

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2016/0965	Grid Ref:	321429.03 243845.61
Community Council:	Clyro	Valid Date:	20/09/2016
		Officer:	Tamsin Law
Applicant:	Mr David Hood, Bridge Stores & Post Office, Clyro, Herefordshire, HR3 5RZ		
Location:	Bridge Stores & Post Office, Clyro, Hereford, Powys, HR3 5RZ		
Proposal:	Full: Change of use of commercial premises to residential		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

This application comes before Members as a departure from the adopted development plan (vulnerable development within C2 flood zone).

Site Location and Description

Bridge Stores is located within the settlement development limits for Clyro. The application site is located on the C1332 County Highway and is located within an area of residential properties. The site is bound to the north and west by a highway, is attached to adjoining properties to the south and west.

Consent is sought for the change of use of the premises to a residential dwelling. One parking space is proposed to the north of the site.

Consultee Response

Clyro Community Council

No comments received by Development Management at the time of writing this report.

PCC - Highways

Does not wish to comment

Wales and West Utilities

No comments received by Development Management at the time of writing this report.

Welsh Water

No comments received by Development Management at the time of writing this report.

PCC - Built Heritage

1st Response

Could I ask for some clarification on a matter please. I may be misreading the documents, however paragraphs 77 – 79 of the D&A Statement and Supplementary Divider seems to suggest that the GTEC drylining system is to be used on the external walls. However Drg No BT.16-01-15 suggest that the firebreast will be left stone, the rear wall and the doorway into Rose Cottage will be timber studded and Kingspan, with the side wall and front wall to be Secil ecoCork.

Have I misread the D&A Statement and Supplementary Divider, and is there a difference between the written statement and the drawings in relation to the insulation. If there is could we have an amended floor plan illustrating what insulation is being proposed on what walls please.

2nd Response

Thank you for consulting me on the above application. I note the accompanying application for a change of use application.

I can confirm that The Old Post Office is a grade II listed building (Cadw ID 8745) listed as adjoining Rose Cottage, and described as a one and half storey shop-store building, rubble and slate with C19 shop front incorporating tall mullion lights and cornice console brackets. The premises is in a prominent location within the Clyro conservation area, adjacent to; the grade II Rose cottage, the grade II* Ashbrook House, and opposite the grade II* listed Church of St Michaels and All Angels and the grade II properties No 16 and 17 The Village.

A pre-application meeting was held on site with the applicant Mr David Hood, the agents Mr Andrew Hood and Mr Graham Terry.

The previous meeting on site took place when the shop was operational and being a working shop the walls were not visible to ascertain the impact of the proposed works. Since the closure of the shop the shop fittings and modern ceiling have been removed to reveal the building.

The quality of the interior of the exterior walls are noted and the damage that has occurred to the building during its use as the village shop. The proposal includes the reuse of the one and half storey former shop and the modern store room to the rear. The one single space would be retained with a mezzanine level over part of the space retaining the open quality of this small space. It was noted that the previous floor height was currently much lower than existing head height with the floor raised over time in response to the external floor levels. The intention is to retain the current ground floor level, and as such the inserted floor level would be at a higher level than previously.

The change in ground floor levels has repercussions firstly, in the height of the mezzanine and the height of the ceiling above, and the location of the mezzanine in the highest part of the room. The mezzanine would be across the firebreast of the adjoining Rose Cottage which is not desirable, however head height prevents the mezzanine level to be sited to the rear of the former shop. The rood structure and purlins prevent the insertion of a dormer and as such the mezzanine cannot be relocated. The height of the mezzanine dictates the height of the central element of the vaulted ceiling which will have to be increased slightly. This is not ideal, however the condition of the lathe and plaster is duly noted. The complications of

removing the concrete floor is acknowledged and the above works would be considered acceptable.

The only external change would be the reopening of a window on the upper floor of the gable end. The window is clearly evident on the interior with the exterior blocking up being just the outer face. There would be no objection to the re-opening of this window, and I note that advice given at pre-application stage has been taken on board.

Noting the extent of changes that have occurred over the years, and noting the condition of the interior walls, I would not wish to raise any objections to the proposal as submitted.

I would suggest the following conditions be attached to the granting of any consent.

