

## Planning, Taxi Licensing and Rights of Way Committee Report

<b>Application No:</b>	P/2017/0230	<b>Grid Ref:</b>	312302 326164
<b>Community Council:</b>	Llanrhaeadr Ym Mochnant	<b>Valid Date:</b>	<b>Officer:</b> 21/03/2017 Kate Bowen
<b>Applicant:</b>	Mr Keith Sandell, Dolawel, Waterfall Street, Llanrhaeadr-ym-Mochnant, Oswestry, SY10 0JS		
<b>Location:</b>	Former British Legion Hall, Waterfall Street, Llanrhaeadr, Powys, SY10 0JS		
<b>Proposal:</b>	Full: Conversion of community hall (Use Class D1) to residential use (Use Class C3) including alterations		
<b>Application Type:</b>	Application for Full Planning Permission		

### Reason for Committee determination

Part of the application site is located within the C2 Flood Zone and given that consent is recommended, this represents a departure from the development plan.

### Site Location and Description

The Former British Legion Hall is located on the western side of Waterfall Street in the village of Llanrhaeadr Ym Mochnant. The building is a former chapel which is located to the east of and at a higher level than the Afon Rhaeadr. It is proposed to convert the existing building into a single residential dwelling. The proposal includes the following alterations to the building:

- Installation of upvc windows on the front elevation and alterations to the window openings on the rear elevation; and
- Loss of the original ground floor windows on the rear elevation.

Amended plans have been received during the processing of the application which remove/amend some elements of the proposal (including retention of railings and wall to front of the building and removal of proposed oil tank at front of the building and removal of proposed balcony at rear of building) as a result of public and consultee responses. A full reconsultation has been issued on the revised proposal.

### Consultee Response

Llanrhaeadr Ym Mochnant Community Council

No response received.

PCC Highway Authority

*Correspondence dated 04/04/2017:*

Can you request further data from the applicant for me, please?

I need to know the following details which are missing from the submission:

- Plan of the proposed access to include the current & proposed visibility splay
- Composition of the proposed access
- Plan showing the number, size and location of the proposed parking bays (in line with CSS Wales)

The application does not state what number of bedrooms are proposed, this has a bearing on the number of parking bays required.

I shall review the application following the submission of the above details.

*Correspondence dated 16.05.2017:*

The County Council as Highway Authority for the County Unclassified Highway, U5203

**Wish the following recommendations/Observations be applied  
Recommendations/Observations**

The Highway Authority in principle has no objection to the change of use of the building.

There is insufficient space within the proposed parking area to provide a parking bay of the required dimensions and as such any vehicle parked within this space would potentially overhang the public highway.

We are therefore unable to accept this element of the application and request that the application is amended to exclude the proposed vehicle access and parking bay.

*Correspondence dated 09/08/2017:*

We have noted that the amended plans have removed the sub-standard off road parking area and as such since only a pedestrian access is proposed we have no further comment to make.

PCC Building Control

Building Regulations application required.

Severn Trent Water (STW)

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

PCC Built Heritage Officer

*Correspondence dated 05/05/2017:*

Thank you for consulting me on the above application. I can confirm that the property is unlisted and within the Llanrhaeadr Ym Mochnant Conservation area and is adjacent to a terrace of three listed buildings (Lloran House Cadw ID 81825 Bodawel Cadw ID 81815, Arwelfa Cadw Id 81814) and opposite a listed building (11 Waterfall Street Cadw ID 81810). I also note the listed building in the open land to the rear of the site The Waterloo Stone Cadw ID 81790.

It is noted that the building was formerly a chapel built in 1855 and has been used as a British Legion club for a number of years.

The proposal would involve the change of the use of the premises to a residential use with a number of external changes namely;

- Replacement of windows to front elevation
- Loss of railings to front elevation (conservation area consent applied for independently)
- Installation of oil tank on front elevation
- Replacement of windows on rear elevation with white upvc and the enlargement of existing openings
- Insertion of balcony and enlargement of window on rear elevation.

Paragraph 8 of welsh Office Circular 61/96 reminds us of our duties in that “Authorities are also required by Section 72 of the Act, in the exercise in a conservation area of their powers under the Planning Acts, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.”

Local Plan policies reflect national legislation and I am mindful of Policy ENV11 of the Powys UDP which reflects national aims and states that; *“Proposals for development within or adjoining a Conservation Area should be of a high quality design and should preserve or enhance the character or appearance of that area. Inappropriate developments that would significantly detract from that character will be opposed”*. Paragraph 4.5.9 of the justification for Policy ENV11 advises that *“When considering development proposals affecting a designated conservation area, the Council will seek to ensure that all proposals do not compromise the desire to preserve or enhance the character or appearance of the area and that they are acceptable in terms of setting, form, scale, materials, design and detailing. They will take account of the desirability of retaining traditional buildings, groups of buildings, existing street patterns, spaces, building lines and hard landscape surfaces. The retention or restoration of architectural features as part of the development together with the need to protect valuable existing trees, open spaces and landscape features will also be considered”*

I am also aware of UDP policy SP3 b which states that *“Proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and, heritage conservation and historic interest”*.

