

# Report

## Planning Committee

Part 1

7 July 2010

Item No. 3

**Subject**     **Planning Application Schedule**

**Purpose**        To take decisions on items presented on the attached schedule.

**Author**        Head of Planning, Regeneration and Strategic Housing

**Ward**            As indicated on the schedule

**Summary**      The Planning Committee has delegated powers to take decisions in relation to planning applications. The Committee publishes a schedule of decisions taken.

**Proposal**      1.     **To resolve decisions as shown on the attached schedule.**  
                      2.     **To authorise the Head of Planning, Regeneration and Strategic Housing to draft any amendments to, additional conditions or reasons for refusal in respect of the Planning Applications Schedule attached.**

**Action by**      Planning Committee

**Timetable**     Immediate

The Officer recommendations detailed in this report are made following consultation with local residents, Members and statutory consultees as set out in the Council's approved policy on planning consultation and in accordance with legal requirements.

## **Background**

The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer Recommendation to the Planning Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

The applicant has a statutory right of appeal against the refusal of permission in most cases. There is no third party right of appeal against a decision.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where the Planning Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

### **Financial Summary:**

The cost of determining planning applications and defending decisions at any subsequent appeal is met by existing budgets and partially offset by statutory planning application fees. Costs can be awarded against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

### **Risks:**

Two risks are identified in relating to the determination of planning applications by Planning Committee: decisions being overturned at appeal, and appeals being lodged for failing to determine applications within the statutory time period.

An appeal can be lodged by the applicant if permission is refused or if conditions are imposed. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with the type of major development being presented to the Planning Committee, which often requires a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry can be high. These are infrequent, so the impact is considered to be medium.

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	<p>Ensure reasons for refusal can be defended at appeal;</p> <p>Ensure planning conditions imposed meet the tests set out in Circular 35/95;</p> <p>Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.</p> <p>Ensure appeal timetables are adhered to.</p>	<p>Planning Committee</p> <p>Planning Committee</p> <p>DC Manager and Senior Legal Officer</p> <p>Principal Planning Officer (Appeals and Enforcement)</p>
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	DC Manager

\* Taking account of proposed mitigation measures

### Links to Council Policies and Priorities

The Council's Corporate Plan 2009-2012 identifies three corporate aims, including making our City a better place to live for all our citizens, and working hard to provide what our citizens tell us they need. Key priority outcomes include continuing the City regeneration programme; tackling the effects of the economic downturn; working with partners to help all its communities thrive and develop; maintaining the City and its assets in good order; and allowing local people the opportunity to influence decision making.

Through development control decisions, good quality development is encouraged and the wrong development in the wrong places is resisted. Planning decisions can therefore contribute directly and indirectly to these priority outcomes.

The Corporate Plan links to other strategies and plans, the main ones being:

- Community Strategy;
- Children and Young People's Plan;
- Health, Social Care and Wellbeing Plan;
- Unitary Development Plan 1996-2011 (Adopted May 2006);
- Community Safety Plan.

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the Newport Unitary Development Plan (Adopted May

2006) unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

### **Options available**

- 1) To determine the application in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate);
- 2) To grant or refuse planning permission against Officer recommendation (in which case the Planning Committee's reasons for its decision must be clearly minuted);
- 3) To decide to carry out a site visit, either by the Site Inspection Sub-Committee or by full Planning Committee (in which case the reason for the site visit must be minuted).

### **Comments of Chief Financial Officer**

There are no new financial implications arising from the determination of planning applications. There is a risk of decisions being challenged at appeal. The costs of defending decisions and any award costs must be met by existing budgets.

### **Comments of Monitoring Officer**

Planning Committee are required to have regard to the Officer advice and recommendations set out in the Application Schedule, the relevant planning policy context and all other material planning considerations. If Members are minded not to accept the Officer recommendation, then they must have sustainable planning reasons for their decisions.

### **Local issues**

Ward Members were notified of planning applications in accordance with the Council's adopted policy on planning consultation. Any comments made regarding a specific planning application are recorded in the report in the attached schedule.

### **Consultation**

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

### **Background Papers**

#### **NATIONAL POLICY**

Planning Policy Wales (PPW) (June 2010)  
Minerals Planning Policy Wales (December 2000)

#### *PPW Technical Advice Notes (TAN):*

- TAN 1: Joint Housing Land Availability Studies (2006)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Agriculture and Rural Development (2000)
- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2009)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)

TAN 16: Sport, Recreation and Open Space (2009)  
TAN 18: Transport (2007)  
TAN 19: Telecommunications (2002)  
TAN 20: The Welsh Language: Unitary Development Plans and Planning Control (2000)  
TAN 21: Waste (2001)  
TAN 22: Planning for Sustainable Buildings (2010)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30/03/2004)  
Minerals Technical Advice Note (MTAN) Wales 2: Coal (20/01/2009)

## **LOCAL POLICY**

Newport Unitary Development Plan (UDP) 1996 – 2011 (Adopted May 2006)

### *Supplementary Planning Guidance (SPG):*

Accessibility Design Guide  
Alway Regeneration Area Development Brief (November 2005)  
Crindau Development Brief Planning and Design Guidelines (September 2008)  
Eastern Expansion Area Development Framework (May 2007)  
Flat Conversions and Houses in Multiple Occupation (June 2006)  
Flood Risk and Sustainable Drainage Systems (December 2005)  
George Street Development Brief (November 2003)  
House Extensions (January 2005)  
Infill and Backland Development (September 2009)  
Lower Dock Street Conservation Area Appraisal  
Masterplanning Principles (2004)  
Newport Public Realm Strategy (July 2006)  
Newport 2020 Unlimited Vision  
Old Town Dock Development Brief (December 2005)  
Outdoor Play Space Provision (February 2007)  
Parking Guidelines Revised Edition (1993) Including Revised Central Area Requirement  
Pillgwenlly Regeneration Framework (May 2009)  
Planning Obligations (December 2007)  
Redwick Conservation Area Appraisal SPG (September 2002)  
Repairs and Alterations to Listed Buildings: Supplementary Planning Guidance  
Residential Design Guide (May 2007)  
River Usk Strategy (July 2009)  
Rodney Parade Development Brief (July 2006)  
Security Measures for Shopfronts and Commercial Premises (March 2006)  
Station Yard Urban Design Framework (September 2008)  
Town Centre Shopfront Policy

## **OTHER**

Other documents and plans relevant to specific planning applications are detailed at the end of each application report in the attached schedule.

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# Planning Application Schedule

## **APPLICATION DETAILS**

No: 10/0189 Ward: **CAERLEON**

Type: FULL

Expiry Date: 30/04/2010

Applicant: **MR & MRS WOOKEY**

Site: **LAND AT REAR OF AND FORMING PART OF 6 HIGH STREET CAERLEON NEWPORT SOUTH WALES**

Proposal: **ERECTION OF TWO STOREY DETACHED DWELLING AND NEW VEHICULAR ACCESS**

## **INTRODUCTION**

This application seeks full planning permission for the erection of a detached dwelling, together with the provision of a new vehicular access on an area of land to the north of High Street that currently forms part of the curtilage of No 6 High Street, which is a grade II Listed Building. The site is located within the urban envelope and is not allocated for any specific purpose in the Newport Unitary Development Plan 1996-2011 (Adopted May 2006). However, the site does lie within the Caerleon Conservation Area, within an Archaeologically Sensitive Area, and adjacent to four Scheduled Ancient Monuments. It should be noted that an application has recently been approved under delegated powers for Conservation Area consent to partially demolish the front wall and one of the pillars fronting onto High Street.

## **RELEVANT SITE HISTORY**

00/0277	Listed Building Consent application for minor internal and external alterations to rear addition.	Granted with Conditions
01/1218	Listed Building Consent application for internal and external works.	Granted with Conditions
10/0190	Partial demolition of wall in Conservation Area.	Granted with Conditions

## **POLICY CONTEXT**

### ***Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006)***

The proposal has been assessed with regard to the Newport Unitary Development Plan 1996-2011 Adopted Plan May 2006. The following policies are considered relevant:

Policy SP1 (Sustainability) states that proposals will be favoured which make a positive contribution to sustainable development. Criteria for assessment include: energy conservation; minimising the need to travel by car; supporting access to public transport and facilities for walking and cycling; re-use of previously developed land; conservation and enhancement of the natural environment; improving the environment, facilities and services for the wider community; conservation and efficient use of resources such as water and minerals; minimisation and re-use of waste.

