15 Revision C) to build a pair of semi-detached houses at 34 Maryport Street on the site of the former Old Smithy Gallery. It considers, first, that the drawing on its own, without any supporting written explanation, is insufficient to enable MCC, or any other interested party, to adequately assess whether the changes address the substantial harm which would in our view result to the neighbouring properties on either side. Secondly, the Society does not consider that, on the basis of the information provided, the changes do in fact address that harm. In some respects they increase it. The Society has seen the objection submitted by Mrs Collis of 36 Maryport Street (next door to Unit 1) and agrees with it in all points. Taking first the effect on Mrs Collis' property, as she points out, the reduction in the height of the roof ridge is minor; the revised design would still result in a structure of two storey height with the apex of the ridge appreciably closer to her building, with consequent loss of light (there are no light loss calculations in relation to the proposed development) and residential amenity. Quite simply, it would be overbearing because it is too large for the site. As she points out, the increased depth of the main section of the proposed building increases the degree of overlooking of her property and loss of her privacy. Finally, the 1.83 metre close-boarded fence proposed for the boundary between Unit 1 and her property would have an extremely deleterious effect on the light levels in her kitchen, as the fence would be less than two metres from the only window. This loss would be all the greater because the floor levels at 36 are lower than those at 34. The revised plans therefore do nothing to mitigate the adverse effect on her property. While the revised plans replace, for Unit 2, a double height rear extension facing the kitchen and a bedroom window in 32 Maryport Street with a single storey extension, the slate roof rises towards, and joins to, the double height roof ridge of Unit 1. The kitchen window of 32 would face a 2.4 metre solid wall less than 2 metres away. This would be a massive loss of light and amenity to one of the principal windows of the property. As the kitchen of Unit 2 would face into this narrow well and has no windows apart from roof lights, mechanical ventilation would be required. Smells would inevitably percolate into the kitchen of 32 unless the window was kept permanently shut. Furthermore, the increased depth of the main section of Unit 2 means that the west-facing window of the lounge of Unit 2 would be very close, and at right angles to, the

kitchen window of 32, with consequent loss of privacy and amenity. The revised plans are no improvement on their predecessors in terms of showing the relationship between the proposed houses and the neighbouring properties on either side, an indication of how little the applicant has considered the adverse effect on them of the scheme. There is, for example, no indication on the plans of the position of the roof lights shown on the East, West and South elevation drawings, yet these provide the only light and ventilation for the east-facing first floor windows, and are material factors to consider in assessing the impact on neighbouring properties. I refer to the roof light shown on the West elevation of Unit 1 and what appear to be two small roof lights on its South elevation. These could have an impact on the privacy and amenity of 36 A Maryport Street. Usk Civic Society does not consider that the revised plans for 34 Maryport Street adequately address the objections which it and others have already made to the original proposals. The proposed two houses on the site constitute overdevelopment and are only achievable at the cost of considerable and unacceptable damage to the privacy, residential amenity, light levels and health of residents in the existing neighbouring properties.

5.0 EVALUATION

5.1 Principle of the proposed development

- 5.1.1 The site is located within the town development boundary for Usk, within which '*new build residential development / redevelopment or conversion to residential, or subdivision of large dwellings or reuse of accommodation such as upper vacant floors in town centres will be permitted subject to detailed planning considerations and other policies of the LDP that seek to protect existing retail, employment and community uses.*' (LDP Policy H1). The proposal is therefore acceptable in principle subject to detailed matters that include flooding, design, residential amenity, parking and biodiversity considerations.

5.2 Flooding

- 5.2.1 As detailed in section 1.4 of this report the site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The proposal is therefore technically contrary to Policy SD3 *Flood Risk*, which does not distinguish between Zones C1 and C2, as the proposal is not for the conversion of existing upper floors. It is however considered that the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15. The proposal represents a 'windfall' brownfield development within the existing settlement boundary that contributes to meeting the housing targets set out in LDP Policy S2 and thereby assists in achieving the objectives of the LDP strategy
- A Flood Consequences Assessment (FCA) has been submitted and NRW have confirmed that given the defences in the area, they are satisfied that the defended scenario represents the most realistic flood event. Therefore subject to a condition to manage the finished floor levels, NRW do not object to the proposed development. It is therefore considered that the proposal is compliant with national policy in TAN15 which is sufficient to outweigh the non-compliance with LDP Policy SD3.

5.3 Visual Impact

- 5.3.1 The site lies within the Usk Conservation Area (CA) and sits next door to the Grade II listed No 32 Maryport Street. Concerns have been raised from the Council's Heritage Officer in respect of the impact on the setting of both the listed building and CA. The Heritage Officer's comments centred primarily on the rear extension, however views

of the rear of the property are extremely limited from a public vantage point and it is considered that the proposed extension would not fail to preserve or enhance the appearance of the CA. The extension has been reduced in scale and mass, following concerns in relation to the impact on the amenity of No 32. It is considered that following the amendments the development would not cause such harm to the setting of the listed building so as to warrant refusal of the planning application.

5.3.2 The changes to the front of the building, which is prominently located within the street scene of Maryport Street, are also considered to be acceptable. The use of natural roof slate is welcomed as is the use of timber joinery. However, it is considered necessary to condition that samples of the finishes are submitted to and agreed by the planning authority. The existing commercial frontage is not of traditional character that warrants retention; the alterations to the front façade retain the appearance of a single unit and would ensure the building would not appear incongruous within the street scene.