**P2017/0307 CAC: Conservation Area Consent for removal of railings, gate, cement posts and low stone wall to frontage (in order to form vehicular access) at Former British Legion Hall Waterfall Street Llanrhaeadr Ym Mochnant**

Application P2017/0307 is for the loss of the wrought iron railings to the front of the chapel. Paragraph 33 of Welsh Office Circular advises that, “*The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In cases where a building makes little or no such contribution the authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.*”

Section 34 of WO61/96 advises that “it will be appropriate to impose on the grant of consent for demolition a condition under Section 17(3) of the Act - as applied by Section 74(3), that demolition shall not take place until a contract for carrying out development work has been made and planning permission granted.”

I acknowledge the advice given in paragraph 20 of WO 61/96 that details the criteria to be used in the designation of a conservation area, which is not only the individual buildings but the spaces between buildings.

“Quality of place should be the prime consideration in identifying conservation areas. This depends on more than individual buildings. It is recognised that the special character of a place may derive from many factors, including: the grouping of buildings; their scale and relationship with outdoor spaces; the network of routes and nodal spaces; the mix and relative importance of focus and background buildings; vistas and visual compositions; hierarchies of public and private space; materials used in buildings and other surfaces (pavements, roads, garden walls, railings, ...); architectural detailing (of windows, doors, eaves, gates, kerbs, ... ); patterns of use; colours; hard and soft landscaping; street furniture; and so on. Conservation area designation should be seen as the prime means of recognising, protecting and enhancing the identity of places with special character; local conservation policy should be sensitive to quality of place (townscape) in the broadest sense. Authorities should seek to establish consistent criteria against which they should periodically review existing conservation areas and their boundaries. Cancellation of designation should be considered where an area or part of an area is no longer considered to possess the special interest which led to its designation”.

I would also refer to the guidance in paragraph 6.5.20 of Planning Policy Wales 9th Edition 2016 which states that there “should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting”. In addition PPW continues in paragraph 6.5.21 that “There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level”

It is not considered that the loss of architectural detailing such as railings would not preserve the character or appearance of the conservation area. As the proposal would fail to preserve,

it would need to enhance the character and appearance of the conservation area. It is noted that the railed yard would be replaced with a car parking space and an oil tank and it is considered that the loss of the wrought iron railings and their replacement with a car parking space and oil tank would fail to enhance the character and appearance of the Llanrhaeadr Ym Mochnant conservation area and as such would be contrary to national legislation in terms of Section 72 of The Planning (Listed Buildings and Conservation Areas) Act, paragraph 6.5.20 of Planning Policy Wales 9th Edition 2016, and local Unitary Development Plan policies, ENV11 and UDP SP3.

I would have to **object** to the application for conservation area consent for the following reasons.

The loss of the wrought iron railings to the front of this chapel would neither preserve or enhance the character or appearance of the Llanrhaeadr Ym Mochnant Conservation Area and as such would be contrary to Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 6.5.20 of Planning Policy Wales 9th Edition 2016 and Unitary Development Plan Policies ENV11 and SP3b of the adopted Powys UDP which seeks to protect, conserve and enhance sites and features of historic and built heritage importance.

**P/2017/0230 Full: Conversion of community hall to residential use including alterations; new windows and door; new door and balcony to rear first floor elevation; siting of 1225 litre oil tank to front; formation of vehicular access and parking area (removal of railings, gate and low wall to frontage)**

Whilst there is no objection to the principle of the development the proposed changes to the rear are of some concern in this conservation area and in such close proximity to listed buildings.

The rear elevation would be visible over a relatively wide area across the public park with the listed Waterloo Stone and across the park to the unclassified road that leads to Cefn Coch. Views from this road and the parkland clearly indicate the rear of this building adjacent to the terrace of listed buildings.

The ground floor windows appear to be original and their loss and replacement with upvc windows are not supported. The change in the location is noted. The reopening of the entire height of the upper floor windows would be encouraged, however I note the enlargement of the window to form a balcony. This elevation is visible from the conservation area, and as such I would raise concerns with the proposed alterations to the rear elevation. It would be preferable for the ground floor windows to be retained and repaired, and the original upper floor windows to be reinstated without enlargement, or if a modest enlargement is required that the symmetry of the rear elevation should be respected as opposed to one window lengthened and one window shortened. The introduction of a balcony on a former chapel is not supported and it is suggested that this element of the application be withdrawn.

I would not encourage the use of upvc in this location and would seek more appropriate alternatives.

I also note with concern the quality of the submitted drawings that do not accurately depict the works proposed.

The view across the open space towards the rear of Waterfall Street illustrates the 2 storey rear of the chapel adjacent and projecting in front of the listed terrace.

The alterations proposed would adversely affect the character and appearance of this gable within the conservation area and also the setting of the adjacent listed buildings.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96 which states "Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.5.9 of Planning Policy Wales 8th edition 2016 which states, "Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Powys Unitary Plan policies reflect national legislation and guidance; Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that "proposals for development unacceptably adversely affecting a listed building or its setting will be refused". UDP Policy SP3b states that "proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest". UDP Policy GP1 states "development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area".

Whilst not objecting to the principle of the proposal, I must express grave concerns with the treatment of the rear elevation and would request that a more sympathetic approach with appropriate materials is sought for this prominent elevation.

I would also have concerns with the proposal for the front elevation. The loss of the railings and the introduction of an oil tank would fail to preserve or enhance the character or appearance of the conservation area and has been addressed in the application for conservation area consent.

I would not encourage the use of upvc windows in this location and would seek more appropriate alternatives in this location. The replacement of the existing windows and the reopening of the entire depth of the window is welcomed.