No new plumbing, pipes, soil stacks, flues, vents, ductwork grilles, security alarms, lighting, cameras or other fixtures shall be attached to the external faces of the building other than those shown on the approved drawings or otherwise first approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of this grade II listed building in accordance with policy ENV 14 of the Powys Unitary Development Plan.

The new gable window shall be slimline timber flush fitting casement, puttied and not beaded, set back from the front edge of the brickwork. Prior to works commencing on site details of all the new windows, (including details of the trickle vents and degree of set back) to be submitted to the Local Planning Authority, at a scale of not less than 1: 10, and agreed in writing. The details shall include, details of the paintwork, and the new windows shall be painted and shall remain painted, and of the same design, materials and appearance thereafter. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of this grade II listed building in accordance with policy ENV 14 of the Powys Unitary Development Plan.

The roof light in the development hereby approved shall be set flush with the angle of the surrounding roof slope. If this cannot be achieved, the degree of projection from the plane of the roof pitch shall be first agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of this grade II listed building in accordance with policy ENV 14 of the Powys Unitary Development Plan.

Cadw

Thank you for your letter of 26th September 2016 inviting our comments on the planning application for the proposed development as described above.

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in

determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, *Planning and the Historic Environment: Archaeology*, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

The application area is located some 220m north of scheduled monument RD066 Clyro Castle. However, apart from the reinstatement of a window on the northeast elevation that will not be visible from the scheduled monument the proposed development will require no alterations to the existing building. Consequently there will be no impact on the setting of scheduled monument RD066.

Natural Resources Wales

1st Response

Thank you for referring the above notification of a new planning application received by us on 25th November 2016. We previously commented on the proposal P/2016/0965 on 14th October 2016 CAS-24192-Z2T7. We did not object and we re-iterate the same advice for the current planning application.

Flood Risk

The application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Clyro Brook, an Ordinary watercourse.

The planning application proposes the conversion of a commercial premises (less vulnerable development) to residential (highly vulnerable development). We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

The decision as to whether a development is justified is entirely a matter for your authority. However, should you be minded to permit the application, contrary to Welsh Government policy on development and flood risk, we are unable to give you technical advice on the

acceptability of flooding consequences in terms of risks to people and property, until a detailed flood consequences assessment (FCA) has been submitted.

The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be appropriate to the scale and nature of the development.

Advice to the Applicant

Please find attached a document intended to help you prepare your FCA. This document provides advice to you on the scope of your FCA (based on the information available to us). Please complete and send this document to us with any draft or completed FCA you wish to receive our advice on, as it will help us be as effective as we can be in responding to you. Please note that a submission in line with our advice will enable a better understanding of the risks and consequences of flooding, but will not necessarily mean the risks and consequences are demonstrated as being managed acceptably in line with TAN15.

We reserve the right to request further information in future if it is needed to establish the risks and consequences of flooding. Should you have any queries in relation to our advice on the scope of the FCA, please contact Chris Nutt (Christopher.nutt@naturalresourceswales.gov.uk Tel: 03000 653 106) or contact me via email or letter.

European Protected Species

We note that there is no information about protected species with the application. We have records for bats, great crested newts and otters in the surrounding area and your internal ecologists should be appropriately consulted for further advice.

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>.

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

2nd Response

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 05/01/2017. NRW have no objection to the above application, as explained in more detail below.

Flood Risk

The application site lies entirely within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Clyro Brook, an Ordinary watercourse. Our advice is that the applicant needs to demonstrate, through submission of a flood consequences assessment, that the consequences of flooding can be managed over the lifetime of the development.

The planning application proposes the conversion of a commercial premises to a residential property (highly vulnerable development). With reference to Section 6 of TAN15, this development category should not be permitted in Zone C2. If your Authority is minded to approve the application contrary to TAN15, the applicant should be required to undertake a FCA prior to determination of the application. We should then be asked for advice on this assessment in accordance with TAN15. The purpose of the FCA is to ensure that all parties, including your Authority, are aware of the risks to, and from, the development, and ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding.

