

DC/2015/01556

CHANGE OF USE FROM FIRST FLOOR OFFICE TO RESIDENTIAL USE

PICTON HOUSE, LOWER CHURCH STREET, CHEPSTOW

RECOMMENDATION: Approve

Case Officer: Nia Morrison

Date Registered: 22/02/2016

1.0 APPLICATION DETAILS

1.1 The application relates to Picton House, Lower Church Street, Chepstow, a large two storey detached Georgian building with office accommodation on both the ground and first floor. Previously the building was used as an office to serve the former Osborn International factory, and the factory was attached to the rear elevation of Picton House. The factory has now been demolished and residential housing development is currently in progress (application ref: DC/2009/00910, approved in 2011). Picton House is located within Chepstow's Conservation Area (CA) and has been identified as a building that makes a positive contribution to the appearance and character of the CA. The building is also within a C1 flood risk zone.

1.2 It is proposed to change the first floor of the building to a two-bedroom apartment and to restore the rear elevation of the building (where the factory was previously attached to this elevation, thus it does not have the Georgian character windows evident on the front elevation). On the basis of officer advice the plans have been amended to provide a change of use to residential use to the first floor only with the ground floor to remain as existing office use. The proposal was initially to change the ground floor to residential use too. Revised plans were received 26/10/2016 and a supporting revised Flood Consequence Assessment on the 17/05/2017. The FCA submitted for consideration has been carried out by CD Gray Civil & Structural Engineers. This is the same firm which carried out the supporting FCA for the Osborn International residential development scheme (DC/2009/00910).

2.0 RELEVANT PLANNING HISTORY

DC/2009/00910 - Demolition of existing industrial buildings, furniture showroom and gas depot and the erection of 169 dwellings, B1 office space, an A3 cafe/restaurant, provision of public open space, parking and associated engineering works and infrastructure
Approved 12/09/2011

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S8 Enterprise and economy
S12 Efficient Resource Use and Flood Risk
S13 Landscape, Green Infrastructure and the Natural Environment
S17 Place making and design

Development Management Policies

EP1 Amenity and Environmental Protection

DES1 General Design Considerations
HE1 Development in Conservation Areas
HE2 Alterations to unlisted buildings in Conservation Areas
SD3 Flood Risk
E1 Protection of existing employment land

4.0 REPRESENTATIONS

4.1 Consultations Replies

Chepstow Town Council – recommends approval

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

It is noted the proposal relates to an existing office building, the criteria of Policy E1 relating to the protection of existing employment land must therefore be taken into consideration. While it is noted in the covering letter the building has been vacant since May 2013 it would have to be considered whether there are sufficient spaces elsewhere on site, to avoid any adverse impacts on the viability of the existing employment unit, and, future potential of the site for employment generation.

In addition to the above, the site is located within the Chepstow Conservation Area, Policy HE1 must therefore be referred to along with Policy HE2 relating to alterations of unlisted buildings in Conservation Areas although it is noted there are minimal alterations to the exterior of the building. The site is located in an Area of Special Archaeological Sensitivity; National Planning Policy Guidance set out in Chapter 6 of Planning Policy Wales therefore applies. General policies DES1 and EP1 should also be taken into consideration.

MCC Heritage Officer - The subject site is located within the Chepstow Conservation Area and identified as a building making a particular or special positive contribution to the CA. The proposal will not have a detrimental impact on the setting or character of the Chepstow CA, however we recommend the following conditions to ensure the outcome is satisfactory for the CA.

1. Details of the proposed windows and external doors to a minimum scale of 1:10 including elevations, vertical and horizontal sections with larger scale details to sufficiently describe the proposed units shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.
2. Landscaping and fencing details.

MCC Highways Officer – No objections. The proposed parking for both the residential unit and office accommodation meets Monmouthshire's adopted parking standards.

The access utilised for Picton House is the access approved for the residential development under DC/2009/00910.

MCC Building Control Officer - The method of construction of the existing structure including the intermediate first floor is not known; therefore the implications of the internal modifications cannot be commented upon at this stage. The first floor structure is likely to require significant modifications to accommodate the new separating wall and the staircase openings.

The new separating wall will need to be erected off a suitable foundation, extend through the roof void to the underside of the roof and be constructed to achieve 60 minutes fire resistance. A suitable fire suppression system (sprinklers) will be required together with mains powered interlinked smoke detection. The first floor bedrooms and study will need emergency egress windows.