Policy SP2 (Quality of Development) seeks to ensure high quality in all development proposals.

Policy CE15 (Listed buildings) states that buildings of special architectural or historic interest, their settings and features of architectural or historic interest will be protected and preserved.

Policy CE20 (Conservation Areas) states that development proposals for sites within and adjacent to the Borough's Conservation Areas will be permitted only where the architectural or historic character or appearance of the Areas and their landscape settings will be preserved or enhanced.

Policy CE21 (Development within Conservation Areas) states that applications in Conservation Areas must contain adequate detail to enable the impact of the proposal on the character and appearance to be assessed. Applications will be assessed against the five criterion.

Policy CE26 (Archaeologically Sensitive Areas) states that within archaeologically sensitive areas details of all proposed ground works and services, along with a written assessment of the likely archaeological impact of the development will be required.

Policy CE28 (Development on Archaeological sites) states that measures may need to be taken to mitigate the effect on archaeological remains.

Policy CE35 (Sub-division of Curtilages and Backland Development) aims to ensure there is not over-development and that town cramming is limited.

Policy CE38 (Quality of Design) states that good quality design will be sought in all forms of development. All development should be sensitive to the unique qualities of the site and respond to the spirit and character of the area.

Policy CE39 (Residential Design and Layout) requires proposals for new development to respect or complement existing surroundings or neighbouring buildings.

Policy CE44 (Access Arrangements) adequate arrangements for securing an accessible environment for everyone will be required in the development proposals, especially where the public would reasonably require having access.

Policy H2 (Housing Sites within Settlement Boundaries) states that within settlement boundaries proposals for residential use will be permitted subject to certain criteria, including:

- (i) No unacceptable loss of open space important for amenity or conservation value;
- (ii) No adverse effects on existing residents;
- (iii) Acceptable residential amenity for future residents;
- (iv) Adequate open space can be provided;
- (v) No unacceptable highway implications;
- (vi) Adequate services exist or can be readily provided;
- (vii) Design and environment policies of the plan will not be compromised.

Policy T7 (New Development) relates specifically to transport and new development and states that developments that have an unacceptable adverse effect on the transportation system will not be permitted. Where objections can be overcome by improvements to the transport system, a contribution will be sought from the developer under statutory provisions.

***Supplementary Planning Guidance – Infill and Backland Development (Adopted September 2009)***

The purpose of this guidance note is to provide informative information on the Council's approach to infill and backland development in both urban and rural locations. The impact of this type of development can vary greatly depending upon the particular location.

## **CONSULTATIONS**

HEAD OF ENGINEERING AND CONSTRUCTION: No objection subject to the driveway being hardsurfaced for a minimum distance of 5m into the site; the footpath access to be maintained to 'Locharbar' at a suitable width; and, the front boundary walls not exceeding a height of 900mm.

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (ENVIRONMENTAL HEALTH): No comment.

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (COUNTRYSIDE): No objection subject to replacement trees being planted as specified.

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (LANDSCAPING): No objection.

WESTERN POWER DISTRIBUTION: Advise of apparatus in the area and safe working procedures.

DWR CYMRU – WELSH WATER: No objection on the basis that foul and surface water discharges are drained separately from the site and no surface water or land drainage run off discharges, directly or indirectly, into the public sewerage system.

WALES AND WEST UTILITIES: No objection.

GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No objection subject to the attachment of conditions requesting that a watching brief is carried out and that the raft foundation details are submitted for approval.

CAERLEON CIVIC SOCIETY: The superimposed picture does not accord with the actual plans. The proposal would blend better with the surroundings if it were to be constructed from the same materials as the wall of the adjacent barn building instead of the mix of materials proposed. Raise concerns regarding the access and need for vehicles to stop in order to open the gate, together with the potential for pedestrian/vehicular conflict along the driveway leading to the 'The Nook'.

CADW: The development lies in close proximity to a series of scheduled ancient monuments; however, given that the rear of No 6 High Street is located in a private and secluded urban area and there are no visible Roman remains on the surface of the ground, the proposed development would not affect the setting of these monuments. However, the proposal is also located in close proximity to the legionary fortress, which is very sensitive. The archaeological excavations that have already taken place show evidence of structural remains within 20m of the proposed development site. Therefore, the site retains strong archaeological potential. It is advised to seek advice in this respect from Glamorgan Gwent Archaeological Trust.

## **REPRESENTATIONS**

NEIGHBOURS: 4 letters/emails (including two letters from one neighbour and an email on behalf of that neighbour) have been received objecting to the proposal on the following grounds:

- the owners of Locharbar were given assurances in 1999 when they purchased the property that there would be no vehicular access across the land;
- the proposed vehicular access would be detrimental to highway safety given the poor visibility and the amount of foot traffic (particularly school children) that passes the gate. Allowing a vehicular access onto High Street would present a highway safety hazard that would go against the interests of the public in general and in relation to tourism;
- the presence of the garage associated to No 6 High Street would restrict visibility onto High Street;
- the footpath adjacent to the site is particularly narrow;

- grant money that has been given to the owner of No 6 High Street in past years to upgrade the listed building. Allowing another property would generate profit for the applicant which would be made off the back of tax payers money, and;
- the view of the church obtained from High Street would be completely obscured by the proposed development.

Concerns relating to ownership, repair and maintenance do not form planning considerations and cannot be assessed as part of this application.

COUNCILLOR JONES: Objects to the proposal and has requested that the application be considered by Planning Committee in order to assess the impact of the proposal on the neighbouring dwellings, and the safety of the proposed vehicular access point opening out onto High Street, which is a busy pedestrian route.

COUNCILLOR GILES: Has raised concerns with the proposal in relation to the alteration of the shared pathway leading to 'Lochabar' and 'The Nook' into a driveway, the insufficient width of the access into the proposed site from High Street, the limited pedestrian visibility available at the access point, the design of the proposed dwelling not being in keeping with the nearby listed building, and that the garden area for No 6 High Street should be maintained at it's current size.

COUNCILLOR FERRIS: Has expressed his reservations regarding the proposed shared vehicular access and its impacts in relation to Mrs Cloud (resident at Lochabar), the visibility for vehicles leaving the site and the proximity of the Kitchen World loading area, the increase in vehicle noise and fumes adjacent to the Cloud residence, and that the proposal is contrary to the Backland and Infill Supplementary Planning Guidance.

## **ASSESSMENT**

### ***The Site***

The site occupies an area of land that lies between No 6 High Street to the south, a pair of semi-detached dwellings to the north (known as 'The Nook' and 'Lochabar'), a commercial kitchen retail premises to the east, and the Caerleon Legionary Museum building and formal gardens to the west. The surrounding area is occupied by a mix of uses; however, the site is sandwiched between two residential properties and there are numerous residential properties sited within the locality.

### ***Proposal***

It is proposed to erect a detached dwelling centrally within the site, being set back from High Street in order to create three separate courtyard areas. The dwelling would be positioned on the boundary between No 6 High Street and The Nook to the rear of the site. The house is proposed to be 'L' shaped, with a single storey extension projecting out towards the existing stone barn (the commercial kitchen premises).

The bulk of the proposed dwelling would be one and a half storeys in height incorporating three dormer windows in the rear roof plane (one for each bedroom) overlooking the proposed garden area. In addition, would be the provision of two velux rooflights in the front roof plane lighting the landing and bathroom. It is proposed to construct a lean-to extension to the side of the property, extending towards No 6 High Street, and a low pitched single storey kitchen annexe extending at 90 degrees from the front facing façade. The lean-to extension would provide space for a garden room leading out onto a sun court. The remainder of the ground floor would incorporate a living room, separate dining room, central hallway, second reception room, WC/shower, utility area and kitchen/breakfast room. The second reception room would have patio doors opening out onto a garden court, enclosed by a 2m high hedgerow. It is also proposed to provide an entrance court adjacent to the parking area, enclosed by 1.2m high hedgerow.