On balance I would have no objections in principle, and in many respects the proposal would secure the long term future of this building. However the external changes that are proposed

would severely and adversely affect this external character of this building and would impact on the setting of the adjacent listed building and as such I could not support the proposal in its current form.

I would suggest that the conservation area consent application is withdrawn, and the planning application be withdrawn prior to a resubmission, or accurate amended plans taking into account the concerns raised above be received.

Should the application not be withdrawn or amended elevations received I would have to **object** to the proposal and **recommend refusal** on the following grounds.

The proposal introduces many elements to the building such as upvc windows on the prominent rear elevation, the enlargement of one upper floor windows and the creation of a balcony, and also the loss of existing architectural details such as the ground floor rear windows and the railings to the front of the chapel. It is considered that the inappropriate additions and the insensitive loss of architectural detailing would neither preserve or enhance the character or appearance of the Llanrhaeadr Ym Mochnant Conservation Area and as such would be contrary to Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 6.5.20 of Planning Policy Wales 9th Edition 2016 and Unitary Development Plan Policies ENV11 and SP3b of the adopted Powys UDP which seeks to protect, conserve and enhance sites and features of historic and built heritage importance.

The development would adversely affect the setting of the designated heritage assets; Lloran House, Bodawel and to a lesser degree Arwelfa which lie to the north of the application site. The application site is a former chapel that projects south westwards towards the Afon Rhaeadr in front of the listed terrace and as such is highly visible from the public open space and other roads within Llanrhaedr Ym Mochnant. The loss of the original ground floor windows, the introduction of white upvc windows and the introduction of lengthened window and balcony would have a significant and adverse impact on the character and appearance of the conservation area and the setting of the listed terrace. As a result of the significant impacts outlined above, it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, and paragraph 11 of Welsh Office Circular 61/96, Paragraph 6.5.9 of Planning Policy Wales 8th edition 2016, and Local Plan Policies Policy SP3b, ENV14 and GP1

*Correspondence dated 03/07/2017:*

Further to our discussion, I note the style of window that is being proposed albeit of a cruciform style to accommodate the two floors accessing a single window.

Whilst having no objection to the upvc window in this instance – given the maintenance issues and the size of the opening, however as the details indicate the type of window and not the exact window I would suggest that a condition be imposed for clarity of detailing.

I would suggest the following condition.

The windows shall be of a cruciform style, flush fitting and designed to accommodate the window opening and set back from the front edge of the stonework Prior to works

commencing on site details of all the new windows, (including details of the trickle vents) to be submitted to the Local Planning Authority, at a scale of not less than 1: 20, and agreed in writing. The details should include where relevant the relationship with the inserted floor. The development shall be carried out in accordance with the approved details.

*Correspondence dated 10/08/2017:*

Thank you for consulting me on the amendments to the above application. I note that the accompanying application for conservation area consent has been withdrawn and that the railings are to remain.

My previous concerns were;

The loss of the railings and the siting of the oil tank

The proposed upvc windows on the front and the alterations to the window openings at the rear elevation

The proposed balcony to the rear

The loss of the original ground floor windows on the rear elevation.

I note that the railings are to be retained and the oil tank is no longer proposed and as such my concerns have been addressed in this regard.

I note the discussions that have been undertaken with the windows and that they would be of a cruciform style indicative of other windows in the conservation area.

The balcony has been removed from the plans and the original size openings retained.

Paragraph 8 of Welsh Office Circular 61/96 reminds us of our duties in that "Authorities are also required by Section 72 of the Act, in the exercise in a conservation area of their powers under the Planning Acts, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area."

Local Plan policies reflect national legislation and I am mindful of Policy ENV11 of the Powys UDP which reflects national aims and states that; "*Proposals for development within or adjoining a Conservation Area should be of a high quality design and should preserve or enhance the character or appearance of that area. Inappropriate developments that would significantly detract from that character will be opposed*". Paragraph 4.5.9 of the justification for Policy ENV11 advises that "*When considering development proposals affecting a designated conservation area, the Council will seek to ensure that all proposals do not compromise the desire to preserve or enhance the character or appearance of the area and that they are acceptable in terms of setting, form, scale, materials, design and detailing. They will take account of the desirability of retaining traditional buildings, groups of buildings, existing street patterns, spaces, building lines and hard landscape surfaces. The retention or restoration of architectural features as part of the development together with the need to protect valuable existing trees, open spaces and landscape features will also be considered*"

I am also aware of UDP policy SP3 b which states that "*Proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and, heritage conservation and historic interest*".



I note the revised fenestration treatment to the rear retaining the existing opening sizes, the intention to have a traditional cruciform glazing pattern and the loss of the balcony and would consider that my concerns have been met in this regard and would consider that the amended plans would not adversely affect the setting of the adjacent listed building or the character or appearance of the conservation area.

My concerns with the loss of the railings and the siting of the oil tank have also been addressed.

I note that it is still proposed to remove the ground floor windows on the rear elevation and given the limited viewpoints of these windows I would not wish to object to this element of the application in isolation.

I would have no objections to the amended proposal received on 2 August 2017 subject to the following conditions.

The development shall be undertaken in accordance with the amended plans received on 2 August 2017.

**Reason:** For the avoidance of doubt as to the approved plans.

The windows shall be of a cruciform style, flush fitting and designed to accommodate the existing window opening and set back from the front edge of the stonework Prior to works commencing on site details of all the new windows, (including details of the trickle vents) to be submitted to the Local Planning Authority, at a scale of not less than 1: 20, and agreed in writing. The details should include where relevant the relationship with the inserted floor. The development shall be carried out in accordance with the approved details.

