

**DC/2017/00093**

**CONVERSION WITH ALTERATIONS AND EXTENSIONS TO FORMER GALLERY TO PROVIDE 1 NO. DWELLING**

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

**RECOMMENDATION: APPROVE**

Case Officer: Andrew Jones

Date Registered: 01.02.2017

**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 was refused by Planning Committee in January of this year for the conversion of the building to provide two dwellings for the following reason:

*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 Planning permission is now sought for the conversion of the building to provide a single dwelling (4 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.

1.4 The building is not listed but does sit within the Usk Conservation Area (Policy HE1) and also an Archaeologically Sensitive Area (ASA).

1.5 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).

1.6 The application is presented to Planning Committee at the request of the Local Ward Member Brian Strong.

**2.0 RELEVANT PLANNING HISTORY**

DC/2015/01588 Conversion with alterations and extensions to former gallery to provide 2 no. dwellings. Refused 18/01/2017

**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 – Recommend the application is refused, noting that the site will be overdevelopment and lies between a Grade II listed building and an old church.

MCC Senior Strategy & Policy Officer - Housing and Communities have pleasure in responding to your email of 23rd February 2017. It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. The calculation of the financial contribution that will be required is £27,685.

MCC Highways - The current application proposes reducing the development from 2 houses to 1 house, the reduction in the number of dwellings has a significant impact on the adjoining streets whereby the level of on street parking to support the revised proposal is reduced by 50%.

It is therefore felt, considering the extant use of the building and the supporting information provided previously indicating the extent of existing on street parking in the immediate vicinity of the proposal that Highways would be unable to substantiate an objection to the revised proposal on highway safety grounds and the proposal would not significantly reduce or displace current available on street parking.

MCC Ecology - A bat survey was undertaken to inform the previous application (DC/15/01588) and is still relevant. It is noted that the survey is now one season old, it is recommended that should the development not proceed within 2 years of the survey date that the applicant undertake an update assessment to ensure that protected species are adequately considered.

A desk study including local data search informed the report, the site lies within 1km of 17 bat roosts, the closest of which within 250m.

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 Environment (Wales) Act 2016. A planning condition is recommended to support this.

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.

Natural Resources Wales – (Original Comments) - We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement. We would object if the scheme does not meet this requirement.

The application proposes highly vulnerable development within Zone C1, as defined by the Development Advice Map (DAM) referred to in 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 in December 1974.

A revised FCA is therefore required, which uses the latest climate change allowances.

Currently our data from the River Usk model only provides a 20% allowance for climate change. The FCA should use the latest climate change allowances of 25%. We are in the process of updating all our models to include the new allowance but if the applicant is unable to wait for the update to the Usk model, it will be necessary for them to obtain our model and undertake further modelling to include the 25% allowance.

If no revised FCA is submitted or any revised FCA that is submitted fails to demonstrate the risks and consequences of flooding can be managed in accordance with TAN15, we are likely to object to the application.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend that you consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations. Please note, we do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

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.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website at this link (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en> ). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

(Revised Comments) The Welsh Government letter, dated 23 August 2016, reference CL-03-16, advises that revised climate change allowances should be incorporated into flood consequences assessments (FCA) accompanying planning applications from 1 December 2016. This application appears to have been submitted after that date. However, notwithstanding the above, since our letter of 16 February 2017 we have been made aware of modelling work for the River Usk being undertaken to inform an FCA for another planning application. This work has produced new flow estimates for the River Usk. The flows used in your FCA dated October 2015 represent a conservative approach to the hydrology. Given this, the use of these new flows (1% event plus 25%) in your assessment is likely to result in lower predicted flood levels than stated in the FCA.

Therefore, on this basis, and as a conservative FCA has been provided, a rerun of the River Usk model is no longer required to inform the FCA for this application. As such, we have reviewed the FCA produced by Engineering Associates, dated October 2015, reference 15/2310 FCA rev A, submitted in support of this application. The FCA demonstrates:

- The existing threshold level of the existing building is 16.92m AOD and this will be raised to 17.3m AOD post development.
- Based upon the proposed finished floor levels of 17.3m AOD, the development is predicted to be flood free during the 1 in 100 year plus climate change event, and therefore in line with the advice at A1.14 of TAN 15.
- During the 1 in 1000 year flood event, the development site is predicted to experience a flood depth of 600mm, which is within the indicative tolerable conditions set out at A1.15 of TAN 15.

The FCA has not considered the other criteria in A1.15:- rate of rise, velocities and speed of inundation.

