

**DC/2016/00342**

**CHANGE OF USE OF A1 RETAIL USE TO C3 DWELLING TO INCLUDE RECONSTRUCTION OF BUILDING**

**OLD FORGE CRAFT SHOP, LLANELLEN LINK, LLANELLEN**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham  
Date Registered: 11/04/2016

**1.0 APPLICATION DETAILS**

- 1.1 This application relates to an existing retail premises just off the A4042(T) at Llanellen that has been trading as the Old Forge Craft Shop selling craft and gift items aimed mainly at the tourist market. It is now proposed to convert the building into a single dwelling. The rebuild will retain the frontage of the older part of the building (the Old Forge) but with levels adjusted to mitigate potential flood issues. The remainder of the building will be new build. As the site is within the development boundary of the village of Llanellen, there is no limit set by policy on the amount of re-build although the proposed dwelling will have a smaller footprint than the existing building, albeit it would be two storied throughout rather than single storey.
- 1.2 The site is located between Llanellen Village Hall and an existing dwelling known as Uskside. The frontage of the property is open onto an unclassified road that links the A4042 trunk road and the B4269 known as Llanellen Link. The existing building extends across virtually the whole width of the site. There is a hedge boundary along the north western boundary with the hall and a 1.8m high close board timber fence on the north-eastern boundary with Uskside.

**2.0 RELEVANT PLANNING HISTORY**

DC/2008/00455 – Conversion and Extension to two storey dwelling. Refused 2008 on the grounds of flood risk, bats and design.

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

- S1 – Spatial Distribution of New Housing Provision
- S5 – Community and Recreation Facilities
- 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

- H2 – Residential Development in Main Villages
- SD3 – Flood Risk
- CFR1 - Retention of Existing Community Facilities
- NE1 – Nature Conservation and Development
- DES1 – General Design Considerations
- EP1 – Amenity and Environmental Protection

## **4.0 REPRESENTATIONS**

### **4.1 Consultations Replies**

- 4.1.1 Llanfoist Fawr Community Council – recommends refusal. It was noted that this would mean the loss of a business in the village and it is not known if the applicant has exhausted the possibility of selling the premises as a business. As per the design statement this would be a replacement building.

Members would wish to speak at Planning Committee.

- 4.1.2 Natural Resources Wales (NRW) - Recommend that planning permission should only be given if the following requirements can be met by the applicant. If these requirements are not met then we would object to this application.

The planning application proposes to change the building from a less vulnerable use (retail) to a highly vulnerable use (housing). The proposal falls within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 0.1% (1 in 1000 year) annual probability fluvial flood outline of the River Usk.

The FCA has provided a flood level for the extreme 0.1% annual probability flood event at 43.578 metres AOD. However we are unclear on how this level was established. We note the FCA states that a previous site survey and the extent of the flooding indicated on our flood maps have produced this level but no information or methodology is provided. On the basis of the above we are unable to provide your Authority with advice on the acceptability of flooding, and therefore cannot advise on the technical criteria in TAN15.

You should note that the FCA has provided mitigation in the way of raised floor levels. The finished floor level for the proposed development is stated as 44.65m AOD. This would be above the stated 0.1% annual probability flood event of 43.578m from the FCA. We recommend that the FCA is revised to provide further information on how this predicted flood level (43.578m AOD) was established. If this can be demonstrated satisfactorily than our advice is the risks and consequences of flooding are acceptable.

- 4.1.3 MCC Highways –The proposed plan shows three spaces each overhanging the highway. This is an unacceptable layout. The use of the footway as parking is not in the control of the applicant as it forms part of the public highway clearly indicated on site with the change of material and the street furniture that lies therein. The adjacent property has enjoyed access over part of the frontage for many years and it is therefore assumed has legal rights uninterrupted over the frontage; parking therefore cannot obstruct this right.
- 4.1.4 MCC Biodiversity Officer – No objection subject to conditions (see conditions listed towards the end of this report).  
An ecological assessment has been undertaken at the site which is considered to be of a sufficient standard to enable the Authority to make a lawful planning decision.

### **4.2 Neighbour Notification**

Two representation received.

- Overlooking from windows and decking area of proposed new dwellings into bedroom of Uskside due to increased floor levels.
- Concern from Village Hall that noise and dusk until dawn lighting from the hall could cause friction with the owner of the new property.
- Where would the site be accessed from when reconstructing the building?

#### 4.3 Other Representations

SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

### 5.0 **EVALUATION**

#### 5.1 Principle of Development

5.1.1 The site is within the development boundary of a ‘main village’ and therefore the principle of new residential development is acceptable.

5.1.2 Policy CFR1 relates to loss of existing community facilities such as local shops. This policy only allows the change of use or conversion of local facilities where: the local community would continue to be adequately served by facilities to which there is easy and convenient access by means other than the private car; or in respect of commercially-operated facilities, there is evidence that the facility is not, and could not reasonably be expected to become, financially viable or the facility, if non-operational, has been vacant for a substantial period of time; and genuine attempts at marketing the facility, whether in use or vacant, have been unsuccessful. In this case there is a general store across the road which sells basic groceries. Therefore the loss of the craft shop would not be contrary to Policy CFR1.