**Reason:** To preserve or enhance the character and appearance of the Llanrhaeadr Ym Mochnant Conservation Area.

### Capel

This was indeed a chapel, Salem Independent. It was built in 1855, closed 1919. Community/British Legion use has retained the form of the building. The proposal retains the façade to an acceptable degree, but the loss of the characteristic railed forecourt is a shame and has a real impact on character. For this reason, we would recommend refusal.

### Natural Resources Wales (NRW)

*Correspondence dated 07/04/2017:*

Thank you for consulting Natural Resources Wales (letter dated 24/03/2017) regarding the above.

NRW does not object to the proposal but would like to raise the matters detailed below.

### **Flood Risk**

The application boundary lies partly 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 outline of the Afon Rhaedr, designated as a main river along this reach.

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).

Should you be minded to permit the application, contrary to Welsh Government policy on development and flood risk, our advice on the acceptability of flooding consequences in terms of risks to people and property, is limited to a site visit carried out by the Development.

Given the scale of the proposed development (and in the absence of a flood consequence assessment) we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development, if necessary as part of the basement redevelopment.

These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels. We refer the applicant to insurance and flood proofing information. As the NRW website is being continually updated, we suggest that reference is made to the 'Flooding' pages of the website which includes useful information on these matters, <http://naturalresources.wales/flooding/?lang=en>

We suggest you consult other professional advisors (e.g. Emergency Planners, Emergency Services, Building Control) on the acceptability of proposals and on matters we cannot advise on, such as, emergency evacuation plans, procedures and measures to address structural damage that may result from flooding. 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. From 6th April 2016, the Flood Defence Consenting process changed, you will need to apply for a Flood Risk Activity Permit if you wish to undertake any work in, over, under or adjacent to a main river. Please use the following links for further information

<http://www.naturalresources.wales/apply-for-a-permit/flood-risk-activities/?lang=en>

QUICK GUIDE –

<http://naturalresources.wales/apply-for-a-permit/flood-risk-activities/guidance/?lang=en>

### **Pollution Prevention**

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

All works at the site must be carried out in accordance with PPG5: 'Works in, near or over watercourses' which is available at the Gov.uk website:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Although this document is withdrawn, the advice it provides is still relevant.

If a pollution incident does arise the site must inform us immediately via our incident hotline **03000653000**

Any waste produced during the demolition/construction should be disposed of as per Waste regulations. It is the producer's responsibilities to ensure that Waste regulations are followed. Please see our website [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) for Waste disposal Guidance.

### **Protected Species**

We note that no ecological report was submitted with the application. We are unable to make informed comments on bats without being consulted on a bat survey report. The building in consideration and its surrounding habitat has the potential to provide an ideal roosting and foraging place for bats. The conversion of this property and associated works to the roof have therefore the potential to cause harm and disturbance to bats, a European Protected Species.

We believe this proposal would benefit from the Authority's ecological advisor(s) screening opinion on:

- The potential for the presence of European Protected Species (EPS) and national protected species.
- The need for an appropriate survey and report to assess any effects of the proposal on protected species and the detail of mitigation to ensure any effects are acceptable.

If the presence of protected species such as bats is considered likely following screening by the LPA then we can provide further advice if necessary when ecological reports are available.

### **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.

*Correspondence dated 28/04/2017:*

We will only make additional comments if we receive a bat report.

### PCC Emergency Planning Section

#### **Introduction**

**01.** Thank you for the opportunity to comment on the above application which we were informed of on **19 Apr 2016**. The Emergency Planning & Resilience Section (EP&R Sect) of Powys County Council (PCC) would like to make a number of 'Generic' Observations (applicable to all sites) regarding access and evacuation at sites considered to be at risk of flood.

**02.** Information on the registration process for the Natural Resources Wales Flood Warning Service (formally referred to as Flood Warning Direct) and the completion of Community and Personal Flood Plans is also listed.

**03.** Please note that, whilst the PCC EP&R Sect (together with other professional partners including Natural Resources Wales and the Emergency Services) are always willing to provide advice and guidance on Site or Property Flood Plans (i.e. Personal or

Community Flood Management Plans) they will not 'Rubber Stamp' or 'Sanction' these plans as this is the legal responsibility of the Site / Property Owner and not the Local Authority.

### **Generic Observations**

**04.** The following Generic Observations are made:

- a. Working with partners in the Dyfed Powys Local Resilience Forum PCC has very robust contingency plans in place including Severe Weather, Evacuation & Shelter, and Humanitarian Assistance.
- b. Whilst PCC is a Category 1 (Main) Responder (Civil Contingencies Act 2004 refers) the Authority acts in support of the Emergency Services and responds to their requests. PCC has no legal authority to instruct or advise people to evacuate their property.
- c. The Police coordinate the emergency response and not the Local Authority.
- d. During a severe weather incident (including flooding) PCC will concentrate its efforts in supporting those individuals who are unable to protect their properties (i.e. vulnerable clients, the elderly and infirm). Able bodied house / building owners are expected to make prior arrangements to protect their properties, including the purchase of commercially available flood defence products. Whilst sandbags (and ballast) will be provided by PCC where possible, the Authority may request that (able bodied) individuals collect these from local Highways Depots.