The site benefits from pedestrian access onto High Street via a small gate. This leads onto a lengthy pathway that allows access to The Nook and Lochabar, which is their sole means of access. Neither property currently benefits from vehicular parking or access on the site. The applicant proposes to widen the existing pedestrian access in order to allow vehicles to access the site. This would serve a two space off-street parking area for the proposed dwelling and would allow for the provision of one parking space for The Nook. This would be achieved by widening the existing pathway to 2.8m.

### ***The Principle of Development***

The site is located within the designated settlement boundary as defined by the proposal map accompanying the Newport Unitary Development Plan 1996-2011 (Adopted May 2006), wherein the principle of development is usually considered to be acceptable subject to compliance with the policies contained within the Development Plan. In this instance, it is considered this proposal gives rise to five main issues:

- whether the principle of residential development is acceptable;
- whether the proposal would adversely affect the amenities of nearby residents;
- the impact of the proposal on the nearby Listed Building, Scheduled Ancient Monuments and Caerleon Conservation Area;
- the impact of the proposal upon archaeological resource; and
- highway safety issues.

In view of the above issues the principal planning policy considerations are Policies H2, CE15, CE20, CE21 and CE35 of the Plan. Policy H2 permits residential development subject to no unacceptable loss of space important for its amenity value; no significant adverse effect on the amenities of the existing residents; the development would provide adequate amenity for future residents; no unacceptable highway implications; adequate services are readily available or reasonably accessible; and the design and environmental policies of the UDP will not be compromised.

In addition, Policy CE38 refers to quality of design, and states that a good quality of design will be sought in all forms of development and Policy CE39 states that proposals should respect or compliment neighbouring buildings in terms of scale, design, materials, siting, layout and density.

The development site occupies an area of land to the rear of No 6 High Street. Given the use of existing curtilages and the set back from the highway this development proposal is considered to represent backland development. The location of the site within the urban envelope, its position amongst existing built development and its close proximity to a range of essential services and facilities afford merit to the principle of residential development in this location. Nevertheless, the site is hemmed in by a number of surrounding buildings and is tightly constrained by other material planning constraints.

***Design and Impact upon the Character of of the Conservation Area, Scheduled Ancient Monuments, and Nearby Listed Building***

As afore-mentioned, the proposed dwelling would be sited adjacent to No 6 High Street occupying part of its garden. No 6 is an 18<sup>th</sup> Century Grade II Listed Building, which was listed for its significant historic character having strong group value with the surrounding historic buildings in the centre of Caerleon. The site is also located within the Caerleon Conservation Area and lies in close proximity to a series of Scheduled Ancient Monuments.

The first issue relates to the impact of the proposal upon the Listed Building known as No 6 High Street. Policy CE15 of the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006) is relevant and states that buildings of special architectural or historic interest will be protected. In addition, Section 66 of the Listed Buildings Act places a statutory duty on the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which the building possesses.

No 6 High Street has a substantial rear garden, although studies of old maps suggest that this was previously divided, with an access through, along roughly the same line as the proposed boundary. In fact, the remains of a stone wall survive along the line of this subdivision. The exact use of the land is unclear, but it is possible that there was a yard associated with the house (which, according to the list description, served as the “New Inn” for an unknown period) and a garden or orchard beyond. However, beyond the old dividing wall there seems to be no historic planting or boundaries, and the outward view is much altered with the presence of a number of modern developments. Taking this into account, it is not considered that the division of the plot would have an adverse effect on the character of the Listed Building, and therefore accords with Policy CE15 of the Newport Unitary Development Plan 1996-2011 (Adopted May 2006) and Section 66 of the Listed Buildings Act. The Conservation Officer has commented on the proposal and does not object to the division; however, has suggested that a timber fence would not be appropriate, and instead a rubble stone wall should be recreated, with the position of the opening retained so that the association between the two parcels of land is still apparent. The applicant has responded to this comment by revising the plans to incorporate a stone wall detail, inclusive of a dummy gate. This is considered to be acceptable.

In terms of the proposed position of the new dwelling, this is considered to relate well to the Listed Building, continuing the line of some early outbuildings in a broadly traditional and simplistic character. It is considered that the proposal would not cause harm to the setting of the Listed Building, and would even enhance the existing arrangement of buildings divorcing it from the very suburban character of the modern developments behind.

The second issue relates to the impact of the proposal on the character of the Conservation Area. It is apparent that the proposed dwelling would be visible from Museum Street and the gardens of neighbouring houses. However, the impact on the character of the Conservation Area would be most apparent when viewed from High Street. At present, there is a rather odd gap in the streetscape here, where modern bungalows have been constructed far back from the road, in a style that does not seem to relate to any of the surrounding buildings. Aside from a modest stone wall to the front of the plot, and some trees that are rather poor specimens, there seems to be little that adds value to the Conservation Area. It is considered that the proposal would improve the existing situation, creating a small courtyard off the High Street, with similarities to other spaces in Caerleon. The building itself would have a fairly simplistic character, which draws from the design characteristics of the surrounding buildings. Elements of the dwelling would be identifiably modern, however, these parts are fairly subtle in scale and detailing, and tie in with some of the more formal buildings in the locality. Concerns were initially raised in respect of the number of rooflights proposed. Amended plans have been submitted which have sought to omit a number of rooflights. The

amendments are considered to be suitable and the proposal is considered to accord with Policies CE20 and CE21 of the Newport Unitary Development Plan 1996-2011 (Adopted May 2006).

The proposal must also be considered in relation to the four nearby Scheduled Ancient Monuments, which all relate to the Caerleon Legionary Fortress. These protected monuments are all particularly close to the development site, however Cadw have advised that given that the rear of No 6 High Street is located in a private and secluded urban area and there are no visible Roman remains on the surface of the ground, it is considered that the proposed development would not affect the setting of these monuments. Glamorgan Gwent Archaeological Trust has recommended the imposition of conditions to mitigate any adverse effect on the strong archaeological potential of the site itself.

### ***Impact on Amenity***

The site is surrounded by a mix of uses, however, there is a large proportion of residential development in the vicinity, the closest dwellings being immediately to the north and south of the site. The property to the southeast of the site is a commercial retail premises which is not afforded the same level of amenity as a residential property. The premises is one and half storeys in height (with office accommodation in the roofspace) and there are windows located in the side elevation of the premises that face into the site. However, given the nature of the premises and the relationship that already exists on-site, it is considered that the business operations would not be adversely affected by the proposal in planning terms. However, the proximity and operations conducted at this premises must be considered in relation to the proposal. Whilst the premises lies in close proximity to the proposal and, in fact, the side elevation of the building forms the boundary with the site, there is considered to be sufficient separation distance between the two buildings to prevent an adverse relationship. This coupled with the low key nature of operations at the premises and that the proposed driveway would separate the premises from the proposed dwelling, the relationship is deemed to be acceptable. Furthermore, the Head of Public Protection and Environmental Services has raised no objection to the proposal.

The closest residential dwellings consist of the pair of semi-detached dwellings to the north (The Nook and Lochabar) and No 6 High Street to the south. The semi-detached pair is orientated in a south-eastern direction with their frontage facing the boundary with the adjacent car parking area. The garden area for Lochabar is located to the side of the house, furthest from the development site. Whilst The Nook benefits from a divided side and rear garden. The side portion extends to the front of the site, bounded by High Street. At present, No 6 High Street benefits from a substantial garden area that extends from the rear of the property to meet the side elevation of The Nook. The proposed dwelling would be sited centrally between The Nook and No 6 High Street, occupying large portions of both existing garden areas. Aside from the rear portion of The Nook's garden (measuring 6m by 5m) this property has no private useable amenity space, the side garden being overlooked by windows in the retail premises and open to views from High Street.

The siting of the proposed dwelling would divide the site and realign the boundaries essentially removing the side garden from The Nook; however, enlarging the rear portion to allow for a more private and useable area in closer association with the house. Similarly, the garden area for No 6 would be largely given up to serve the proposed dwelling, leaving a more modest garden for that property being 10m in depth by a maximum 16m in width. The Supplementary Planning Guidance for Infill and Backland Development (Adopted September 2009) states that minimum garden lengths of 10m should be achievable. This is certainly the case in respect of No 6 and the proposed dwelling. Whilst the proposed garden for The Nook would not meet this requirement, consideration is given to the irregular shape of the proposed amenity space and the fact that the property would be left with a larger useable and private garden than currently exists. As such, this is considered to be acceptable.