The separating wall will also need to be constructed and tested in accordance with the recommendations contained in Part E (Resistance to Passage of Sound).

The requirement of Part L1 B (Conservation of fuel & power) will apply to the new and existing thermal elements including the ground floor, external walls, separating wall, roof and glazing. An Energy Performance Certificate.

Glamorgan Gwent Archaeological Trust – No objections to the positive determination of the application subject to the same conditions being added onto any consent on the previous application.

Dwr Cymru Welsh Water – No objections

Natural Resources Wales – Significant concerns with the proposed development as submitted.

- The revised FCA has not used the most up to date flood level data available to inform the FCA.
- The revised FCA has not demonstrated that the development is designed to be flood free in the 0.5% annual probability tidal event in line with TAN15. Although we acknowledge that the apartment on the first floor will remain flood free, the car parking area, which is integral to the residential use of the development, is predicted to flood to a depth of 1.1m depth during this event.
- TAN15 advises that development should be flood free during the 0.5% (1 in 200 year) plus an allowance for climate change flood event and therefore the proposal fails this criteria of TAN15.
- During the 0.1% (1 in 1000 year) plus climate change even the proposed car parking area is predicted to flood to a depth of 1.4m. This exceeds the indicative tolerable conditions.
- Lower Church Street has a centreline level of approximately 8.5m AOD in front of Picton House and this will be the primary access/egress route. Based on the level of 8.5m AOD the route is predicted to flood to depths of 2m in the 1 in 200 year and 2.3m in the 1 in 1000 year with a corresponding hazard rating of 'Danger for all'.

4.2 Neighbour Notification

No objection received

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site lies within the town of Chepstow within the development boundary where development for residential use is supported providing all other material considerations are satisfied. In this case the material issues under consideration are flood risk, visual amenity, residential amenity and loss of office space.

5.2 Flooding

5.2.1 Natural Resources Wales (NRW) has objected to the application as the submitted Flood Consequences Assessment (FCA) has not demonstrated that the consequences of flooding can be managed; it does not demonstrate a safe access/egress route from the site. TAN15 advises that access routes should be shown to be operational under all conditions.

5.2.2 In making an assessment Monmouthshire's own flood policy, LDP Policy SD3 will also form part of the consideration. This states that: "*Proposals for highly vulnerable development will not be permitted in areas which may be liable to flooding, unless the residential development is for the conversion of upper floors within defined settlement boundaries or the proposal is to extend an established tourism, leisure or educational establishment.*"

Policy SD3 goes on to state that development proposals within a flood plain will be required to demonstrate that:

- a) *The development is or can be protected by approved engineering works and/or other floor protection measures*
- b) *Such remedial measures would not cause flood elsewhere*
- c) *The development including remedial measures can be sympathetically assimilated into the environment in terms of its siting, scale, design and landscaping*
- d) *The development does not interfere with the ability of the Environment Agency [now NRW] or other bodies to carry out flood control works/maintenance*
- e) *The nature conservation interest of the water source is protected*

Development resulting in additional surface water run-off and leading to an increased risk of flooding will only be permitted where adequate protection and mitigation measures are included as part of the proposal'.

5.2.3 Furthermore In terms of assessing the flood risk impact it is also important to consider the context of the proposal located alongside the Osborn International housing development. Permission was granted for the residential development on the basis that finished floor levels were '*no lower than 10.2m above AOD*'. The finished floor level of the proposed Picton House first floor residential unit is 11.94m AOD, therefore above the floor level of the adjacent new residential units.

5.2.4 It is the parking area, set at 9.4m AOD, and the access/egress into Picton House at 8.86m AOD which is providing concern to NRW, as there is potential for residents to be in flood danger when needing to exit the building at ground floor level. It is put forward, however, in the supporting FCA and considered by officers that:

- this is a worst case scenario and if there was a flood that breached the existing flood defences, the first floor would remain flood free and provide safe refuge;
- in the event that the existing defences are overtopped the FCA indicates that floodwaters would spread westwards from the river bank but the floodwater would be

dispersed over large areas and the rate of inundation would be restricted to that of the rising tide;

- NRW operate a flood alert warning system which encompasses Picton House. Ordinarily there would be a good degree of warning if a dangerous situation was likely to occur allowing temporary protection measures/ evacuation procedures put in place.