### **Flood Warning Service (FWS) Messages**

**05.** Property holders who believe that their properties are likely to flood should register for free Environment Agency (EA) 'Flood Warning Service' messages. Further information on this and registration details can be found on the EA website at the following link:

<https://naturalresources.wales/flooding/flood-warning-service/?lang=en>

**06.** Please note that the (UK) EA provides FWS services to customers in Wales on behalf of Natural Resources Wales.

**07.** During heavy and persistent rainfall individuals should remain alert and not be fully reliant on the above warnings. Where safe to do so they should pro-actively monitor river and stream levels in their immediate area and take appropriate action (including evacuation).

### **Community & Personal Flood Plans**

**08.** Any Community or private individual that believes they are at risk of flood are strongly encouraged to complete a 'Community Flood Plan' or 'Personal Flood Plan' and templates and guidance instructions can be found on the GOV.UK website:

<https://www.gov.uk/government/publications/community-flood-plan-template>

<https://www.gov.uk/government/publications/personal-flood-plan>

### **Dynamic Risk Assessment**

**09.** Evacuation from a property is not always the best option and can actually increase the risk. It is sometimes (dependant on predicted flood depths) safer to move to a higher floor within a building and wait for water levels to dissipate. This decision should be taken after undertaking a Dynamic Risk Assessment.

### **Representations**

Following the display of site notices and publicity in the local press, two representations (from one source) have been received and are summarised as follows:

- Lloran House and two adjacent properties are listed buildings and the British Legion Hall is a historic building, being present in 1857 and was former Baptist Chapel which adds character to the street and conservation area;
- Welcome any re-development on the use of the vacant property but have some concerns in relation to the impact upon Lloran House because the property physically adjoins the Former British Legion Hall;
- Plans are not detailed enough;
- Neighbours have not been consulted on the application by the applicant;
- The ownership certificate has not been completed correctly;
- The proposed balcony structure should be minimised in scale to prevent overlooking and affecting the view down the river;
- A soil pipe is shown to connect into the existing downpipe on Lloran House with the owners of Lloran House intending to remove the downpipe so the soil pipes location should be reconsidered;
- The majority of windows in the locality are not UPVC white windows which are proposed;
- Unclear as to whether it is proposed to adjust the overall heights of the windows. Baptist Chapels typically had high window sills to focus the congregation on the service;
- Concern over internal alterations causing structural issues with Lloran House;

*Following reconsulation on amended plans:*

- Welcome the retention of the original railings and the removal of the oil tank at the front of the property;
- The plans remain unclear and there is no block plan providing an aerial view. As such it is unclear as to whether the balcony has been removed;
- Amended plans make reference to windows being glazed but there is no detail provided;
- The original plans referred to the building of a mezzanine floor to the internal structure. Can we clarify if this is included in the application or subject to a separate building control request?

## **Planning History**

P/2017/0307 - CAC: Conservation Area Consent for removal of railings, gate, cement posts and low stone wall to frontage (in order to form vehicular access). Application withdrawn

## **Principal Planning Constraints**

- Flood Zone;
- Historic Landscapes Register;
- Llanrhaeadr Ym Mochnant Conservation Area;
- Adjacent to a terrace of three listed buildings (Lloran House Cadw ID 81825 Bodawel Cadw ID 81815, Arwelfa Cadw Id 81814) and opposite a listed building (11 Waterfall Street Cadw ID 81810). In addition, The Waterloo Stone (Cadw ID 81790) is located in the open land to the rear of the site; and
- U5203 unclassified highway (Waterfall Street).

## **Principal Planning Policies**

### National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 5 - Nature Conservation and Planning (2009)

TAN 12 - Design (2016)

TAN 15 - Development and Flood Risk (2004)

TAN 20 - Planning and the Welsh Language (2013)

TAN 24 – The Historic Environment (2017)

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

### Local Planning Policy

*Powys Unitary Development Plan (2010)*

UDP SP3 - Natural, Historic and Built Heritage

UDP SP14 - Development In Flood Risk Areas

UDP GP1 – Development Control

UDP GP4 – Highway Access and Parking Requirements

UDP GP5 – Welsh Language and Culture

UDP ENV3 – Safeguarding Biodiversity and Natural Habitats

UDP ENV7 – Protected Species

UDP ENV11 - Development in Conservation Areas

UDP ENV14 – Listed Buildings

UDP ENV16 - Landscapes, Parks and Gardens of Special Historic Interest

UDP HP3 – Housing Land Availability

UDP HP4 - Settlement Development Boundaries and Capacities

UDP HP5 – Residential Developments

UDP DC10 – Mains Sewage Treatment

UDP DC13 – Surface Water Drainage

UDP CS2 – Protecting Existing Community Facilities and Services

UDP TR2 – Tourist Attractions and Development Areas

Powys Residential Design Guide (2004)

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.

### Procedure

Public representations refer to the ownership form being incorrectly completed. A revised ownership form was received and publicised accordingly. Therefore, Development Management is satisfied that there has been ample opportunity for the owner of the application building to make representations on the proposed development (no such representations have been received).

Public representations also refer to neighbours not having been consulted. Given that the Local Planning Authority has carried out statutory publication of the application by publicity in the local press and display of site notices, it is understood that the representations are referring to no consultation having been carried out by the applicant. Whilst the application form asks whether neighbour consultation has been carried out, such consultation is not a statutory requirement of applicants and as such is not a material planning consideration in this instance.