In terms of privacy and overlooking between dwellings, the proposed scheme has been considered in line with the recently Adopted SPG for infill and backland development. The side elevation of The Nook would face the proposed dwelling, being a minimum of 6.5m from the gable end of the main portion of the proposed dwelling and 8.5m from the single storey element of the build. It is also proposed that the gable end of the single storey portion of No 6 would enclose the proposed sun court area for the application dwelling. The gable elevation of The Nook is single storey and offset from the proposed dwelling, with its windows facing east and west. Given the staggered nature of development and design of the proposed dwelling, having a shallow pitched roof on the single storey element, it is considered that the separation distance between the two properties would not result in undue harm to the amenities of the existing occupiers of The Nook nor the future occupiers of the proposed dwelling. Whilst all three dwellings would be sited within close proximity to each other, there is no scope of a significant level of overlooking or loss of privacy. As such, the proposal is considered to accord with the SPG.

### ***Archaeological Resource***

The site falls within an archaeologically sensitive area and in accordance with Policy CE26 of the Development Plan the applicant has submitted an archaeological evaluation. This shows that there are remains of Roman origin buried at a depth of between 0.8m and 1.4m below current ground level in the evaluated areas. Most of the finds are fragmented, but there are remains of buildings and building material. It is proposed to use a raft foundation design to respect the known archaeological resource. Whilst specific

details of this have not be provided there is sufficient information to make an informed decision. Glamorgan Gwent Archaeological Trust has stated no objection to this provided conditions are attached requesting details of the foundation design and that a written scheme of investigation is undertaken. Such details can be suitably conditioned.

### **Highway Safety**

It is proposed to widen the existing pedestrian access onto High Street to 3m in order to allow for vehicles to access the site. The pair of semi-detached properties to the rear of the site has a pedestrian right of way 6 feet wide across the site. This is the only access to these properties. The applicant has proposed to resurface the driveway using tegula blocks and intends to keep the right of way open. Two off-street parking spaces would be provided adjacent to the entrance court for the proposed dwelling. It is also intended to provide a space for The Nook, which currently has no parking. Whilst the width of the driveway falls below the required standard for a shared driveway, beyond the proposed dwelling the vehicular access would only serve one property. As a result, the access does not need to accommodate two vehicles passing. Concerns were initially raised by the Head of Engineering and Construction regarding the front gate not being set back from the highway by 5m and the gate piers exceeding 900mm in height. However, the existing wall has aesthetic qualities and is worthy of retention. Also, it is considered that the pier height would not greatly obstruct visibility given the width of the footway coupled with the extent of the hatched area marked on the road.

The applicant has proposed to hard pave the driveway and parking areas in their entirety and the lane is considered to be of suitable width to accommodate a wheelchair or pram. The Head of Engineering and Construction has raised no objection to the amended plans.

### **Neighbour Concerns**

Four letters/emails (two letters from one neighbour and an email from a Solicitor acting on their behalf) have been received objecting to the development on the grounds that assurances were given at the time the pair of semis were built that there would be no vehicular access across the land; the proposed vehicular access would be detrimental to highway safety given the poor visibility and the amount of foot traffic (particularly school children) that passes the gate; the footpath adjacent to the site is particularly narrow; the view of the church obtained from High Street would be completely obscured by the proposed development, and; the proposal would detrimentally affect the setting of the Listed Building, which has received grant money in the past. In terms of the allegation that assurances were given against the provision of an access point across this land. There is no evidence to suggest this was the case and there appears to be no reason why vehicular access should be precluded from the development proposal. Concerns have been raised about the extent of pedestrian and vehicular visibility at the access point, which is over a narrow footway that receives a large amount of foot traffic. However, the Head of Engineering and Construction has provided no objection to the proposal, and given the fact that this is a one way street on which the traffic is not considered to be particularly fast moving the proposed access point is considered to be acceptable. In terms of the potential for the Church (sited on Museum Street) to be obscured by the proposal, it is considered that there are limited views of the Church from this section of High Street and the presence of a well designed agricultural style dwelling, which would enhance the street scene and create areas of interest off the street in keeping with the charatcer of the area, would not be harmful to the visual amenity of the area as a whole. Concerns are also raised that the proposal would harm the setting of the Listed Building (No 6 High Street). This issue is considered to have been dealt with in the above assessment.

### **Conclusion**

Overall, it is considered that this proposal complies with the relevant policies contained with the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006) and it is recommended that planning permission be granted subject to the following conditions.

## **RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

01 No work shall be commenced on the construction of the approved scheme until details/samples of materials and finishes to be used on the external surfaces of the dwelling, together with the hard surfacing materials and details/samples of the stone to be used in the construction of the boundary wall between No 6 High Street and the proposed garden, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

Reason: In the interest of safeguarding the character and appearance of the Conservation Area and the special character of the Listed Building.

02 All new boundary treatments shown on approved drawing no.3 rev B shall be completed prior to the first beneficial occupation of the new house hereby approved. This includes the wall enclosing the sun court, the 1.8m high stone wall separating the garden for no. 6 and the garden of the new house, the hedge separating the garden of The Nook and the garden of the new house (see also Condition 06), and the hedge enclosing

the entrance court to the new house (see also condition 06). All approved boundary treatments shall be retained thereafter.

Reason: In the interest of safeguarding the character and appearance of the Conservation Area and the special character of the Listed Building, and in the interests of residential amenity.

03 No work shall be commenced on the construction of the approved scheme until details/samples of all roof lights shown on the plans hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details and retained in this state thereafter.

Reason: To ensure that the roof lights do not represent overly bulky additions to the roof in the interest of safeguarding the character and appearance of the Conservation Area.

04 Full details of the surface drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The details shall be implemented fully in accordance with the approved scheme prior to the occupation of the dwelling.

Reason: To ensure adequate drainage is provided.

05 The approved new dwelling shall not be occupied until the parking, access and turning facilities serving the new house and The Nook have been completed in accordance with approved plans (dwg 03 rev B). These areas shall be kept available for such use at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate parking provision is made on site in the interests of highway safety and residential amenities.

06 The scheme of landscaping hereby approved shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development except in the case of those boundary treatments identified at condition 02 of this permission which shall be carried out in their entirety prior to occupation of the new house hereby approved, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the trees and shrubs shall be adequately maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation of the proposal.

07 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To identify and record and features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

08 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order), Schedule 2, no development within Part 1 Classes A, B, C, D, E, or H, nor any development within Part 40 Classes A, B, C, D, E or F shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To ensure that a satisfactory form of development takes place, to protect the amenities of occupiers of adjoining properties and to protect the character and appearance of the Conservation Area and the special character of the Listed Building.

09 No window or door openings (other than those shown on the approved plan) shall be formed at first floor in the north eastern and south western (side) elevations of the building hereby approved without the prior written permission of the Local Planning Authority.

Reason: To protect the privacy of adjoining residents.

10 No window or door openings shall be formed in the north eastern (end) elevation of the extension to no. 6 High Street (facing the sun court proposed to serve the approved dwelling) without the prior written permission of the Local Planning Authority.

Reason: To protect the privacy of adjoining residents.

#### *NOTE TO APPLICANT*

01 This decision relates to Dwg No 2, 3 RevB, 4 RevB, 5 RevA, 6 RevA, 7, 8, PC1, PC2, PC3, PC4, LC1, 9, 10 RevA, Design and Access Statement (received 5 March 2010), Archaeological Evaluation (dated May 2009), and letters/emails from Louis Chicot (dated 2 March, 1 April, 13 April, and 20 May 2010).

02 The development plan for Newport is the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006). Policies SP1, SP2, CE15, CE20, CE21, CE26, CE28, CE35, CE38, CE39, CE44, H2 and T7 were relevant to the determination of this application.

03 This decision relates to the Supplementary Planning Guidance for Infill and Backland Development (Adopted September 2009).

04 Prior to the commencement of the development hereby approved, the developer should contact the Council's Spatial Data Unit on [01633 233263] regarding street naming and numbering.

05 Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 was relevant to the determination of this application.

06 Foul water and surface water must be discharged separately from the site. No surface water or land drainage run off shall be allowed to connect to the public sewerage system.

