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**DC/2014/00510**

**CHANGE OF USE TO LIVE/WORK USE WITH A2 PERMISSION  
(SOLICITORS OFFICE)**

**LITTLE BANK, 8 PORTHYCARNE STREET, USK**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham

Registered: 2/5/2014

**1.0 APPLICATION DETAILS**

- 1.1 This application refers to a detached dwelling close to the town centre of Usk. It is proposed to retain part of the building as a solicitor's office which is classed as A2 under the Use Classes Order 1995. The number of employees is expected to start at three and rise to a maximum of seven excluding cleaners. The property has no access or parking or garden as it occupies a very constrained site area. There are other commercial uses on Porthycarne Street including a veterinary surgery across the road. The property was previously a dwelling although the previous occupier did run a commercial property-surveying and auctioneering business from the property for over 20 years within his home prior to the sale of the property to the current owner in 2013.
- 1.2 This application is a resubmission following the withdrawal for an application for the same thing in 2013. Since this time the applicants have secured the rental of two parking spaces within Usk and the Local Development Plan has been adopted.

**2.0 RELEVANT PLANNING HISTORY**

DC/2013/00574 - Change of use to live/work use with A2 permission (solicitor's office). Withdrawn by applicant, October 2013

DC/2013/00935 – Removal of existing glazed roof to create external courtyard; removal of existing concrete external staircase and the forming of link structure to connect isolated rear building at ground and first floor level to main accommodation space.; internal revisions – currently invalid (bat information is required and the plans are inaccurate)

DC/2013/01086 – Listed Building Consent for the immediate above; currently invalid (inaccurate plans)

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

S6 – Retail Hierarchy

S8 – Enterprise and Economy  
S16 – Transport  
S17 – Place Making and Design

Development Management Policies

RET2 – Central Shopping Areas  
E3 – Working from Homes  
MV1 – Proposed Developments and Highway Considerations  
EP1 – Amenity and Environmental Protection  
DES1 – General Design Considerations  
HE1 – Development in Conservation Areas

**4.0 REPRESENTATIONS**

**4.1 Consultation Responses**

Usk Town Council – recommends refusal. This application is very similar to the one withdrawn in 2013. The only difference is the comments of ‘Boyer’ Consultants on the issue. This is a listed dwelling house with no parking of any kind. With staff of 7 and ancillary members, together with clients, parking is a major problem. The Town Council firmly rejects this application and agrees with the Highways Officer’s comments. There is much more suitable office accommodation in the town.

MCC Highways – do not support the application. This is a resubmission of a previously refused application. I can find no improvements in the parking provision. I can however see many inconsistencies in the submission and statements provided. Distance stated for car parking at Maryport Street to the site is claimed as 80m. This is not even as the crow flies\*. The statement suggests that the business is a one man band; however the two senior managers have private parking arrangements with a neighbour.

There are no new proposals or evidence submitted that has convinced me that parking is acceptable and a relaxation should be recommended for a business use as well as continued residential use at the property. I am unable to recommend support for the dual use of a dwelling and customer business use at a location where parking facilities are not available for business and customer use leading to detrimental effect of on street parking on a busy Class 2 highway.

Further comments made in relation to query raised by applicant;

I have today been asked to make comment on the applicant’s response to highway objections to the above application. There is nothing in the response that justifies the amendment of the previous objections to the proposal. There has been no improvement to the parking provision or reduction in the proposal that would convince me to support a recommendation to relax the requirement.

*\*this was a typographical error on the part of the applicant.*

## 4.2 Neighbour Consultation Responses

Six representations received. Objections raised on the following grounds:

- No parking at all.
- Double yellow lines outside so even stopping to drop off people or supplies can be problematic.
- Parking on Porthycarne Street is dangerous.
- Residents on Conigar Crescent are strongly opposed to non-residents leaving their cars there.
- Query the right of access for customers and staff members along driveway owned by Old Bank House.
- Several commercial and office spaces vacant and available in Usk that are more suitable.
- No mechanism within planning to ensure that the private parking spaces mentioned by the application are tied to any consent.
- Agree with the Highway Officer that the proposal will generate a parking requirement that can't be met on site. Scheme does not therefore comply with Policy MV1 of the LDP.
- Increased risk to public health and safety as a result of increased use of the driveway for A2 use in terms of crime or accident.
- Extra footfall across shared driveway will affect amenity of the Old Bank House.
- Appellants claim about movements in supporting information is misleading.
- Visits to an A2 use would likely be less considerate to neighbour amenity than movements by a family.
- Exceeds working from home.
- No listed building consent in place for internal changes.
- A sign has been affixed to the property without planning permission.
- New commercial development should take place in the Central Shopping Area.
- Visitors will park on the double yellow lines outside the property.
- The applicant has under estimated the amount of person movements to and from the property each day.
- Not a one man start-up business.
- The applicant has not lived in the property since purchasing it last year and has no intention of living there.
- Allowing a commercial use outside the centre will set a precedent.
- No economic benefit for Usk.

## 5.1 Principle of Development

The property is within the development boundary of Usk and is within the Usk Conservation Area. Part of the property will still be used for residential purposes by one of the senior partners while the remainder will be used as a solicitor's office (an A2 use class). 'Star Legal' currently employs two senior partners and two legal secretaries (under a job share). Although A2 uses are

encouraged within Central Shopping Areas and the application site is around 15m outside of it, the property is within the development boundary of the town and a dual commercial and residential use is not contrary to any Local Development Plan Policies. Strategic Policy S8 relating to enterprise and economy supports development that delivers sustainable economic growth and Development Management Plan E3 allows small businesses to operate from home provided that it can be demonstrated that there will be no adverse impact on local amenity and/or character of the town. The principle of the development is therefore considered to be acceptable subject to detailed planning considerations. These are discussed below.