Based on the above, we recommend any planning permission granted should include the suggested condition.

The FCA also assesses the flood risk to the access / egress routes, which states that the proposed route, North along Maryport Street, is predicted to remain flood free during the 1 in 100 year plus climate change event but is predicted to flood to a maximum depth of 0.66m in the 1 in 1000 year flood event. TAN15 advises that access routes should be shown to be operational under all conditions. It is for the local planning authority to determine whether the risk to be acceptable after consultation with appropriate professional advisors.

We do not comment on whether safe access and egress can be achieved to and from a site as this is a matter for emergency services to determine.

In order to further mitigate the flood risks and consequences during the 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.

Glamorgan Gwent Archaeological Trust - 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.

Wales & West Utilities – Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirement in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

#### 4.2 Neighbour Notification

Objections from four parties citing the following:

- Loss of light and overshadowing is a material planning consideration;
- This development is too large and far too close to my property and prevents my Right to Light which is protected in England and Wales under common law by the Prescription Act 1832;
- Unacceptable impact on Conservation Area and setting of listed building;
- Development will affect structural stability of neighbouring property and remove any access for the purpose of maintenance;
- The whole setting of 32 Maryport Street needs to be taken into account, not just the frontage;
- This converted Chapel is designated as "a building making a particular or special positive contribution" to the Character Area 6F of Usk Conservation Area (MCC 2013);
- There is simply no need for a single dwelling on this to be this large;

- Ground floor windows less than 2m away would result in loss of privacy;
- Plans are confusing in relation to the height of the boundary fence which should be no more than 1200mm;
- Height of fence should be controlled through condition and normal permitted development rights in respect of future development be removed;

#### 4.3 Other Representations

Usk Civic Society – objects to the proposal to build a single dwelling on the site of the former smithy and gallery at 34 Maryport Street. The application is intended to address the refusal of a previous application (DC/2015/01588) to build a pair of semi-detached houses on the site, which was discussed at Planning Committee in December 2016 and then, following remit to officers for reconsideration, in January 2017. However the footprint of the single house in the new application is identical to that of the two semi-detached houses previously proposed, and in the Society's view the proposal consequently fails to remedy most of the problems exposed in comments by the Society and others (including specialist MCC officials) in relation to the earlier proposals.

The Society wishes to emphasise that while there are obvious linkages between the present application and its predecessor, and consequently this objection refers to material available in relation to the earlier one, this is a fresh application and must be considered afresh on its own merits, with all aspects considered. The applicant appears to believe that a single dwelling on the site will be acceptable whatever its size because it will reduce the requirement for on-street parking spaces to a maximum of three. The placing of a building of that size and mass on the site constitutes overdevelopment and is inappropriate for several reasons other than the parking issues, important as those are. The Society has throughout emphasised that it has no objection in principle to the replacement of the redundant and deteriorating gallery building by residential development. The building must, however, be appropriate in all respects to its setting. These proposals are overbearing and damaging. Detailed reasons follow below.

32 Maryport Street (Grade II listed) abuts the development site to the north. There is a statutory presumption against development where it would impact adversely on a listed building or its setting. The Heritage Officer commented in relation to the original plans for 34, which had a double height rear extension for both houses. "in principle an extension would be acceptable provided it was in keeping with the scale of the host building and respected the setting of the listed building [No 32]. On the basis that the proposed extension is too large and affects the setting and character of the listed building this application... should be refused." The current plans have a single height extension. However that leaves the kitchen of 32 looking out onto a blank wall 1.2 metres away. Officers' original report on the application for two semis concluded that: "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". The Society finds it impossible to accept this as a reasonable conclusion, particularly in the case of a listed building. Furthermore the officers' original report (para 5.3.1) appears to take the view that because the extension affects only the rear aspect of the neighbouring property, it would "not fail to preserve or enhance the appearance of the conservation area". This statement is tendentious enough – why should rear aspects in conservation areas be given so little weight? But it completely fails to give proper consideration to the effect on the listed building 32, to which the statutory presumption against development (see above) applies and where surely the effect of development on all aspects of the building and on its setting should be considered. See also comments on amenity below.