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## **APPLICATION DETAILS**

No: 10/0316 Ward: **CAERLEON**

Type: LISTED BUILDING CONSENT

Expiry Date: 21/05/2010

Applicant: **CELTIC MANOR RESORT LTD.**

Site: **LITTLE BULMORE FARMHOUSE BULMORE ROAD CAERLEON NEWPORT SOUTH WALES**

Proposal: **LISTED BUILDING CONSENT FOR DISMANTLING OF EXISTING BUILDING AND REBUILDING AT DRAENLLWYN FARM INCLUDING SURCHARGING OF EXISTING SITE WITH GEOTEXTILE LAYER, SOIL AND GRASS SEEDING**

## **INTRODUCTION**

A Grade 2 listed building and outbuilding, known as Little Bulmore Farmhouse, are located adjacent to the 2010 Ryder Cup Clubhouse, within the Celtic Manor Resort. The building has fallen into a state of disrepair and is structurally unsound. The buildings are not required for use in association with the Ryder Cup course or clubhouse in its current location and it is intended to re-site and fully restore the building at Draenllwyn Farm (also known as Haines Farm), Catsash Road. The building is proposed to be refurbished for residential use under Planning Application No 10/0437.

## **RELEVANT SITE HISTORY**

01/0356	Extension of existing golf course onto agricultural land and development of new clubhouse, car park, access drive and footbridge over the River Usk affecting public footpaths 389/44A/44/53/54.	Granted with Conditions
06/0164	Erection of clubhouse with associated parking and ancillary works.	Granted with Conditions
06/0796	Demolition of building.	Granted
06/0708	Listed Building Consent for demolition of farmhouse.	Refused and Appeal Dismissed

## **POLICY CONTEXT**

### ***Planning Policy Wales (Edition 2, June 2010)***

Paragraph 6.1.1 states that it is an Assembly Government objective to ensure that the character of historic buildings are safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest

Paragraph 6.5.8 states that there should be a general presumption in favour of listed buildings. The continuation or reinstatement of the original use should generally be the first option when the future of a listed building is considered. However, not all original uses will now be viable or necessarily appropriate. The aim should be to identify the optimum viable use that is compatible with the character and setting of an historic building.

Paragraph 6.5.10 goes on to state that applicants for listed building consent must be able to justify their proposals, showing why alteration or demolition is desirable or necessary.

Paragraph 6.5.12 states that whilst it is an Assembly objective to secure the conservation and sustainable use of historic buildings, there will very occasionally be cases where demolition is unavoidable. The demolition of any Grade I or Grade II\* listed building should be wholly exceptional and require the strongest justification. In determining applications for total or substantial demolition of listed buildings, authorities should take into account the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use, the adequacy of efforts made to retain the building in use and the merits of alternative proposals for the site. The Assembly Government would not expect consent to be given without convincing evidence that all reasonable efforts have been made to sustain existing uses, or to find viable new uses, and that these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. Authorities should not authorise demolition of an historic building to make way for new development unless certain that the new development will proceed.

## **CONSULTATIONS**

CADW: No response at this stage because the final decision on this application rests with Cadw.

GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: Confirm that the original construction of Little Bulmore Farmhouse is dated to approximately AD1630 and is part of what the Royal Commission on the Ancient and Historic Monuments of Wales describe as a regional house type B. It is probable that the surviving unit was built as an extension to an existing wooden medieval hall. There have been numerous alterations and

repairs to the present structure and recently a fire has caused damage to the building but it still remains an important historic structure. Although the landscape, especially to the north and east, has been extensively altered, the position of the building on a small promontory overlooking the floodplain of the River Usk remains clear. The removal of a historic structure from its location will have a major impact on the significance of the building even if it is rebuilt on a new site, especially when floors and earlier parts of the structures associated with the building will remain at the original location. A full case explaining why the building cannot remain in situ is therefore required. Statements that the building is not of operational merit is an erroneous statement. The building was to be incorporated into the approved clubhouse as part of the 2001 permission for the new golf course and was identified for restoration on approved plans for the club house. The desire to remove the building only commenced after the fire in 2006. The justification statement does not detail why there is a justifiable threat to the building remaining in its present location, apart from their own desire to remove it. The statement does not address the appeal Inspector's point that it is not unreasonable or cost prohibitive for the building to be sold on the open market or used as part of the golf complex. Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The issues in this case are the severing of the building from its foundations and other below ground elements, removing the building from other archaeological features such as the postulated medieval hall that the present building is thought to have been added to, and the change in the setting of the building if removed to another site. A building does not consist only of the superstructure of the building, but also the foundations which can reveal the full history of the building. Whilst the recording of the superstructure before it is removed will allow the relationships between the features to be interpreted, this is a second best solution as confirmed in Welsh Office Circular 60/96, Section 19. Accordingly even if the building were recorded and re-erected elsewhere, there would be a significant impact on the historic environment. On this basis the application should be refused.

ANCIENT MONUMENTS SOCIETY: No response.

COUNCIL FOR BRITISH ARCHAEOLOGY: No response.

GEORGIAN GROUP: Little Bulmore Farmhouse dates to the middle of the 17<sup>th</sup> Century and as such is outside the range of buildings that the Group normally offers comments on. The proposal does, however, challenge some of the fundamental principles relating to the conservation of the historic environment. The applicant does not seem to have given adequate consideration to find a new use for the building on its current site in accordance with Paragraphs 91 and 92 of Circular 61/96. Whilst the location may limit the use of the building in terms of it being offered on the open market, the international status of the golf course should offer numerous potential uses in connection with the operation of the site. The setting of the farmhouse has changed significantly since the construction of the golf course, part of its significance is its location and the reason it was built there. The link between the building and its context will be lost. The option to repair in situ is not properly discussed in the design and access statement. The proposal to rebuild the farmhouse using modern building techniques will result in much of the building's significance being lost and this is unacceptable.

ROYAL COMMISSION FOR ANCIENT MONUMENTS: Confirms that Little Bulmore was listed for its interest as a 17<sup>th</sup> Century farmhouse retaining period features. Circular 61/96 presumes against the demolition of a listed building except in exceptional circumstances. The gains of re-erection and restoration of a dilapidated building must be balanced against the losses of historical context which will be entailed by the removal of the building from its landscape setting. More broadly, it is not clear from the information presented why restoration in situ is not an option. Little Bulmore is sited in close proximity to a new clubhouse and re-use in connection with the golf club should be a reasonable expectation. If consent is granted, the Commission may wish to make a final record of the house before demolition.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS: Comments have been made with regard to the previous LBC application, in considerable detail and over a long period. In spite of this no protective or remedial work to the building has been undertaken. The structure appears to have been deliberately neglected and its setting compromised with the intention of allowing the building to deteriorate to an extent where the integrity will be lost. The agents intend to create a replica elsewhere, reusing some of the salvageable material as a 'feature' in a new residential development. The creation of a pastiche on a new site cannot be condoned. It relieves owners of the responsibility they have for caring for the national heritage. Demolition and re-erection for convenience should not be acceptable. The techniques to be used are similarly unacceptable. The use of concrete blockwork back up walls and salvaged stone on the external façade represent 'theme park architecture' (*this has been addressed by the applicant in revised proposals*). Much of the justification statement refers to difficulties of the owners' own making and should not be used as arguments to support the proposal. Records show a viable building and extensive information from recording already exists. The building can and should be repaired in situ.

In response to the amended Justification Statement, the Society added that there has been ample opportunity to repair the building in situ, which is the appropriate course. The problematic situation is entirely of the owner's own making and refusal to safeguard the listed building over many years. It cannot be right to reward this by agreeing to a proposal to simply move a listed building out of the way. Circular 61/96 (92)

states that 'In those cases where it is clear that a building has been deliberately neglected, less weight should be given to the costs of repair'. The Society were not aware of option A, ie consolidating the building in its ruined state. This has not been presented as a viable option, but in principle it would be preferable to relocation as it retains the building truthfully in its context. To use a relocated farmhouse as a 'historic' focus for a new development is unacceptable and against all conservation principles. The plans show features which are wholly unhistoric, not least the breeze block construction.

THE VICTORIAN SOCIETY: No response.