## 5.2 Visual Impact

No external alterations are proposed. Any signage will have to be subject to separate Advertisement Consent (if necessary). Internal alterations are subject to a separate Listed Building Consent application which is currently invalid, as set out in the Planning History above.

## 5.3 Parking and Access

The property has no vehicular access or any space for off street parking. There is some roadside parking available across the road from the application site and the applicants have confirmed that they now rent two private parking spaces on nearby privately-owned land and they may be able to arrange more in the future although this is not confirmed and could not be a condition on any approval. Other staff and visitors would be required to park in the town centre where there are three public car parks which provide a total of around 286 spaces.

The application site is within 200m of a wide range of services and facilities as well as bus stops. It is also within 50 metres of on-street parking on Porthycarne Street and within 250-300m of a public car park on Maryport Street which has around 179 spaces. These are all well within walking distances. It should also be considered that the previous use as a dwelling house would have required the provision of three off road parking spaces and turning area which the property has never had the benefit of and furthermore, residential occupiers are less likely to be inclined to park away from their place of residence than employees. Moreover, the property does not have any external amenity area which puts its suitability as a family home into question. On balance therefore, although there is a sustained objection from the Council's Highway Officer, given the economic benefits of the business, the proximity of the application site to the town centre and its car parks and the extant use of the property as a dwelling, it is not considered that it would be reasonable to refuse the application on highway grounds.

## 5.4 Residential Amenity

Given the nature of the A2 use class, it is unlikely that the change of use will lead to excessive noise or disturbance for the neighbouring occupiers. Hours of operation are normal business hours and as there is no parking, all staff and

visitors will have to approach the site on foot. Furthermore, an element of residential accommodation will be retained ensuring a domestic presence outside business hours. On balance therefore it is not considered that the development will harm local residential amenity.

#### 5.5 Economic Development Implications

At the moment at least three people are employed at the property. This is anticipated to increase to a total of seven. The creation of jobs within the County is welcomed and accords with the strategic aims of the Local Development Plan.

#### 5.6 Response to the Representations of the Town Council

Since the last application was withdrawn the applicant has been able to secure two parking spaces on nearby privately-owned land which has improved the parking situation. This is also an improvement on the previous situation where the property was in solely residential use. The possibility that there is more suitable office accommodation in the town centre is not a material planning consideration as each application must be judged on its own merits. The site is within close proximity of the Central Shopping Area and still well within the settlement of Usk.

### **6.0 RECOMMENDATION: APPROVE**

#### Conditions

1. The premises shall be used as a solicitor's office and dwelling and for no other purpose (including any other purpose in Class A2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any Order revoking or re-enacting that Order).

#### Reasons:

1. To ensure that no alternative use is made of the premises that is likely to be a nuisance to adjoining properties and in the interests of highway safety.

**DC/2014/01238**

**LANDSCAPED BUNDING TO THE PERIMETER OF THE NEW RAGLAN LIVESTOCK MARKET SITE**

**MONMOUTHSHIRE LIVESTOCK MARKET, CROES BYCHAN, RAGLAN**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham

Date Registered: 13/11/2014

**1.0 APPLICATION DETAILS**

1.1 This is a retrospective planning application for landscaping bunds around the livestock market at Bryngwyn near Raglan. The bunds were constructed to help screen the market buildings and car parking areas visually and in relation to noise from the road and neighbouring residential properties.

1.2 The bunds are concentrated in two areas, the northern and western boundaries of the main car and trailer parking area and the southern boundary. The bund around the parking area is 'L' shaped with the top of the bund approximately 3.5m high. The two bunds in the southern area of the site are approximately 4.7m high. All of the bunds are planted with a mix of trees, shrubs and grass to help screen the site when viewed from outside as well as to ensure that they are stable.

**2.0 RELEVANT PLANNING HISTORY**

DC/2007/00540 - New Livestock Market and Ancillary Works including alterations to the highway (B4598) Approved 2009

DC/2014/00520 - Removal or variation of condition no.3 (limit on opening and working hours) of planning permission DC/2007/00540 Approved July 2014

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations

LC5 - Protection and Enhancement of Landscape Character

**4.0 REPRESENTATIONS**

4.1 Consultations Replies

Llanarth Community Council – no comments received to date.



Glamorgan Gwent Archaeological Trust – no objections.

MCC Rights of Way – No Public Rights of Way within the vicinity of the site.

MCC Highways – no comments received to date.

#### 4.2 Neighbour Notification

No comments received to date.

### 5.0 **EVALUATION**

#### 5.1 Visual Impact

The landscaped bunding improves the environmental quality of the site by creating a visual containment of the development when viewed from within the site and will reduce the impact of the development on the wider landscape when viewed from outside. The areas of bunding that are planted with trees and shrubs will be managed and so will continue to make a positive contribution to the visual amenity of the site, as they mature.

#### 5.2 Residential Amenity

The bunds also serve as a means of screening the development from neighbouring residential properties, both visually and in terms of noise and disturbance, as they act as buffers between the site and other properties within the vicinity of the site.

### 6.0 **RECOMMENDATION: APPROVE**

#### Conditions/Reasons

(None are relevant – this is retention of development so the standard condition regulating the period in which to commence development would not apply).