#### 5.2. Access, Parking and Traffic

5.2.1 Within their response the Council’s Highways Engineer has noted that it was considered that the proposed parking arrangement overhangs the public footpath, and was therefore not acceptable. However having checked, this area is in fact in the applicant’s ownership which extends right up to the edge of the carriageway. There is no public footpath or footway across the frontage of the application site. To support this, a copy of the Land Registry title plan for the site has been provided which clearly indicates this situation. As such therefore, it is considered that three off road parking spaces can be provided as required by adopted supplementary planning guidance (SPG) and there is no sustainable highway objection to the proposal.

#### 5.3 Biodiversity Considerations

5.3.1 One of the grounds of refusal in respect of a previous application for conversion and extension of the building was due to lack of any information in relation to protected species. In this case a bat roost assessment has been undertaken to support the application.

5.3.2 A daytime scoping survey involving an internal and external inspection of the property for its potential to support bats was carried out on the 9<sup>th</sup> February 2016. No local records centre or data search was carried out. The inspection found limited areas of bat roost potential; each of these areas was thoroughly investigated using an endoscope and found no signs of bat use. The building has therefore been assessed as providing negligible potential for bats. However, considering the location of the

building and the surrounding high quality habitat it is recommended that careful working practices are adopted so as to safeguard potential bat species. The report also recommends the inclusion of bat enhancement measures in the new building, this is welcomed and is in line with LDP policy NE1. These have been conditioned below.

#### 5.4 Flooding

5.4.1 The planning application proposes to change the building from a less vulnerable use (retail) to a highly vulnerable use (housing). The proposal falls within Zone C2 of the Development Advice Map (DAM) contained in TAN15. NRW's Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 0.1% (1 in 1000 year) annual probability fluvial flood outline of the River Usk.

5.4.2 As the site is recognised as a floodplain the application has been supported by a Flood Consequences Assessment (FCA). NRW have indicated that there is no detailed flood data readily available to the applicant which could be used to inform a FCA. Therefore the FCA has relied upon NRW's general catchment wide flood maps to assess the risk to the proposal and recognising the particular nature of this application (change of use) and the scale of the development (one dwelling), it is considered to be unreasonable to expect the applicant to produce detailed site specific flood data to inform a FCA. The FCA has demonstrated that the dwelling would be flood free in a 1 in 100 year flood event. It also shows that with the adjusted levels proposed in this application this would mean that the dwelling would also be flood free in a 1 in 1000 year flood event. Additional information requested by NRW as to how the 1 in 1000 year flood level was established by the applicant have been provided and the Authority is now satisfied that the site will not be at risk of flooding.

5.4.3 On balance therefore, as it has been demonstrated that the risk of flooding on this site is very low and it is considered that the strategic aims of the LDP in relation to providing housing outweigh Development Management Policy SD3 which precludes development in flood plains.

#### 5.5 Visual Impact

5.5.1 A previous application on the site proposed a full height two storey extension on the rear of the existing building which was refused on design grounds. This application proposes to raise the ridge of the existing building by approximately 0.38m. This will allow the demolition of the rear portion of the building and its replacement with adequate new residential accommodation whilst keeping the ridge line no higher than the front part of the resultant building. The most prominent views of the building from the A4042 will therefore remain largely unchanged.

5.5.2 All new roofs will be natural slate with painted fascia and barge boards. Windows will be double glazed uPVC as existing and with the frontage window and door arrangement remaining unchanged from the existing arrangement. The resulting visual impact is considered to be acceptable.

#### 5.6 Residential Amenity

5.6.1 Habitable room windows face south west and north east and there will be no overlooking of the neighbouring dwellings at Uskside, partly because the property is single storey and divided by a 1.8m high close board timber fence.

#### 5.7 Response to Llanfoist Fawr Community Council and Other Issues Raised

- 5.7.1 Notwithstanding that Policy CFR1 allows the loss of a village shop where the community continues to be adequately served by another facility, in this case a statement provided by the applicants in support of the proposal has indicated that the shop is struggling to be economically viable due to limited customer parking and parking for deliveries, and competition from larger retail units both out of town and online.
- 5.7.2 Any future owner of the dwelling would be aware that there is a functioning Village Hall adjacent to the property and would therefore purchase the building on that basis. The sporadic use of the village hall for events likely to generate noise would not be so frequent as to be likely to cause regular complaint from any future occupier.

## 6.0 RECOMMENDATION: APPROVE

### Conditions:

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 list of approved plans set out in the table below.
3	The works will be carried out in accordance with the recommendations with section 6 of the document titled 'The Old Forge Craft Shop, Llanellen - Bat Roost Assessment' February 2016 produced by Pure Ecology.
4	The new design shall incorporate enhancement for bats to include one or more of the following; " Unobtrusive integrated bat boxes such as 'Schwegler bat tube', 'habibat' or 'Ibstock type c'
5	No surface water and/or land drainage shall be allowed to connect (either directly or indirectly) to the public sewerage system.

### Informatives:

Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 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).

All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk). This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies

and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.