Public representations and the Built Heritage Officer refer to the plans not being clear. Whilst the original plans were somewhat basic, the amended plans are drawn to an identified scale and include a layout plan to enable identification of the proposal accurately and as such the plans are sufficient to describe the proposal and enable determination.

### Principle

UDP Policy CS2 states that the loss of premises through alternative development proposals used for community purposes including meeting halls will be resisted unless it can be demonstrated that the premises are no longer required for community use, that alternative solutions to support the long term use of the facility for the community have been adequately explored and that appropriate alternative provision exists or is available elsewhere in the community that is of a satisfactory accessibility to the community. The building was formerly in use as the British Legion Hall with the submission indicating that since 2006 there have been 2 members in the community with the hall mainly used for cubs and scouts meetings which finished 7 years ago when they moved to the new school. Development Management is aware that the building has been marketed prior to the submission of the application.

Alternative meeting facilities such as the community hall and a hall at the school are known to exist within Llanrhaeadr Ym Mochnant and it is also noted that no objections have been received in respect of the loss of this particular facility. A reasonable period has now passed for other persons or organisations wishing to utilise the building for a community purpose to come forward and there are other meeting places available in the village for those persons who seek the use of such a facility. In light of these matters, it is considered that the proposal satisfies the objectives of UDP policy CS2.

Otherwise, given that the site is located within the settlement development boundary of Llanrhaeadr Ym Mochnant, there is a presumption in favour of appropriate residential development in accordance with UDP Policies HP4 and HP5. In addition, taking into account that Llanrhaeadr Ym Mochnant is classified as a large village within the UDP, the

development of one residential unit is not expected to lead to the overall capacity of the settlement being exceeded in accordance with UDP Policy HP4. Therefore, subject to consideration of the material planning issues below, it is considered that the principle of residential use is acceptable at this location and is compatible with surrounding land uses.

### Housing land supply

Paragraph 9.2.3 of Planning Policy Wales states that ‘*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*’

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

*“The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”.*

The JHLAS identified a significant undersupply of housing land within Powys. As mentioned above, TAN 1 confirms that the need to increase supply should be given considerable weight but only where the development would otherwise comply with development plan and national planning policies.

Given that the site is located within a settlement, Members are advised to give considerable weight to the current lack of housing land supply.

### Design and impact upon character and appearance of surrounding area

Waterfall Street is a narrow street with terraced housing, predominantly of stone facing under slated roofs and the building the subject of the application is a former stone chapel which Capel advises was constructed in 1855. As can be noted from the comments included within the responses from the Built Heritage Officer and Capel and within public representations, concerns were raised initially over the proposed changes to the rear (including the introduction of a balcony, use of upvc windows and alteration to the windows), as well as the loss of the railings and wall to the front of the building. The rear elevation is visible over a relatively wide area and from public vantage points such as the highway through the village. Amended details and plans were submitted which amended the inappropriate aspects of the proposal to reflect the concerns raised by the Built Heritage Officer and Capel including the retention of the railings at the front, the removal of the oil tank from the proposal, the removal of the rear balcony, retention of the original sized dwellings and some further detail in respect of the proposed windows (traditional cruciform glazing pattern). Revised fenestration treatment to the rear retaining the existing opening sizes has now been included and it is intended to have a traditional cruciform glazing pattern. Therefore, whilst it is still proposed to



remove the ground floor windows on the rear elevation, given the limited viewpoints of these windows, the Built Heritage Officer has removed their objection subject to the use of conditions, in particular to require the submission and approval and use of agreed windows.

Therefore, taking into account the revised proposal together with the Built Heritage Officer's comments, subject to the use of conditions, particularly in respect of the submission and approval of window details and their implementation, it is considered that the proposal would reflect the overall character and appearance of the settlement and surrounding area in accordance with UDP Policy HP5.

#### Impact upon heritage assets

##### *Llanrhaeadr Ym Mochnant Conservation Area*

The authority is required to have special attention to the desirability of preserving or enhancing the character or appearance of the conservation area under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. UDP Policy ENV11 states that proposals located within conservation areas should be of high quality design and should preserve or enhance the character or appearance of the area. Proposed developments that would significantly detract from the character of the area will be opposed.

As detailed above and within the Built Heritage Officer's comments, the initial proposal was considered unacceptable in terms of its impact upon the character and appearance of the conservation area, particularly in respect of the proposed alterations to the rear elevation and the loss of the railings to the front of the building which are features of the historical use as a chapel.

Taking into account the comments of the Built Heritage Officer, Capel and public representations and the discussion above in respect of the revised design, subject to the suggested conditions, it is considered that the revised proposal would not have an unacceptable impact upon the character or appearance of the conservation area in accordance with the relevant legislation and planning policies.

##### *Physical impact upon Lloran House (Listed building)*

In terms of listed buildings, the authority is required have special regard to the desirability of preserving listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. UDP Policy ENV14 states that proposals unacceptably adversely affecting a listed building or its setting will be refused taking into account the desirability of preserving the listed building and its setting, the importance of the building, the effects of the proposal on any particular features and the contributions of the building to the local scene.

Public representations have raised concerns over the impact of internal alterations potentially causing structural issues with Lloran House which is attached to the building the subject of the application and is a listed building. Particular concern over a proposed mezzanine floor requiring supporting beams to be built into the wall adjoining Lloran House have been raised. Internal structural works would fall under the Building Regulations and also would be administered under the Party Wall Act which is a separate legislative control and as such the concerns are not a material planning consideration in this instance.