The flood consequences assessment (FCA) (Hydro-logic Services, March 2017 K0788/1), submitted in support of the application states:

- Section 3.2 - a topographic survey of the area shows the lowest point (hydraulic control) for flows out of bank upstream of the road bridge is on the left bank, which is 0.48m lower in elevation than the right bank. Any flows out of bank upstream of the bridge would flow over the left bank and along the road to the northeast and away from the site.
- Section 4.1 – no changes to the external dimensions of the building are proposed.
- Section 4.2 – In the event of a blockage on the bridge, any out of bank flows are expected to follow the overland route to the northeast. Safe access and egress is possible via the road to the southwest.
- Section 4.3 and Section 6 – flood waters are not expected to inundate the site during the 1:100year+CC fluvial event and the development is shown to be beyond the limits of the 1:1000 year fluvial event on Clyro Brook.

With reference to the FCA, we have the following comments:

- No hydraulic modelling of the watercourse has been undertaken, instead a qualitative approach has been taken which is considered to be appropriate given the nature of the development.
- Given the above, predicted flood depths and velocities during the 1 in 1000 year are not stated in the FCA. However, the topographic survey information indicates access along the road to the southwest and the property itself are flood-free during all fluvial scenarios including the 1 in 1000 year event in compliance with the requirements of Table A1.15 in TAN15.
- It should be noted that predicted flood flow route to the northeast and away from the site is reliant on the existing stonework bridge parapet and garden boundary wall remaining in place, which effectively form an informal defence. A residual risk of flooding at the site in the event of the wall collapsing or being removed is possible, although as discussed in the FCA,

significant hydraulic loading on the upstream face of the wall leading to collapse is considered unlikely given the existing flow route through the fence to the north.

□ The threshold level of the property is indicated to be <0.15m above the adjacent ground levels (Section 4.2.3) and the FCA notes the presence of additional surface water grids in front of the property (Section 3.3) indicating a possible historic risk of surface water flooding and we recommend you obtain the advice of the local authority land drainage team in this regard.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend that you consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding.

To conclude, we therefore have no objection to the development. We refer you to the above information and the FCA to aid these considerations.

Please note, we do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: <https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Representations

The application was advertised through the erection of a site notice and press advertisement. No representations or objections have been received.

Planning History

P/2016/1119 – Listed Building Consent: Internal and external alterations. Pending.

Principal Planning Constraints

Flood Zone
pipeline buffer
Nat Floodzone 3
Nat FloodZone 2

Historic Landscapes Register
Outstanding

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 8, 2016)
Technical Advice Note 15: Development and Flood Risk (2004)
Technical Advice Note 18: Transport (2007)

Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas
Welsh Office Circular 61/96 – Planning and the Historic Environment: Archaeology
Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Local Planning Policies

Unitary Development Plan (March 2010)

GP1- Development Control
GP3- Design and Energy Conservation
GP4- Highway and Parking Requirement
ENV2- Safeguarding the Landscape
ENV3- Safeguarding Biodiversity and Natural Habitats
ENV7- Protected Species
ENV14 – Listed Buildings
ENV16 – Landscapes, Park and Gardens of Special Historic Interest
ENV17 – Ancient Monuments and Archaeological Sites
HP4 - Settlement Development Boundaries and Capacities
HP5- Residential Development
RP10 – Neighbourhood and Village Shops and Services
DC14- Flood Prevention Measures
SP14 - Development In Flood Risk Areas

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

Policy HP5 of the Unitary Development Plan (March 2010) seeks to ensure that residential development is located on an appropriate site within the settlement development limits and is of an acceptable scale, form and design and general character to reflect the overall character and appearance of the settlement and surrounding area.

Consent is sought for the conversion of an existing post office building into a residential dwelling. It is noted that the application site is located within the settlement development limits for Clyro and therefore the proposed development is considered to be located within a suitable location. It is noted that the only alteration to the building is the insertion of a roof light and the re-opening of a window.

Policy RP10 seeks to safeguard neighbourhood and village shops and services. The application site was previously a Post Office and the small scale nature of the building has not been considered attractive for a potential re-use for commercial or other community use. The Post Office was closed and relocated to the Village Hall at much reduced hours, however a shop, pub, petrol station and garage are still retained within the settlement.

The change of use to a residential dwelling is therefore considered to be acceptable.

Flood Risk

The application site is located within a C2 floodzone as defined by the development advice map (DAM) as referred to under Technical Advice Note 15. National Resources Wales have been consulted and have confirmed that the land is assessed as having a 1 in 100 and 1 in 1,000 annual probability of fluvial. It is noted that TAN 15 states that highly vulnerable development (residential) should not be permitted in C2 flood areas.