5.4 Residential Amenity

5.4.1 The proposed development has been amended following officer concerns in respect of the impact on the residential amenity of No 32 Maryport Street, as detailed in section 1.2 of this report. Of paramount concern was the impact on the first floor bedroom window positioned in the south facing (side) elevation of no 32. Following the alterations made it is not considered that the proposed extension would be unacceptably overbearing to this habitable window at no 32 nor would it result in an intolerable loss of natural light. At ground floor level the single storey element of the rear extension would finish approximately 1.2m from the kitchen window of no 32. Given the reduced scale and mass of the extension closest to no 32 it is not considered that the proposal would cause an unacceptable loss of light to the kitchen window.

5.4.2 The adjoining property to the South, no 36, features a number of window openings facing towards the application site along its side elevation. The proposed extension would project approximately 1.7m further back than the existing lean to. Whilst it is accepted that the extension would be two storey, the main window to be obscured would serve a stairwell (non-habitable room) and would not extend as far as the ground floor kitchen window. As such the proposed extension would not cause unacceptable harm to the amenity of the occupiers of no 36.

5.4.3 Concerns have also been raised in relation to the 1.83m high timber fence that would enclose the site. However, it is not considered that this would reduce light levels as suggested given its lightweight form and height. It must also be noted that a higher (2m high) means of enclosure could be erected under Permitted Development rights in any case.

5.4.4 Having said this, it is considered to be reasonable to remove normal Permitted Development rights to extend and alter the building to ensure future developments can be managed to ensure that the residential amenity of the adjoining properties is not compromised. A further extension that may not require planning permission could have a harmful impact.

5.5 Highway Issues and Parking

5.5.1 The revised proposal for a two bedroom dwelling and a three bedroom dwelling would, as per Monmouthshire's adopted Supplementary Planning Guidance (SPG) in respect of parking, require a total of five off street parking spaces to be provided. However, the physical constraints of the site mean that it is not possible to provide even one

designated parking space. Although the site is located within the centre of the town, it is accepted that sustainable forms of transport within Usk are limited. The town has no train service and only limited bus service to Newport and Monmouth. It is therefore reasonable to expect that occupiers of both dwellings will be reliant on private motor vehicles. The fall-back position of the existing lawful commercial use has also been considered, but it is not disputed that this would in practical terms provide a less intense pressure on local parking demands. Visitors to a commercial premises would be more inclined to park in one of the public car parks, all within relatively short walking distance of the application site. Conversely it is considered reasonable to expect that a resident would wish to park as close to their property as possible, for reasons including surveillance, carrying shopping and also childcare.

5.5.2 For these reasons officers requested the applicant to amend the proposal from two dwellings to a single unit; this would have seen the parking requirement fall from five spaces to three. The applicant has resisted this request and has subsequently carried out a photographic survey which captures available off street parking capacity within the vicinity at various time throughout the day across a seven day window. The results of this survey show a good number of spaces both at early morning times (when people would leave for work) and at early evening times (when people would typically return from work). Parking numbers are, as could be expected, reduced during the day when commercial pressure from the retail unit across Maryport Street is at its greatest. While the advice from the Council's Highway Engineer and requirements of the adopted SPG are duly noted, it is considered that, on balance, given the survey evidence provided that the proposed conversion to provide two residential units would not put unacceptable additional pressure on the existing parking in the locality, refusal of the application would not be warranted.

5.6 Biodiversity

5.6.1 Owing to the nature of the works to the roof of the existing building the application has been informed by a bat survey which identified that the site lies within 1km of 17 bat roosts, the closest of which within 250m.

The survey included a daytime internal/external inspection of the building as well as a dusk emergence and dawn re-entry survey. Whilst no bat activity was recorded associated with the building, low numbers of soprano pipistrelle, common pipistrelle and noctule were recorded in the vicinity during the dusk survey and soprano pipistrelle during the dawn survey.

However, the Council's Biodiversity Officer has recommended a condition that would secure integrated bat roosting and bird nesting provision within the development. It is therefore considered that the development satisfies Policy NE1 of the LDP.

5.7 Response to Other Issues Raised

5.7.1 Whilst a number of the concerns raised by third parties have been addressed in the previous sections of this report there are a number of other outstanding matters. It has been suggested that the division of the site into two units would result in long narrow gardens and therefore issues between the occupiers of these new dwellings. However, the resulting gardens are not considered to be disproportionate to others in the locality which are of similar widths and lengths.

Also should the existing roof feature asbestos then the safe removal of this would need to adhere to separate legislation outside that of planning control, and is not therefore a material consideration.

Similarly should the proposed development result in any issues of structural stability to any third party properties then this would be a private legal matter.

5.7.2 Finally with regard to potential financial contributions towards local Affordable Housing Provision (Policy S4), the planning application was registered on the 14th January this year and therefore prior to the adoption of the relevant SPG in respect of the Policy in March. Consequently no such contributions are required.

6.0 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: For the avoidance of doubt.
3. Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.
Reason: To ensure a satisfactory form of development takes place.
4. Prior to the commencement of works a scheme detailing the provision of integrated bat roosting and bird nesting provision within the scheme as outlined in the submitted The Old Smithy, Usk, Bat Survey Report by Acer Ecology, September 2015 shall be submitted to the LPA for written approval. The agreed scheme shall be implemented in full.
Reason: To ensure the development is in accordance with LDP policy NE1 and the Natural Environment and Rural Communities Act 2006.
5. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) produced by Engineering Associates dated October 2015 reference 15/2310 FCA rev A, and the following mitigation measures detailed within the FCA:
 - Finished floor levels are set no lower than 17.3 metres above Ordnance Datum (AOD) (Newlyn).Reason: To reduce the risk of flooding to the proposed development and future occupants.
7. 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 applicant 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 identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

Informatives:

1. BATS – Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not.
We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.
If bats are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.
2. NESTING BIRDS – Please note that all birds are protected by the Wildlife and Countryside Act 1981. 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.
3. Party Wall Act.
4. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.
5. Welsh Water informative.
6. The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.