## **REPRESENTATIONS**

NEIGHBOURS: One letter of objection received on the following grounds:

- whilst the farm is now a ruin, it is of important archaeological and historical significance. It is also an integral part of the historic landscape in a prominent position on the hillside;
- there is known archaeology around and underneath the building relating to the Roman and medieval period;
- whilst demolition and removal is regrettable, the prominence of the farm house has been eroded by alterations caused by the golf course and the adjacent modern club house. No effort has been made to incorporate it as a feature – which could have been done;
- permission for demolition should not be considered until there has been planning approval for rebuilding at Draenllwyn Farm;
- any permission should be subject to strict conditions relating to timescale for rebuilding and full recording before, during and after the dismantling and rebuilding process, and should be undertaken by qualified archaeologists. Otherwise there is a danger that the farmhouse will be lost and forgotten as a pile of stones, or else rebuilt in a wholly inaccurate way;
- there should be an archaeological investigation around and underneath the present farmhouse.

## **ASSESSMENT**

This application seeks Listed Building Consent for the demolition of a fire damaged and dilapidated dwelling known as Little Bulmore Farmhouse, Bulmore Road, Caerleon. The Grade II dwelling is located within the Celtic Manor Resort and adjacent to the new Ryder Cup Club House approved in May 2006.

Listed Building Consent is sought for the total demolition of the building on the grounds that the building is unsafe and has been damaged by fire. Various documents have been submitted in support of the application, these being a structural report, valuation letter, cost report and justification statement. Notwithstanding the fire damage to the building, the demolition of a listed building must be carefully considered and can only be granted where sufficient information has been provided to justify this course of action. Listed Building Consent to demolish the building was applied for and refused in November 2006 and a subsequent appeal dismissed. Rather than the simple demolition, the proposal now being considered comprises the dismantling of the Listed Building and includes the proposal to rebuild Little Bulmore and the existing store at the Draenllwyn Farm site (also known as Haines Farm). An application for full planning permission to rebuild at the new site has been made under reference No 10/0437. That decision does not prejudice the Committee's consideration of this application.

Welsh Office Circular 61/96 sets out a series of tests against which an application for the total or substantial demolition of a listed building must be judged. All other options must be exhausted before demolition can be considered. The considerations that an Authority is expected to make are as follows:

- the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;
- the adequacy of efforts made to retain the building in use. This should include the offer of unrestricted freehold of the building on the open market at a price reflecting the building's condition; and
- the merits of alternative proposals for the site.

Paragraph 91 of Welsh Office Circular 61/96 states that the Secretary of State would not expect consent to be given for the total demolition of any listed building without convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed, that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition.

### ***Condition of the Building, Cost of Repairing and Value***

The dwelling has been vacant for a number of years and has been the subject of vandalism. The building has been subject to arson and is in a dilapidated condition. Asbestos is also known to be present on the site. It is therefore clear that there are certain health and safety issues to be addressed and it is considered that there is very little scope for refurbishing the existing structure because of the extent of damage and deterioration in addition to structural and ground conditions. Accordingly a Cost Report has been prepared by Lewis and Lewis and confirms that the estimated cost of re-construction works for the farmhouse is £326,100. The cost of re-construction of the external store is £37,300, totalling £363,400. The building has been valued and it is considered that it has no residential value due to the number of constraints which

would be placed on any private residential occupation of the building. This centres on the fact that the site lies within a private golf complex with no independent access to the farmhouse. As such the building is landlocked. Furthermore, the applicants contend that the location of a residential unit alongside function rooms and restaurants within the Club house and within a working golf course (which is maintained outside of normal hours) will give rise to unacceptable noise and disruption for occupiers. Finally it is stated that security measures for major events, including the Ryder Cup, will result in access to the farmhouse being denied. In the case of the Ryder Cup event this will be for approximately 3 months which would be considered unacceptable by possible private occupiers. In view of the amount of accommodation provided at the hotel itself and the extant planning permission for 122no. apartments adjacent to the hotel, it is considered that there is no demand for a single unit of tourist accommodation within the Resort.

### ***Efforts to retain the Building in Use and Marketing***

The building has not been marketed nor is there any evidence to show that it has been offered to a charitable or community organisation as a restoration project. The applicant states that this is due to the fact that the farmhouse is now not accessible from the public highway and there is no right of access to it. Living conditions would be heavily restricted by the close proximity of the existing club house which has restaurant/function rooms and verandahs overlooking the site, and security during events will severely restrict access to residential or business users of the site.

It is clear that the building has been in a poor condition for a number of years and the applicant has, to a certain extent, neglected their responsibilities to the buildings. However, this was partly on the basis that historically the building was supposed to have been incorporated into the Club House as approved in 2001 for the main 2010 golf course. The plans submitted with the application for the new 2010 club house indicated that the building would be restored and used by the Resort in association with the club house. The applicants have contended that there is no requirement for extra accommodation in association with the club house and the building is not suitable for use as a maintenance building. The club house has now been operational for a few years and the applicant has been able to accommodate all services within the main building. There have been no applications for permission to enlarge the club house on the basis that additional space or facilities are needed and accordingly this lends weight to the argument that there is no viable use or need for Little Bulmore to be used in association with the golf course or club house.

### ***Alternative Proposals***

There have been no proposals put forward recently for alternative uses of the building for reasons already outlined. Initial thoughts that the building would be utilised as part of the development of the Club house in 2006 have not materialised on the basis that there is no demand for extra accommodation (as outlined above). As an alternative and in contrast to the 2006 application, the applicants are proposing the rebuilding of the farmhouse and store at a new location at Haines Farm, Catsash Road where it can be fully restored and used once again as a private dwelling. It is contended that the removal of the building and its rebuilding at a site which is not within the heart of the golf course and has unrestricted access to the public highway is a more viable option and will allow the building to be restored and brought back into use for its original purpose, ie as a dwelling. It is argued that this is in the best interest of the building and will help restore the historical use of the building.

A number of the Statutory Bodies have objected to the proposal to demolish Little Bulmore and rebuild on another site for a number of reasons but principally on the basis that the removal of the building from its historical location and setting will have a major impact on the significance of the building. The building occupies a prominent position on the hillside above Bulmore Road overlooking the floodplain. Whilst the proposed site for rebuilding Little Bulmore is not overlooking a floodplain, it is within a former farming complex (as acknowledged by the site address, Draenllwyn Farm) and will be sited on ground which does slope away in order to reflect the topography of existing site, overlooking the golf course as does the existing site.

There is also concern from the Glamorgan Gwent Archaeological Trust that the removal of only above ground features will effectively 'sever' the buildings from their historical roots and cannot result in the true historical significance of the buildings being revealed or restored. The proposed removal of the building will only involve above ground features, including stone floors on the basis that the site is significantly archaeologically constrained. During the development of the golf course numerous archaeological features were found and there is a Scheduled Ancient Monument immediately adjacent to the Farmhouse and to the west of the club house. The disturbance of the ground will trigger significant archaeological work which is not entirely necessary for the purposes of this application. Instead it is proposed to leave the ground undisturbed and accessible for future investigation. A house of this age would be unlikely to have extensive below ground foundations or features of interest. There is no known basement or cellar. This is considered an acceptable scenario and is broadly in line with paragraphs 17 and 19 of Welsh Office Circular 60/96.

The Society for the Protection of Ancient Buildings has commented on the proposals to replicate the existing buildings on the Draenllwyn Farm site. They do not condone the applicants approach which was initially to demolish the building and salvage as much useable material as possible to be used in rebuilding a more modern version of Little Bulmore and the store. This approach was addressed with the applicant and it has

now been agreed that a more cautious approach to demolishing the buildings will be taken in order that the building can be recorded during dismantling and also the method and techniques of reconstruction have been amended to utilise more traditional building techniques, most notably the omission of cavity walls. The Society have more recently commented that the applicant should not be rewarded for neglecting the building over many years by granting permission to 'move it out of the way'. Their preference to relocation would be to consolidate the building as a ruin, however Cadw have previously advised the applicant that this is not a suitable option on the basis that the building was not listed as a ruin. Accordingly it is considered that the opportunity to restore Little Bulmore as a replica building and secure its long term use, and therefore survival, is welcomed.

The Statutory Bodies have also commented extensively on the acceptability of the justification statement which has been submitted. It is considered that inadequate consideration has been given to the re-use of the building in situ. It is considered that these issues have been adequately addressed and it has been shown that there is no viable use for the building on the existing site which allow the building to be brought back into beneficial use.