5.4.5 On balance therefore, the impact of flooding has been mitigated by limiting highly vulnerable residential development to just the first floor of Picton House and despite the access/egress and car parking being at a level that could be flooded, if a flood event did occur, bearing in mind the flood defence put in place for the surrounding residential development, this can be managed with residents at a worst case scenario taking refuge at first floor level. Furthermore the proposal is considered to meet Monmouthshire's flood risk requirements as set out within Policy SD3 of the LDP as it is first floor residential development and does not lead to increased surface water run-off and flooding elsewhere, and it is considered that the supporting FCA has put forward satisfactory protection and mitigation measures. If consent is granted conditions relating to the submission of an evacuation plan in the event of a flood would be added to any consent.

5.4 Visual impact including the effect on the character and appearance of the Conservation Area (CA)

5.4.1 The visual impact of the proposal is considered acceptable. As the proposal is a change of use there would be minimal alterations to the external appearance of the building. External alterations proposed are to the rear to reinstate Georgian window openings and therefore the proposal is considered a visual enhancement to the building. The development would enhance the character and appearance of the CA by improving the façade on the rear elevation. A condition will ensure the detailed design of the windows is agreed. A landscaping masterplan which includes Picton House and its parking area has been approved under DC/2009/00910 which sets out the landscaping and means of enclosure proposed. If any landscape/ screening details are required that are not part of the approval under DC/2009/00910 then these would need to be agreed under a further planning application. The development would be in accordance with Policies DES and HE1 of the LDP.

5.5 Residential amenity

5.5.1 The proposed change of use is not considered have an unacceptable impact on any other party's residential amenity. To the rear of Picton House apartment blocks (named B3) were approved under DC/2009/00910 but have not yet been constructed. It is noted however the main windows on these blocks face north-east and south-west and not towards the rear of Picton House. The first floor residential windows of Picton House therefore are not considered to overlook the new apartments. The first floor window on the south-west elevation of Picton House is proposed to be used as a bedroom, but this does not look into the newly constructed dwelling (part of block B4 under DC/2009/00910) immediately to the south-west as there are no first floor windows on the elevation facing Picton House. The first floor windows on the front elevation of Picton House are not considered to overlook the nearest property 23 Lower Church Street to an unacceptable degree. The window to window relationship with No. 23 is separated by the public highway and there is an intervening distance of approximately 15m which is considered acceptable owing to the semi-public relationship between the windows.

5.5.2 The proposed development would utilise an existing access point as approved under DC/2009/00910 and it would have an acceptable level of parking provision. MCC's Highways Officer has no adverse comments to the proposals. The development meets

Monmouthshire's adopted parking standards and would be in accordance with Policy MV1 of the LDP.

5.6 Loss of office space

5.6.1 The loss of the office space to the first floor of Picton House is limited, approximately 110sqm. The change of use to residential use is in character with this lower part of Chepstow which is predominately residential (particularly since the redevelopment of the Osborn factory). The ground floor area of Picton House remains available as office space and is unlikely to become residential use in the foreseeable future (as it would be highly vulnerable development in Flood Zone C1).

5.7 Affordable housing

5.7.1 This application was received in December 2015 and registered in February 2016. This was prior to the Council's adoption of the affordable housing supplementary planning guidance (SPG) which was adopted in March 2016. The proposal is therefore not required to make a contribution towards affordable housing.

5.8 Conclusion

5.8.1 The application seeks to provide a first floor residential unit and improve the rear façade of Picton House, a prominent building within Chepstow's CA. The site does lie within a flood risk (zone C10 and although NRW have objected to the proposal the development is considered to be capable of managing flood risk to an acceptable level for future occupiers and the proposal would be in accordance with Policy SD3 of the LDP. The development would be in accordance with the relevant policies of the LDP and therefore the development would be acceptable subject to conditions.

6.0 Response to the Representations of the Community/ Town Council (if applicable) Well-Being of Future Generations (Wales) Act 2015

6.1.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.0 RECOMMENDATION: APPROVE

Conditions

Condition No.	Condition
1	This development shall be begun within 5 years from the date of this permission.
2.	The development shall be carried out in accordance with the approved plans listed in the table below.
	<u>Pre-commencement conditions</u>
3.	Prior to any building work commencing on site, emergency plans for the evacuation of the development during flood events shall be

	submitted for the consideration and approval in writing by the Local Planning Authority.
4.	Details of the proposed windows and external doors to a minimum scale of 1:10 including elevations, vertical and horizontal sections with larger scale details to sufficiently describe the proposed units, shall be submitted to and approved in writing by the Local Planning Authority prior to any building work commencing on site.. The development shall be carried out in accordance with the approved details.