

**DC/2016/00322**

**CONSTRUCTION OF UNIT 6 (BEING FINAL STAGE OF OVERALL DEVELOPMENT SCHEME FOR THE RETENTION OF EXISTING BUILDERS YARD AND REPLACEMENT OF EXISTING BUILDINGS - DC/2013/00367). COMPRISING DETACHED SINGLE STOREY UNIT (12.6M X 11.1M X 4M TO EAVES)**

**THE BUILDERS YARD, CHEPSTOW ROAD, USK, NP15 1HN**

**RECOMMENDATION: APPROVE**

Case Officer: Jo Draper

Date Registered: 13.07.2016

**1.0 APPLICATION DETAILS**

- 1.1 This application proposes to redevelop an existing yard for the storage of building materials. The application site has an historic use as a builder's yard and is occupied by a number of buildings in relation to this use. Planning consent has been granted and implemented to replace the existing eight units which were in a poor state of repair with four new (larger) units to be used in association with the existing use.
- 1.2 The application site is situated on the outskirts of Usk outside the development boundary defined by the Local Development Plan. The Olway Brook runs to the south of the site. To the east of the application site are two dwellings, with one dwelling sharing the eastern boundary of the site. To the west of the site there is a gas pressure reduction station within a fenced compound. There is an existing shared access that serves that station and the builder's yard with a secondary access that also serves the application site.
- 1.3 It is proposed to construct a new building to be situated in the southern part of the site. The proposal's floor area would be 10.5m x 12m, eaves height would be 4m and ridge height 6m. The proposed building is required for the new plant (machinery and equipment) which are brought to site and are too big to be stored in the existing buildings (the low (3m high) eaves height restricts access). The applicant has stated that they need a secure storage area as this equipment is currently parked outside and exposed to elements as well as being at risk of theft/ damage. The current planning approvals control external storage of plant and equipment.
- 1.4 External materials for Unit 6 are the same as Units 1-5 previously approved comprising the following:
1. Roof Cladding in standing seam profile 'Kalzip' profiled sheet
  2. Traditional masonry cavity walls, clad in timber boarding
  3. Aluminium roller shutter doors
- 1.5 The application site sits within a C2 Flood zone. Within a C2 flood zone only less vulnerable development should be considered subject to application of a justification test, including assessing the acceptability of flood consequences. The susceptibility of land to flooding will be a material consideration in deciding a planning application. For proposals located in Zone C2 developers will need to demonstrate that the development can be justified in the location and that the consequences associated with flooding are acceptable.

A Flood Consequences Assessment has been submitted with this application, this recommends raising the floor area by an additional 1m in height to comply with TAN

15 requirements. The applicant has chosen not to do this and provided the following supporting information to explain the reasons for this:

- (1) Raising the floor slab of Unit 6 to a level at least 1m above retained ground level (serving Units 1-5) will require the construction of vehicular and pedestrian access ramps to get plant, equipment and personnel from ground level to Unit 6 floor slab level. These ramps will require a level "landing" immediately outside the external openings so that the vehicles and plant can approach the door thresholds on a level plane. Beyond the landing areas the ramps will be set at a slope of between 1:10 for pedestrians and 1:15 for vehicles to achieve a controlled access between levels. A ramp rising 1m will be 15m long and when added to the landing area will extend into the apron area of unit 5 and cause disruption to the access to unit 5;
- (2) Unit 6 would require a raised platform extending beyond the building footprint to provide a safe working apron (area approx. 20m x 15m) or 300cubic metres of solid mass located within 10m of the stream, thus providing a solid barrier to flood waters progressing down-stream along this section of the flood plain/ bank. (Conversely, by omitting this platform we have freed up the flood plain and the building will have minimal effect on disrupting the water flows).
- (3) Visually, Unit 6 raised over a metre higher than the neighbouring Units 1-5 as well as the gas unit and neighbouring residential properties, will look out of place within its setting and conflict with the subordinate role played by the replaced storage units when compared with their residential neighbours.

## **2.0 RELEVANT PLANNING HISTORY**

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|-----------------------|---|
| <b>DC/2015/00016</b>  | Alteration to approved layout changing the position of unit 1 and unit 2 on the approved scheme (DC/2013/00367) new boundary and gate to be placed between the new building and boundary. Additional planting along the eastern boundary to provide screening between industrial and residential areas. Approved 05.03.2015 |
| <b>DC/2013/00367</b>  | Retention of existing builders yard and replacement of buildings Approved 05.02.2014  |
| <b>DC/1995/00150:</b> | Demolition of Existing Buildings and Construction of Two New Dwellings at the Builder's Yard. Refused 21.08.1996<br>Appeal Dismissed 5.12.1996  |

## **3.0 NATIONAL PLANNING POLICY**

### Technical Advice Note 15: Development and Flood Risk

The application site is situated in a C2 flood zone: within this area only less vulnerable development should be considered subject to application of a justification test, including acceptability of consequences. Emergency services and highly vulnerable development should not be considered.

Less vulnerable development is defined as: general industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, mineral extraction sites and associated processing facilities, excluding waste disposal sites. Highly vulnerable development and emergency services in Zone C2 should not

be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location.

The susceptibility of land to flooding will be a material consideration in deciding a planning application. For proposals located in Zone C developers will need to demonstrate, to the satisfaction of the planning authority, that the development can be justified in that location and that the consequences associated with flooding are acceptable.

