

**Application**    **DM/2019/01049**  
**Number:**

**Proposal:** Conversion of rear of existing MCC store and welfare building into a public toilet with disabled access.

**Address:** MCC Store and Welfare Building, Mill Street Close, Usk, NP15 1AR

**Applicant:** Mr. Roger Hoggins

**Plans:** Location Plan - , All Drawings/Plans PL/01 - ,

**RECOMMENDATION: Approve**

Case Officer: Ms. Lowri Hughson-Smith  
Date Valid: 01.07.2019

**This application is presented to Planning Committee due to the application site being owned by Monmouthshire County Council**

**1.0 APPLICATION DETAILS**

1.1 The application site is a storage building and rest room used in association with County Council staff. It is located on the western edge of sports grounds at Maryport Street. The building is a flat roof structure with a roller shutter door on the front elevation (west) and a window to rear elevation (east). The building is finished in render and the windows are uPVC, coloured white.

1.2 The application seeks to change the use of part of the building (to the rear), which is currently used as a rest room for staff, into a public disabled toilet to be used in association with the Maryport Street sport grounds. The physical changes are minimal, relating primarily to internal works, but will also include a new door opening on the southern elevation, via the sports grounds, to provide access to the new toilet.

**2.0 RELEVANT PLANNING HISTORY (if any)**

None relevant

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

**Strategic Policies**

S17 LDP Place Making and Design

**Development Management Policies**

EP1 LDP Amenity and Environmental Protection  
DES1 LDP General Design Considerations  
NE1 LDP Nature Conservation and Development  
HE1 LDP Development in Conservation Areas  
SD3 LDP Flood Risk

**4.0 NATIONAL PLANNING POLICY**

**Planning Policy Wales (PPW) Edition 10**

4.1 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

4.2 The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Usk Town Council** - approve.

**Glamorgan Gwent Archaeological Trust** - No response received.

**Heritage Officer** - No adverse comments.

### 5.2 Neighbour Notification

1no. neighbour has objected to the application raising the following concerns:

- o The site is not suitable for additional traffic and parking;
- o The toilet is not well related to existing car park on Maryport Street, resulting in more car parking at the site, and not viable for a wheel chair user to access site from car on a wet day;
- o Suggestion made that the building should be demolished and repositioned adjacent to car park; and
- o Objects to toilet in proximity to property.

## 6.0 EVALUATION

### Strategic Planning/ Development Plan context/ Principle of Development

6.1 The site is located in the settlement of Usk and therefore, a presumption in favour of development exists subject to the acceptability of material planning considerations. In this case, the material planning considerations are:

- o Amenity/Promoting Healthier Places
- o Good Design/Visual Impact
- o Impact on Conservation Area
- o Impact on Archaeology Resource
- o Flooding
- o Biodiversity

### Impact on Amenity/ Promoting Healthier Places

6.2 Amenity and promoting healthier places in respect of the proposed development is considered important having regards to existing residential amenity and also the impact on persons using the building in the future.

6.3 In terms of existing residential amenity, the proposal includes limited external changes to the building, restricted to the insertion of a door to provide separate access to the new public toilet. The door is located on the southern elevation, facing into the sports grounds away from surrounding dwellings. There is a separation distance of 16m from the proposed door to the nearest dwelling along Mill Street Close and is separated by the building itself. Given the limited change to the building and it being located on the opposite side of the building to the surrounding dwellings, it is concluded that there would be no harmful impact on surrounding neighbours as a result of the physical changes.

6.4 The change of use will increase the usage of the building, essentially introducing a new use (1no. public toilet) as well as the existing uses (store and rest room). Despite the increased usage, the proposal is minor in scale providing a single public toilet for disabled use and therefore, will not have an impact on the amenity of neighbours to an extent that would be harmful.

6.5 The proposed use is considered to have an acceptable impact on neighbours in accordance with Policy EP1. In terms of future users, the proposed works will provide a disabled, public toilet to be used in association with the sports grounds. This is a positive contribution to the users of the sports grounds and would enhance the recreational benefits of the park that promotes the wellbeing goals of Planning Policy Wales 10.

### Good Design/ Place making

6.6 The physical appearance of the building will largely remain the same. The only alteration, as discussed above, will be the insertion of a door on the southern elevation. The alteration will only be visible from within the sports grounds and no wider views. Given the limited changes, the proposal will have a negligible impact in design terms and in visual terms the building will be similar to its current appearance.

6.7 The visual impact is not considered harmful and the proposal accords with Policy DES1.

#### 6.4.3 Historic Environment

##### Impact on the Conservation Area

6.8 The site is located within the Usk Conservation Area. Policy HE1 requires development to preserve or enhance the area and its historic characteristics and meet the following criteria:

- a) preserve or enhance the character or appearance of the area and its landscape setting;
- b) have no serious adverse effect on significant views into and out of the Conservation Area;
- c) have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape;
- d) use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and
- e) pay special attention to the setting of the building and its open areas.

6.9 As discussed above, this proposal will result in limited changes (the insertion of a new external door) which will only be visible from within the sports grounds. The limited changes ensure there will be no harmful impact on the character of the conservation area and its significant views and vistas will be unaffected. The materials of the building will remain unchanged as a result of the proposal, aside from the new door which will be timber. The building is of low architectural quality and the proposed changes in the context of the setting of the building is not considered relevant to this proposal. The proposal meets the criteria of Policy HE1.