Technical advice note 15 recognises that much urban development in Wales has taken place alongside rivers and in the coastal plain. It is therefore inevitable, despite the overall aim to avoid flood risk areas, that some existing development will be vulnerable to flooding and fall within zone C. Some flexibility is necessary to enable the risks of flooding to be addressed whilst recognising the negative economic and social consequences if policy were to preclude investment in existing urban areas, and the benefits of reusing previously developed land. Further development in such areas, whilst possibly benefiting from some protection, will not be free from risk and could in some cases exacerbate the consequences of a flood event for existing development and therefore a balanced judgement is required.

NRW have been consulted and have confirmed that a flood consequence assessment (FCA) should be submitted to establish the risk to, and from the development and to ensure that if practicable appropriate conditions be attached to any grant of consent to thereafter manage any potential risk. A FCA has been submitted and in support of the application and stated the following;

- Section 3.2 - a topographic survey of the area shows the lowest point (hydraulic control) for flows out of bank upstream of the road bridge is on the left bank, which is 0.48m lower in elevation than the right bank. Any flows out of bank upstream of the bridge would flow over the left bank and along the road to the northeast and away from the site.
- Section 4.1 – no changes to the external dimensions of the building are proposed.

- Section 4.2 – In the event of a blockage on the bridge, any out of bank flows are expected to follow the overland route to the northeast. Safe access and egress is possible via the road to the southwest.
- Section 4.3 and Section 6 – flood waters are not expected to inundate the site during the 1:100year+CC fluvial event and the development is shown to be beyond the limits of the 1:1000 year fluvial event on Clyro Brook.

NRW have been consulted on the submitted FCA and are content with the methodology of the report and offer no objection to the proposed development.

Taking in to consideration the fact that this is an existing building and will therefore not result in increased flooding elsewhere, the information submitted within the FCA, and NRW's removal of their objection to the proposed development, it is considered that there is sufficient evidence to justify a departure from the Unitary Development Plan.

The Emergency Planning Team has been consulted on the FCA and their response will be provided in the update report.

Highway Safety

A safe access and parking is a fundamental requirement of any development. The Highway Authority has been consulted and whilst they have confirmed that they do not wish to comment on the application.

The application proposed one parking space for the dwelling and it is noted that the application site is located within the centre of Clyro and it is therefore considered that the application site is easily accessible with good walking, cycling and public transport links.

In light of the above information it is considered that the proposed development would not have a detrimental impact on highway safety and is therefore compliant with policy GP4 of the Powys UDP.

Listed Building

The property to be converted is a grade II listed building. Policy ENV14 states that development will only be permitted where it does not have an unacceptably adverse impact on a listed building or its setting.

Following consultation with the Built Heritage Officer additional information was requested in relation to materials to be used in the development. Following the submission of this information the Built Heritage offered no objection to the proposal subject to the imposition of conditions relating to the windows to be used in the new opening and external fixtures. An associated Listed Building Consent has been submitted and these conditions will be attached to this application when permitted, it is therefore considered unnecessary to require these conditions as part of the change of use application.

In light of the above and the response received from Built Heritage the proposed development is considered to be compliant with policy ENV14 of the Powys UDP.

Archaeology

Policy ENV17 states that development that would unacceptably adversely affect the site or setting of a Scheduled Ancient Monument will not be permitted. The site is located approximately 220 metres north of the Scheduled Ancient Monument RD066 Clyro Castle.

Cadw were consulted on the application and stated that apart from the reinstated window on the north east elevation that will not be visible from the scheduled monument the proposed development will require no alterations to the existing building. As such there will be no impact on the setting of the scheduled monument.

In light of the response received by Cadw the proposed development is considered to be compliant with policy ENV17 of the Powys UDP.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to

ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

Whilst a departure from the development plan, in this instance and in light of the above report the application is recommended for approval subject to the conditions outlined below.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on xxxx.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

Informative Notes

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
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Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.
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The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

Case Officer: Tamsin Law- Principal Planning Officer
Tel: 01597 82 7230 E-mail:tamsin.law@powys.gov.uk

Susan Bolter
Pennaeth Adfywio, Eiddo a Chomisiynu/
Head of Regeneration Property & Commissioning
Adfywio, Eiddo a Chomisiynu/
Regeneration, Property and Commissioning

Applicant: Mr. David Hood

Location: Bridge Stores & Post Office,
Clyro