#### **4.0 LOCAL DEVELOPMENT PLAN POLICIES**

##### Strategic Policies

- S12 Efficient Resource Use and Flood Risk
- S13 Landscape, Green Infrastructure and the Natural Environment
- S17 Place Making and Design

##### Development Management Policies

- DES1 LDP General Design Considerations
- EP1 LDP Amenity and Environmental Protection
- SD3 LDP Flood Risk

#### **5.0 REPRESENTATIONS**

##### 5.1 Consultations Replies

Usk Town Council: Approve

Welsh Water: No objection

Gwent Glamorgan Archaeological Trust: As the proposed development will include substantial ground disturbing activities, it is possible that important archaeological discoveries will be made during the development. A condition is recommended to secure an archaeological programme of investigation be implemented to mitigate any potential impacts to the archaeological resource.

Natural Resources Wales:

With regard to Great Crested Newts, on the basis of the report 'Addendum to 'Great Crested Newt Survey' — November 2013 Usk Builders Yard' (October 2015)., we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Having reviewed the Flood Consequences Assessment there are significant concerns with the proposed development as submitted, as the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an appropriate level in line with TAN15. We recommend that planning permission should only be given if the following requirements can be met. If these requirements are not met then we would object to this application as the proposal is likely to have an unacceptable effect on flood risk.

MCC Ecology: I note the proximity of the development to the Olway Brook. This watercourse is known to be used by otter and provides an ecological corridor in the agricultural landscape for other wildlife. This will need to be protected by detailed lighting design. Normally I would ask for some kind of buffer planting but due to the

vegetated nature of the area, there isn't much room for any additional landscape planting. Despite this, lighting control should be considered to prevent any floodlighting illuminating the watercourse and vegetation. Condition recommended.

## 5.2 Neighbour Notification

No comments received to date

## 6.0 **EVALUATION**

The proposed development is situated to the south of the site at the furthest point away from the closest neighbouring property Ty Cryr (approximately 60m) and is almost completely hidden from view by Unit 5. There are no neighbour implications arising from this development. The two issues that arise in the consideration of this application are Visual Amenity and Flooding.

### 6.1 Visual Amenity

- 6.1.1 The building has been designed to integrate with the existing buildings on site. While the scale of the building is higher and will project over the roofs of the existing building, it is situated in the most discreet location to the rear of the site (the least prominent part of the site) and will be visually acceptable in this context - the majority of the bulk of the building would be screened by the existing buildings. The applicant has sought to maintain a rural appearance with the use of external materials that match those of the existing building comprising vertical timber boarding to the walls and profiled sheets to the roof. The proposed building is visually acceptable in this context.

### 6.2 Flooding

- 6.2.1 The objection from the NRW is based on the information in the applicant's FCA. An average ground level of 16.95m AOD has been taken which during the 1 in 100 year (plus climate change) event would lead to a flood depth of 1.06 metres (applying a flood level of 18.01m AOD). The proposal does not therefore meet the requirements of A1.14 of TAN15, i.e. it is not predicted to be flood free in the 1 in 100 year plus climate change flood event. Whilst the maximum predicted velocities for such an event are 1.65m/s. The combination of the predicted depths and velocities gives a resultant hazard rating of 'Danger for All'. With regard to the 1 in 1000 year flood level, the development is liable to flood to a maximum depth of 1.3m. This is in excess of the indicative tolerable conditions set out in A1.15 of TAN15 of 600mm. Again the maximum predicted velocities at the site are also in excess of the indicative tolerable conditions for industrial use of 0.3 metres/sec; the predicted maximum velocity is 2.64 m/s. NRW have confirmed that the development would not increase flood risk elsewhere, as there would be no loss of flood storage capacity. The issue relates to the Finished Floor Level which should be set above the 1 in 100 plus climate change flood level of 18.01m AOD.
- 6.2.2 The same issue arose in the determination of the previous application to renew the existing units; this proposal did not meet the requirements for the FFL to be set above the 1 in 100 plus climate change flood level either. However, this was accepted due to the fall-back position of the site with an established use and buildings on site that could be re-used by the applicant. This unit is part of the same development and land use, and if the proposed building does flood due to the finished floor levels and predicted velocities at the site, the rest of the site will also be flooded. What is also relevant is that this building is to secure the storage of plant and machinery that is currently stored outside because it is too large/high to be stored in the existing buildings. In the case of

a flood this plant would be subject to flooding regardless of whether it is stored within a building or outside. The implications of flooding do not differ whether this building is constructed or not.

- 6.2.3 The alternative of raising the building by a minimum of 1m to meet the recommendations of the NRW would result in the building being over 7m in height. Currently the site is not prominent within the landscape due to the existing buildings being of a low profile and set back from the frontage of the site. To construct the proposed building in accordance with the FCA would result in an increase in the mass and height of the building which would render the development much more visually prominent and therefore unacceptable. Thus, a scheme that complied with the recommendations of the FCA would result in a proposal that would be unlikely to receive a favourable officer recommendation on grounds of visual intrusion.
- 6.2.4 TAN 15 provides that only less vulnerable development should be situated in a C2 flood zone. This proposal complies with the given definition of less vulnerable development. The developers have justified that this building will not exacerbate flooding elsewhere. The key issue is that there remains a potential for this building to flood alongside all of the other buildings constructed on site due to the finished floor levels. Given the reasoning behind the need for this building and the current use of the site, this development can be justified in this location and the consequences associated with flooding are acceptable in this particular case.

## **7.0 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
3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
4. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building until an appropriate lighting plan, which includes low level PIR lighting and allows the dark watercourse corridor to be maintained, has been agreed in writing with the Local Planning Authority. The lighting scheme as approved, shall be implemented before the building is brought into use and the lighting shall be maintained as agreed in perpetuity.
5. The premises shall not be used for the approved purposes outside the following times 07:30h to 18:30h Monday to Friday and 08:00h to 14:00h on Saturdays. The premises shall not be open or operational on Sundays and Public Holidays.