The applicant has prepared a Unilateral Undertaking which ensures that the farmhouse and external store will be demolished in accordance with approved method statements and rebuilt at the Draenllwyn Farm site within 2 years of the date of Listed Building Consent being granted. This is considered reasonable and will allow the applicant to undertake preparatory works in association with the redevelopment of the Draenllwyn site at the same time.

From an historic buildings perspective, the restoration of Little Bulmore and the store at its current location is desirable. The moving of a listed building is a very rare occurrence and is only usually permitted where there are significant public benefits to be gained, or where the building is in need of protection from impending disaster (for example, from cliff erosion or severe flooding). However, it is considered that the building is at risk and even if it were minimally restored, the applicant has confirmed that the building will have no viable use and it is therefore likely that the building will remain empty and the cycle of neglect and disrepair will repeat itself. Issues of restricted access are acknowledged to be as a direct result of the restrictions which would be placed by the applicants on future occupiers. However in view of the location of the building within a golf course of international importance, such restrictions would not be considered unreasonable. Issues regarding building recording and dismantling are dealt with by conditions. Concerns regarding a lack of change in circumstances since the Appeal decision in 2007 are noted, however it remains a fact that the building is still in a serious state of disrepair with no viable or authorised alternative use. The proposed demolition of the buildings and their rebuilding and full restoration at the Draenllwyn Farm site therefore appears to represent the only viable option available to ensure the long term survival of the buildings. It is therefore recommended that Listed Building Consent be granted, subject to the following conditions and completion of the Unilateral Undertaking. Should Committee accept this recommendation the matter is referred to Cadw to make the final decision.

## **RECOMMENDATION TO CADW**

### **GRANTED WITH CONDITIONS**

01 Prior to the commencement of any dismantling or demolition works, the farmhouse and external store shall be recorded to a minimum level 3 as outlined in 'Understanding Historic Buildings: Principles of Good Recording Practice' (2006) prepared by English Heritage, unless otherwise agreed in writing. The recorded details shall be submitted to the Local Planning Authority within 6 months of the date of dismantling.

Reason: To ensure that the buildings are adequately recorded prior to their demolition.

02 The buildings shall be dismantled strictly in accordance with the justification statement submitted on 2 June 2010 and only by a contractor(s) whose names have been provided within the approved justification statement or in the email from Rhys Prankerd of Lewis and Lewis to Tracey Brooks dated 28 May 2010, unless otherwise agreed in writing.

Reason: To ensure that the buildings are dismantled in accordance with approved details.

03 All material removed from the Little Bulmore site shall be stored in secure containers or covered and stored within a secure compound (and clearly marked for retention) until such time as the materials are imminently required for use in the rebuilding of the buildings in accordance with any permission approved (or amended) under planning permission reference 10/0437. The location of the stored materials shall be disclosed to the Local Planning Authority with 14 days of their placement.

Reason: To ensure that the dismantled material is properly stored and retained for use.

### **NOTE TO APPLICANT**

01 This decision relates to plan Nos: 19900; 4497; PL01; PL02; PL03; L(99)01 Revision B; L(99)03 Revision A; L(99)02; Revision B; kType 3 Asbestos Survey Version: 02.1; Visual Structural report ref: 09112.03;

Justification Statement (amended) submitted 2 June 2010; Cost Plan prepared by Lewis and Lewis ref: 774;  
Cost Plan dated May 2010 submitted 23 June 2010.

02 This permission is subject to a Unilateral Undertaking dated \*\*\*\*\*.

03 The Royal Commission for Ancient Monuments should be given the opportunity to make a final record of  
the building(s) before demolition.

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## **APPLICATION DETAILS**

No: 09/0493 Ward: **GRAIG**

Type: VARIATION OF CONDITIONS

Expiry Date: 13/07/2009

Applicant: **MISS DEBRA LEONARD**

Site: **LAND ADJACENT TO AND EAST OF 1 TO 21 CLEARWELL COURT BASSALEG NEWPORT SOUTH WALES**

Proposal: **VARIATION OF STANDARD TIME CONDITION TO EXTEND THE TIME PERIOD FOR COMMENCEMENT OF DEVELOPMENT RELATING TO PLANNING PERMISSION 04/0252 FOR THE ERECTION OF 26NO. ONE AND TWO BEDROOM FLATS**

## **INTRODUCTION**

The site has an area of approximately 0.3 hectares and is roughly rectangular in shape with a frontage of approximately 80 metres along Bryn Hedydd. The site is located on the south side of Bryn Hedydd to the east of Clearwell Court and to the north of Parkwood Drive. To the east of the site is Pentrepoeth Primary School. The site has a sloping topography with the gradient generally rising from the north west to the south east. The site is currently overgrown.

Full planning permission was originally granted (91/0132) for the erection of 26 one and two bedroom flats in two and three storey blocks on land at Bryn Hedydd, Rhiwderin in September 1991. This consent has subsequently been renewed on three occasions, with the granting of permissions 96/0748, 02/0053 and 04/0252. This application seeks to again renew the consent by varying standard time limit condition 1 attached to the latest permission 04/0252.

## **CONSULTATIONS**

HEAD OF ENGINEERING AND CONSTRUCTION (HIGHWAYS): no objection.

THE HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (WOODLAND OFFICER): no objection.

THE HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (ENVIRONMENTAL HEALTH): no objection subject to conditions regarding details of dust mitigation and hours of construction.

THE HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (PUBLIC RIGHTS OF WAY OFFICER): confirms there are no public rights of way on the site.

HEAD OF CONTINUING LEARNING AND LEISURE (LEISURE): Sustainable developments are now a priority within the planning environment and for the Welsh Assembly Government who state;

*"The Assembly will promote sustainable development, that is, development that meets the needs of the present without compromising the ability of future generations to meet their own needs."*

The land is located on an incline and whilst there is no evidence that 'play' is taking place on site there is evidence that the land is used by the community as a short cut to the higher end of the estate.

Any future design of the development should ensure that a footpath is provided in order for the community to easily reach the open space between Parkwood Drive and Fair Oak Grove.

The play provision (which applies to all age groups) within the ward has an overall deficit of 6.69 hectares.

Any new development will put pressure on the existing play space available. Rhiwderin in particular has very limited facilities. A contribution from the developer should be requested to assist in upgrading local facilities. Without local facilities it is difficult to see how the sustainability agenda can be met as this development would obviously be encouraging vehicular travel off the estate.

AFFORDABLE HOUSING OFFICER: confirms that the Unitary Development Plan identifies the need for affordable housing to be considered on all residential and mixed use sites of 25 units or more in urban areas. The Unitary Development Plan also provides a guideline figure of up to 30%, as a proportion of the site, which may be required to meet affordable housing need. The draft SPG on Affordable housing further clarifies the threshold for affordable housing.

The need for affordable housing across Newport is evidenced by the Local Housing Market Assessment which demonstrates a need for 37% affordable housing across the region over a 5 year period.

There is a clearly identified need for affordable housing in this ward, particularly for 2 bed units, as previous development has been predominantly larger family homes. It is expected that the affordable housing would be delivered on a tenure neutral basis (i.e. available for either social rent or part-ownership), to be built by the developer and transferred to the Council's preferred housing association partner at 50% of Welsh Assembly Government Acceptable Cost Guidance. In the current economic climate it may be difficult to provide for the full 37% affordable housing and therefore it is requested that 6 two bedroom units be affordable.

**HEAD OF EDUCATION:** The exact contribution cannot be calculated until the mix of development (number of 1 bed and 2 bed flats) is confirmed. Once this is known the contribution due can be calculated in accordance with the SPG.

In terms of spare capacity at local schools we look to see whether there is spare capacity in the "cluster" of Primary Schools that serve the development as current Admissions Policy does not guarantee admission to the Catchment Primary School.

Once the mix of the development is confirmed and the pupil numbers generated, the numbers on role at the various schools will be checked to see whether there is a requirement for a contribution towards Primary Education.

The base date for the data used for this exercise is taken as that when the Application was first registered as a valid application.

Admission is guaranteed to the Secondary Catchment School so this exercise is not required.

It is likely that any contribution towards secondary education would be used to support the ongoing programme of demountable classroom replacement at Bassaleg High School. The use of a contribution in this way is in accordance with the SPG. As the date of receipt is not known a specific project cannot be nominated at this stage.