The impact on 32 (currently itself undergoing welcome restoration) deserves consideration quite apart from its listed status. The only kitchen window would face a blank wall 1.2 metres away and receive only indirect diffused light (no light loss calculations have been produced). This hardly seems compatible with Policy DES1(c) and (i) of the LDP, which state that all development proposals will be required to respect the existing form, scale, siting, massing, materials and layout of the setting and of any neighbouring quality buildings. For 32, the change would surely fail this test on any reasonable view. Irrespective of its listed status, it is hardly to be supposed that the builders of 32 would have chosen to place the only window of a habitable room so close to a blank wall. Practically speaking, a gap of only 1.2 metres would make access for maintenance to both side elevations, but particularly the double height 32, extremely difficult. That is not the sort of good design one would expect to see, particularly in a conservation area.

The gap between the proposed house adjoining 36 and 36a would also be narrow, and here the revised plans still feature a double height extension only slightly reduced in height from the original design. The officer's report on the original application notes that the extension would be 1.7 metres further back than the rear of the existing former gallery at 34, but concludes that the loss of amenity to 36 would not be unacceptable because (para 5.4.2) "the main window to be obscured would serve a stairwell (non-habitable room)". A poorly lit ground floor access lobby is bad enough, but the recommendation fails to consider the effect on the upstairs flat 36a. As the owner Mrs Baker has pointed out, the loss of good natural light on the stairs to her flat will cause her additional expense, considerable inconvenience and possible danger, especially since she has a visual impairment. Loss of light to her bathroom and to the side window of her sitting room (a habitable room) will also occur, and has not been considered, nor have any light loss calculations been done.

Apart from the effect on 36 and 36a of the large mass of the double height rear extension, the principal effect on the residential amenity of the property will come from the proposed fence to be erected along the boundary with 34, very close to the side wall of 36. The original plan for two semis proposed a 1.83 metre "close-boarded" fence. The owner Mrs Collis has pointed out that this would cut out much of the natural light to the only window of her kitchen/breakfast room (surely a habitable room?), where she spends much of her time, and to her utility room, and that the fence will block her light even more than its stated height would suggest, because the ground level of her property is lower than that of 34. The officer's report on the original application (para 5.4.3) fails to take any account of this and states that "it is not considered that this would reduce light levels as suggested given its lightweight form and height". It is not clear why a close-boarded fence should reduce light levels any less than the blank wall facing the kitchen of 32 (see above), and indeed the dire effect on the light levels in the kitchen of 36 was physically demonstrated to members of MCC Planning Committee during a site visit in December 2016.

At a late stage during the consideration of the original application it was suggested that the applicant might be prepared to reduce the height of the fence to 1.2 metres. It is not clear whether this concession is still in play, because the only plan on the website which shows it also shows the ground floor plan from the original application for two semis. Certainly anything higher would have a very severe effect on the residential amenity of 36. It has been suggested that under Permitted Development rights it would be possible for any future resident of 34 to erect a fence of up to 2 metres. The officer's report on the application for two semis recommends that these rights should be removed in respect of any further extension of the development. The same should apply in the case of this boundary fence from the start. Conservation area status is

also relevant here. Furthermore the suggested condition to approval that the finished floor levels of the development be raised to 17.3 metres to improve flood resilience would be likely further to increase the apparent height of any fence if the raised levels of the houses result in raised levels in the gardens. This might even result in increased flood risk to 36 because of displacement and run-off.

Finally on the effect of the proposed development on the residential amenity of the existing properties either side of 34, the Society recalls the decision of the Inspector in a recent case (APP/E6840/A/16/3144803 Castle Oak Usk NP15 1SG), where it was proposed to squeeze a bungalow into a narrow gap between two existing dwellings. Dismissing the appeal, and referring to relevant parts Policy DES1 (d) and EP1 of MCC's LDP, she noted that the "close proximity of... a substantial amount of built form close to[neighbouring property] would represent such a significant change that it would result in an over-dominant impact on outlook... consequently, I find material harm to the living conditions of the occupiers...therefore conflicts with Policies DES1(d) and EP1 of the LDP, which aim to safeguard residential amenity". The facts in that case are, of course, different. However we consider that the Inspector's view of the residential amenity of existing properties is preferable to one which considers acceptable a blank wall little over a metre from significant windows in neighbouring existing properties. A single dwelling with a smaller and more sensitively designed rear extension would present many fewer difficulties.

The Design and Access Statement for the present application states that the aim is "to make more efficient and effective use of this building". The intention is presumably to reflect Policy DES1 (i) of the LDP. The footprint of the single dwelling is the same as that of the two semis in the original application. A completely open plan layout has been adopted, giving unseparated areas labelled "lounge", "sitting room", "family area", "dining" and "breakfast". The Society questions whether this is in fact efficient and effective use of space in a 3 bedroom house. The open plan design means that separate activities cannot be carried on by different family members without mutual interference. It therefore considers that this layout is overlarge and in fact inefficient. The essential functions of a house this size could be contained within a smaller and more efficient envelope (probably also more energy-efficient), and therefore a smaller and less intrusive rear extension would be needed.