### *Setting of listed buildings*

As stated above, the Authority is required to have special regard to the desirability of preserving the settings of listed buildings and UDP Policy ENV14 states that proposals unacceptably adversely affecting the setting of a listed building will be refused.

Initially the Built Heritage Officer concluded that the inappropriate design features of the proposed development result in the proposal adversely affect the setting of neighbouring listed dwellings known as Lloran House, Bodawel and to a lesser degree Arwelfa. The application site is a former chapel that projects south westwards towards the Afon Rhaeadr in front of the listed terrace and as such is highly visible from the public open space and other roads within Llanrhaedr Ym Mochnant.

Initially the Built Heritage Officer objected to the proposal on the basis that the proposed external alterations to the building would unacceptably adversely affect the setting of the identified listed buildings. Taking into account the revised proposal, the relevant local and national planning policies, the Built Heritage Officer's comments and the discussion above in respect of design and the use of conditions, it is considered that the proposal would not have an unacceptable adverse impact upon the settings of the identified listed buildings in accordance with UDP Policy ENV14.

### *Dyffryn Tanat/Tanat Valley Landscape of Outstanding Historic Interest*

The building is located within the Dyffryn Tanat Landscape of Outstanding Historic Interest. Planning Policy Wales and Technical Advice Note 24 advise that information on historic landscapes in the second part of the Register should be taken into account by local planning authorities in considering the implications of developments which are of such a scale that they would have a more than local impact on an area on the Register. The effect of proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may be a material consideration in the determination of a planning application. UDP Policy ENV16 requires consideration to be given to the protection of the special historic interest of historic landscapes included in part 2 of the register of landscapes, parks and gardens of special historic interest in Wales will be sought.

The landscape is summarised as a narrow lowland river valley situated between the Berwyn Mountains and the Montgomery Hills, containing diverse evidence of land use from prehistoric to recent times. The area includes significant crop-marks of hidden prehistoric ritual and funerary sites; large well-preserved Iron Age hillforts; prehistoric to recent mining remains; medieval mottes, settlements and Pennant Melangell Church.

Given that the proposal utilises an existing building within a settlement and that the design is acceptable subject to the use of conditions in relation to windows and the removal of permitted development rights, it is not considered that the proposal would have more than a local impact upon the Landscape of Outstanding Historic Interest and would not have an unacceptable impact upon the character or appearance of the overall landscape asset in accordance with UDP Policy ENV16.

### Impact upon amenities of occupants of neighbouring properties and the proposed residential unit

The building is located within the settlement of Llanrhaeadr and as such is located in close proximity to neighbouring residential dwellings. In particular, the building is attached to Lloran House, opposite a terrace of dwellings and to the north of another dwelling. Whilst the character of the use of the building would be changed to residential from a community use, given that the balcony has been removed from the rear elevation which removes any concerns regarding overlooking over Lloran House and that it is not proposed to insert new openings into the front and side elevations which face neighbouring dwellings, it is considered that the proposal would not unacceptably affect the amenities enjoyed by existing occupants of neighbouring dwellings or the proposed occupants of the building itself in accordance with UDP Policy GP1(3).

### Highway access and parking requirements

The building currently has no means of vehicular access or parking provision with pedestrian access off Waterfall Street. Initially it was proposed to remove the railings at the front of the building to provide vehicular access and a parking space, however there was insufficient space within the proposed parking area to provide a parking bay of the required dimensions and as such any vehicle parked within this space would potentially overhang the public highway. As a result of these comments, the vehicular access and parking space were removed from the proposal and the Highway Authority has removed their objection.

Whilst the benefits of off street parking provision are recognised, taking into account the Highway Authority's comments together with the former use of the building which had the potential to create more traffic movements than the proposed residential single dwelling and there is public car parking facilities in the village it is considered that the proposed development is acceptable in terms of highway access and parking requirements.

### Flood zone and surface water drainage

The application site lies partly 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). NRW's 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 outline of the Afon Rhaedr, designated as a main river along this reach.

Section 6 of TAN15 and UDP Policy SP14 state that highly vulnerable development (residential dwellings) should not be permitted in Zone C2. However, NRW has advised that given the scale of the proposed development (and in the absence of a flood consequence assessment) they consider that the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development, if necessary as part of the basement redevelopment. NRW has further advised that such measures could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels. The Council's Emergency Planning Section has provided generic observations and advice for times of flooding.

The applicant has stated that they have no knowledge of flooding having occurred in the past 60 years, however given that the climate is changing the applicant has proposed to install a collapsible flood barrier to the rear door. In addition, the applicant has stated that given that the windows are 1.2 metres off the ground and the internal floor in the basement is proposed by 400mm to 600mm with a step down to the rear door with all sockets to be waist height.

Whilst TAN15 and UDP Policy SP14 state that residential development should not be permitted in Zone C2, taking into account the comments received from the applicant, that they are aware of the flood risk and are proposing to install flood proofing/alleviation measures and that NRW are satisfied that the risk could be acceptable subject to the advisory comments provided by NRW and the Emergency Planning Section being included as an informative, it is recommended that the proposal is acceptable in flood risk terms.

Information contained within the application form states that it is proposed to dispose of surface water to an existing watercourse. No further details are provided, however taking into account that the roof area of the building would not change as a result of the development, it is considered that this matter can be adequately dealt with via the Building Regulations.