6.10 The Heritage Officer was consulted and raised no adverse comments in respect of the application. The proposal is acceptable in the context of Policy HE1 and will not have a harmful impact on the Conservation Area.

##### Impact on Archaeological Resource

6.11 The site is located within an area of archaeological sensitivity and, therefore, the impact on archaeology resource needs to be assessed.

6.12 No ground works are required to facilitate the development and most changes are primarily concentrated internally.

6.13 Due to there being no disturbance to the ground as a result of the development, no impact on archaeological resource is anticipated. The proposal accords with the requirement of PPW 10.

6.14 At time of writing this report, Glamorgan Gwent Archaeological Trust (GGAT) have not responded to the application. If GGAT respond, their response will be reported to committee as a late representation.

#### 6.4.6 Flooding

6.15 The site is in a C1 flood zone; a high-risk flood zone served by flood defences or infrastructure. Developments within C1 zones are required to be accompanied by a Flood Consequences Assessment (hereafter referred to as FCA). TAN 15 indicates that development, particularly highly vulnerable development, i.e. residential development, in 'C' flood zones should not be permitted unless fully justified in accordance with the tests contained in paragraph 6.2 of TAN 15.

6.16 The justification tests set out in paragraph 6.2 of TAN 15, which read as follows:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

6.17 The application site is brownfield land in accordance with the definition contained in PPW.

6.18 The proposed development facilitates the local planning authority to enhance the recreational value of the sports grounds (criterion ii) and the site is previously development land in accordance with PPW 10 (criterion iii).

6.19 In terms of potential consequence, the proposal results in no additional built form and limited to the change of use of part of the internal area, with the toilet footprint well below 20m<sup>2</sup>. Whilst the toilet is for public use it is not deemed to be fall within the scope of highly vulnerable development as described in TAN 15 since users of the building are able to choose whether they use the building in a flood event. Users, therefore, have a high level of choice as to whether they accept the associated flood risks. Given the limited amount of development and it not being considered highly vulnerable development, there is considered to be an insignificant impact

6.20 The proposal is considered to have a neutral impact in terms of flood risk and, therefore, the development is in accordance with Policy SD3.

#### 6.2.2 Access / Highway Safety

6.21 The proposed development is not likely to generate traffic and will provide a much needed facility to serve existing users of the Maryport Street sports grounds. Similarly, the proposal will not generate a parking requirement since the building is accessible directly from the park via a footpath.

6.22 The proposal has a neutral impact in terms of highway safety and parking and accords with Policy MV1.

#### 6.4.5 Biodiversity

6.23 The proposed building does not have an attic area and the building is highly illuminated. Furthermore, there are no works to the roof as part of the proposals. It is concluded that the property has limited potential for bats and no further information in respect of bats is deemed necessary. An informative relating to bats will be attached to the permission.

6.24 The proposal is considered to accord with Policy NE1.

6.25 An informative relating to bats will be attached to the planning permission to provide the applicant with advice on what to do should bats be discovered during works.

### **Response to the Representations of Third Parties and/or Community/Town Council**

6.26 A neighbour has objected to the application and made the following comments which will be addressed in turn below:

- o The site is not suitable for additional traffic and parking;
  - o The toilet is not well related to existing car park on Maryport Street, resulting in more car parking at the site, and not viable for a wheel chair user to access site from car on a wet day;
- and

- o Suggestion made that the building should be demolished and repositioned adjacent to car park; and
- o Objects to toilet in proximity to property.

The site is not suitable for additional traffic and parking;

6.27 The proposed use is not considered to result in additional traffic. The public toilet is to serve the sports grounds and, therefore, will provide a facility for persons who are already visiting the sports grounds. There is unlikely to any vehicle trip generation in association solely with the toilet.

6.28 The toilet is not well related to existing car park on Maryport Street, resulting in more car parking at the site, and not viable for a wheel chair user to access site from car on a wet day;

6.29 As discussed above, the proposed toilet is for use in association with the sports ground and will not likely generate car trips in its own right. The building is well related to the sports grounds located immediately off a footpath, ensuring the site can be accessed easily.

Suggestion made that the building should be demolished and repositioned adjacent to car park

6.30 The application is not for the demolition of the building and relocation and, therefore, we cannot consider this as an option in association of the application.

Objects to toilet in proximity to property.

6.31 As discussed above, the proposal includes limited external changes to the building, restricted to the insertion of a door to provide separate access to the new public toilet. The door is located on the southern elevation facing into the sports grounds, away from surrounding dwellings. There is a separation distance of 16m from the proposed door to the nearest dwelling along Mill Street Close and is separated by the building itself. There is not considered to be a harmful impact on surrounding neighbours as a result of the physical changes proposed.

6.32 The change of use will increase the usage of the building, but this is not considered to be harmful to neighbour amenity given the minor in scale of the proposal.

### **Well-Being of Future Generations (Wales) Act 2015**

6.33 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.

### **Conclusion**

6.34 The proposed development is minor in scale and not considered to have a harmful impact and accord with the relevant policies including Policy HE1, DES1, EP1, NE1, MV1 and SD3.

6.35 The proposal will have a positive impact in terms of promoting healthier places by providing a public, disabled toilet for the users of the sports grounds.

## **7.1 RECOMMENDATION: APPROVE**

### **Conditions:**

- 1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 The new proposed external door shall be of timber construction and remain as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

## **INFORMATIVES**

0 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).