**DWR CYMRU WELSH WATER:** no objection.

**WESTERN POWER DISTRIBUTION:** provides advice relating to its' apparatus.

**HEDDLU GWENT POLICE:** no objection but provides some general advice relating to security matters.

## **REPRESENTATIONS**

**NEIGHBOURS:** six letters have been received making the following comments:

- existing traffic and parking problems in the area with resulting dangers for school children;
- the site is likely to be used by a housing association causing problems similar to those experienced at Clearwell Court;
- issues of anti social behaviour may be exacerbated;
- the infrastructure will not support the development;
- the plans are vague failing to show the layout and height of the development and parking provision;
- loss of green space;
- concern would be expressed if there was any intention to provide a public right of way from Parkwood Drive to the site, as this would cause problems of anti social behaviour.

**GRAIG COMMUNITY COUNCIL:** object to the application on the grounds of over development of an already congested area and the fact that there would be access issues for the nearby school.

## **RELEVANT SITE HISTORY**

89/0870	OUTLINE APPLICATION FOR THE DEVELOPMENT OF LAND FOR RESIDENTIAL AND SHOPPING PURPOSES	Granted Conditions	with
91/0132	FULL APPLICATION FOR THE ERECTION OF 26 ONE AND TWO BEDROOM FLATS IN TWO AND THREE STOREY BLOCKS	Granted conditions	with
93/1190	FULL APPLICATION FOR THE CONSTRUCTION OF GENERAL STORE WITH LIVING ACCOMMODATION ABOVE (AMENDMENT OF APPROVED APPLICATION 91/0132/F)	Granted Conditions	with
96/0748	VARIATION OF CONDITION TO EXTEND PERMISSION FOR A FURTHER FIVE YEARS RELATING TO PLANNING PERMISSION 91/0132/F	Granted Conditions	with
98/1014	ERECTION OF THREE BUILDINGS OF WHICH TWO CONTAINING TWO RETAIL UNITS AND TWO FLATS ONE CONTAINING ONE	Withdrawn	

	RETAIL UNIT AND TWO FLATS		
02/0053	VARIATION OF CONDITION TO EXTEND TIME PERIOD FOR COMMENCEMENT OF DEVELOPMENT RELATING TO PLANNING PERMISSION 96/0748/VC FOR THE ERECTION OF 26 ONE & TWO BED FLATS	Granted Conditions	with
04/0252	VARIATION OF CONDITION TO EXTEND THE PERIOD OF COMMENCEMENT OF DEVELOPMENT RELATING TO PLANNING PERMISSION 02/0053 FOR THE ERECTION OF 26NO. ONE AND TWO BEDROOM FLATS	Granted Conditions	with

## **POLICY CONTEXT**

### ***Newport Unitary Development Plan 1996-2011 (Adopted May 2006)***

The site is allocated for housing development by Policy H1(32) of the Newport Unitary Development Plan 1996-2011 (Adopted May 2006).

The proposal has also been assessed against the following policies:-

Policy CF4 states that provision of open space at a minimum standard of 2.4 hectares per 1000 population will be sought on all new housing developments with the developer making a requisite commuted sum towards future maintenance.

Policy H5 states that new housing development on a substantial scale should contain a mix of house types and sizes capable of meeting a range of housing needs. The Council will in particular seek to negotiate appropriate elements of affordable housing.

Policy H2 states that within settlement boundaries, proposals for residential use will be permitted subject to a number of criteria including no unacceptable loss of open space important for its amenity or conservation value, no significant adverse effect on the amenities of existing residents, the development would provide acceptable residential amenity for future residents, adequate open space will be provided on-site or nearby and no unacceptable highway implications.

Policy SP11 states that where it is relevant, necessary and directly related in scale and kind to a development proposal, benefits for the community will be sought. Such benefits could include educational, community and leisure facilities; land for employment and/or retail purposes; affordable housing; public transport investment; highway investment; other infrastructure provision; additional landscaping, layout and/or design measures to offset the impact of the development on the environment; open space provision and habitat creation.

Supplementary Planning Guidance on Outdoor Play Space, adopted in February 2007.

Supplementary Planning Guidance on Planning Obligations, adopted in December 2007.

## **ASSESSMENT**

It is proposed to create two vehicular accesses off Bryn Hedydd which would serve three buildings. Two of the buildings would have two storeys and one of the buildings would have three storeys. The maximum height of the buildings to ridge level would be almost 12 metres. The buildings would be finished in brown tiles to the roof and brickwork to the walls.

A total of 30 car parking spaces would be provided.

The site is allocated for residential purposes and is located within the settlement boundary. Furthermore, as stated above, planning permission has previously been granted for residential development. The scheme, which has previously been agreed, remains acceptable in terms of its impact on the area, neighbouring residents, amenity issues for future residents and highway implications, with no material changes in the circumstances at the site since the granting of the latest permission in 2004.

However, since that permission, there have been a number of changes in local planning policy. The Newport Unitary Development Plan was adopted in May 2006. Policy CF4 of that plan requires that housing developments be provided with open space or the developer provides a financial contribution to the Council towards the improvement of off site open space facilities in lieu of providing on site open space. Policy H5 of the plan requires the provision of affordable housing on residential sites of 25 units or more in urban areas. Policy SP11 states that planning obligations will be sought where it is relevant, necessary and directly related in scale and kind to the development. This includes improvements to local educational facilities.

These policies have been reinforced by the adoption of a number of Supplementary Planning Guidance Notes. The Supplementary Planning Guidance on Outdoor Play Space was adopted in February 2007 and the Supplementary Planning Guidance on Planning Obligations was adopted in December 2007.

The Head of Education has requested a financial contribution to address the impact of the development on demand for school places. He has stated that the level of contribution would need to be calculated in accordance with the Supplementary Planning Guidance on Planning Obligations. The Affordable Housing Officer has requested that 6 No. two bed room units be made affordable as part of this development. The Head of Continuing Learning and Leisure has requested that a contribution be made towards the improvement of off site open space. The applicant would need to enter into a Section 106 agreement with the Council to deal with these matters prior to planning permission being granted. No such requests were made during the processing of the previous applications at the site. However, given the changes in policy since the granting of the latest permission in 2004, the Council is justified in requesting the developer to deal with these matters as part of this application.

Based on the information to hand, it is not considered possible to determine the precise level of contributions required. This is due to the fact that no information has been submitted with the application regarding the schedule of accommodation (number of bedrooms that each flat would have). This information is not provided in the original planning permission. The applicant was requested to provide this information, but it has not been forthcoming. Furthermore, the applicant has failed to confirm a willingness to enter into a Section 106 agreement to deal with these matters.

To conclude, a scheme for the erection of 26 No. 1 and 2 bedroom flats on the site has previously been granted. This application is seeking to renew that permission. However, there have been changes in planning policy since the latest approval in 2004 which means that contributions for education, open space and provision of affordable housing can now be requested by the Council. However, there is a lack of information available to allow the level of contributions to be calculated, despite the applicant being requested to provide this information. Furthermore, the applicant has failed to confirm a willingness to enter into a Section agreement to deal with these matters. The application is therefore recommended for refusal.

## **DECISION**

### **REFUSED**

01 There is a lack of information regarding the number of bedrooms to be provided in each flat to enable the Local Planning Authority to calculate the level of contributions relating to improvements to local educational facilities and off site open space that should be requested as part of the development. The applicant has failed to confirm a willingness to enter into a Section 106 agreement with the Council to provide financial contributions towards improvements to local educational facilities and off site open space and to provide on site affordable housing. This is contrary to the aims of Policies CF4, H2, H5 and SP11 of the Newport Unitary Development Plan 1996-2011 (Adopted May 2006) and the Supplementary Planning Guidance Notes on Outdoor Play Space (Adopted February 2007) and Planning Obligations (Adopted December 2007).

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: access statement and drawings 4851/3, 8 and 9.

02 The development plan for Newport is the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006). Policies CF4, H2, H5 and SP11 were relevant to the determination of this application.

03 Supplementary Planning Guidance Notes on Outdoor Play Space (Adopted February 2007) and Planning Obligations (Adopted December 2007) were relevant to the determination of this application.

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**Andy Evans**  
**Head of Planning Regeneration and Strategic Housing**