The Society also notes a recent communication from Wales and West Utilities concerning their gas infrastructure in the vicinity of the site. Such services rightly require extreme care when building on a brownfield site. An area marked in blue as a "contact zone" is shown in and just outside the kitchen of 32. It is not clear to a non-specialist what this means, but if it refers to sensitive infrastructure that would surely be another reason to be very cautious about allowing building so close to that area of 32.

The Society notes that as a single dwelling the site would require a maximum of three parking spaces since the county standard requires one space per bedroom up to a maximum of three, and that those spaces must necessarily be on-street as they cannot be provided within the site. It agrees with the view expressed by MCC Highways in relation to the original proposal for two dwellings that relaxation of the county standard would not be appropriate for this site because Usk is not a "sustainable location". To this extent the application represents an improvement on its predecessors. The Society remains of the view that, while the limited amount of parking available on Maryport Street are one reason why the density of any redevelopment of this site must be carefully controlled, it is by no means the only reason why proposals for a building of the size and mass of the current and previous applications are overbearing and constitute overdevelopment.



## 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) was submitted with the application however concerns were originally raised by Natural Resources Wales (NRW) on the basis that it does not meet the requirements set out in the Welsh Government clarification letter of 23 August 2016 (ref. CL-03-16) and its guidance on current climate change allowances. Currently data held by NRW from the River Usk model only provides a 20% allowance for climate change, as such NRW stated that the FCA should use the latest climate change allowances of 25%.

- 5.2.2 Further to this negotiation between the applicant and NRW have concluded that given new flow estimates for the River Usk (from another planning application) and the conservative stance taken by the submitted FCA that no further information would be required to inform the application.

- 5.2.3 It is therefore considered that, subject to condition, 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 There have been no material alterations to the external works proposed to the building from that previously refused under DC/2015/01588. Therefore as concluded previously it is not considered that the development would fail to preserve or enhance the character and appearance of the Usk Conservation Area, neither would it on balance cause unacceptable harm to the setting of the listed building.

### 5.4 Residential Amenity

- 5.4.1 As noted previously there have been no alterations to the external fabric of the building, similarly the new means of enclosure between the site and Nos 36/36A to the rear of

the site would still be limited to 1.2m in height. For this reason the development is not considered, as under application DC/2015/01588, to cause such demonstrable harm to residential amenity so as to warrant refusal.

- 5.4.2 As previously 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 previous application for two dwellings was refused by Planning Committee for highway reasons (see paragraph 1.2 of this report). The amendment to the scheme to now provide a single dwelling means that adopted Supplementary Planning Guidance (SPG) in respect of domestic parking would require three off street parking spaces to be provided (previously five on the basis of two dwellings). This amendment has seen the Council's Highway Engineer remove a previous objection. It is noted that considering the extant use (gallery) of the building and the supporting information provided previously indicating the extent of existing on street parking in the immediate vicinity of the proposal that Highways would be unable to substantiate an objection to the revised proposal on highway safety grounds and the proposal would not significantly reduce or displace current available on street parking.

- 5.5.2 Therefore on the basis of the above it is considered that the revised proposal has overcome the single reason for refusal by Planning Committee of the previous application for two dwellings.

## 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 Town Council and Other Issues Raised

- 5.7.1 The response to the Town Council's objection is addressed in pars. 5.3 – 5.5 above. The concerns raised by third parties have been addressed in the previous sections of this report. The issue that the proposed development would result in potential structural stability problems to third party properties would be a private legal matter.

## 6.0 **RECOMMENDATION: APPROVE subject to Section 106 Agreement, with Heads of Terms below:**

**Financial contribution towards affordable housing in the local planning authority area for the sum of £27,685.**

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.
8. The fencing approved between the application site and No's 36/36A shall not exceed 1.2m in height and shall be retained at such height in perpetuity.  
Reason: To protect local residential amenity.
9. 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) 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 the character and appearance of the Conservation Area as well as to protect local residential amenity.

10. Notwithstanding the provisions of Article 3, schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.  
Reason: To protect local residential amenity.

#### 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](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://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](http://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.
7. Wales & West Utilities.