### Foul drainage

It is proposed to dispose of foul sewage to the mains sewer which is the preferred method of disposal set out within national and local planning policy. Public objections have referred to soil pipe being shown to connect into the existing downpipe on Lloran House with the owners of Lloran House intending to remove the downpipe. This downpipe has been removed from the amended plans and therefore the matter appears to have been resolved. However, any new means of connection into the mains system will need to be agreed with any relevant third parties and Severn Trent. Otherwise, Severn Trent Water has not objected to the principle of mains connection and given the scale of the proposal, it is considered that adequate provision would be made for foul drainage in accordance with UDP Policy DC10.

### Ecology

#### *Protected species*

As NRW comment, no ecological report was submitted with the application and therefore NRW has not considered the impact of the proposed alterations upon bats which are an European Protected Species. Given the age of the building and the location, adjacent to a watercourse and with suitable habitat in the surrounds, NRW advise that the building may provide opportunities for roosting and foraging for bats. NRW refer to works to the roof having the potential to cause harm and disturbance to bats, a European Protected Species.

Whilst the Council's Ecologist has not formally commented upon the planning application, verbal discussions between Development Management and the Ecologist have taken place. The gable end (side elevation) has been covered in ivy for some time and the Ecologist queried whether this was to be removed along with the extent of the proposed works to this elevation and the roof. The submission details that whilst it is proposed to remove the ivy to benefit the building, there are no new openings in this gable end and the applicant has clarified that a roofer has viewed the roof and does not expect there to be repairs or disturbance. Therefore, whilst a bat survey has not been submitted, on the basis of the verbal advice received from the Ecologist and the additional information received from the applicant,

subject to an informative advising on bat legislation, it is concluded that no further information is required in respect of bats.

### Other legislation

#### *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)*

Llanrhaeadr Ym Mochnant is a settlement where the Welsh language has been identified as being important to the social, cultural and community fabric of the settlement. Section 31 of the above 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. Given the scale of the development for a single residential unit within the settlement development limits of Llanrhaeadr Ym Mochnant, it is considered that there would be no material unacceptable effect upon the Welsh language in the village or 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**

The proposal would not lead to the loss of land allocated for other purposes within the UDP and it is considered that the proposal would not create unacceptable safety, access, service, environmental or amenity problems in accordance with UDP Policy HP5. In addition, the design is considered acceptable as is the impact upon the character and appearance of the conservation area and the setting of the identified listed buildings. Furthermore given the location within the settlement development boundary of Llanrhaeadr Ym Mochnant the Council's current lack of housing land supply which adds weight in favour of approval. Overall, the proposal is considered to comply with the relevant national and local planning policy and the recommendation is one of conditional consent as set 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.
3. Notwithstanding the provisions of schedule 2, part 1, classes A, B, C, D, E, F, G and H of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions, alterations, roof alterations or buildings, chimneys etc shall be erected other than those expressly authorised by this permission.
4. Prior to works commencing on site detailed scaled drawings (at a scale of not less than 1:20) of all the new windows, (including details of the trickle vents) must be submitted to and approved in writing by the Local Planning Authority. The windows shall be of a cruciform style, flush fitting and designed to accommodate the existing window opening and set back from the front edge of the stonework. The details should include where relevant the relationship with the inserted floor. The development shall be carried out in accordance with the approved details.

### 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.
3. To ensure that the character and appearance of the Llanrhaeadr Ym Mochnant Conservation Area is preserved in accordance with Policies GP1 and ENV11 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 24: The Historic Environment (2017).
4. To preserve the character and appearance of the Llanrhaeadr Ym Mochnant Conservation Area in accordance with Policies GP1 and ENV11 of the Powys Unitary Development Plan (2010), Planning Policy Wales (2016) and Technical Advice Note 24: The Historic Environment (2017).

### **Informative Notes**

*Please note the comments below from the Council's Emergency Planning Team in respect of flooding:*

- a. Working with partners in the Dyfed Powys Local Resilience Forum PCC has very robust contingency plans in place including Severe Weather, Evacuation & Shelter, and Humanitarian Assistance.
- b. Whilst PCC is a Category 1 (Main) Responder (Civil Contingencies Act 2004 refers) the Authority acts in support of the Emergency Services and responds to their requests. PCC has no legal authority to instruct or advise people to evacuate their property.
- c. The Police coordinate the emergency response and not the Local Authority.
- d. During a severe weather incident (including flooding) PCC will concentrate its efforts in supporting those individuals who are unable to protect their properties (i.e. vulnerable clients, the elderly and infirm). Able bodied house / building owners are expected to make prior arrangements to protect their properties, including the purchase of commercially available flood defence products. Whilst sandbags (and ballast) will be provided by PCC where possible, the Authority may request that (able bodied) individuals collect these from local Highways Depots.

#### Flood Warning Service (FWS) Messages

05. Property holders who believe that their properties are likely to flood should register for free Environment Agency (EA) 'Flood Warning Service' messages. Further information on this and registration details can be found on the EA website at the following link:

<https://naturalresources.wales/flooding/flood-warning-service/?lang=en>

06. Please note that the (UK) EA provides FWS services to customers in Wales on behalf of Natural Resources Wales.

07. During heavy and persistent rainfall individuals should remain alert and not be fully reliant on the above warnings. Where safe to do so they should pro-actively monitor river and stream levels in their immediate area and take appropriate action (including evacuation).

#### Community & Personal Flood Plans

08. Any Community or private individual that believes they are at risk of flood are strongly encouraged to complete a 'Community Flood Plan' or 'Personal Flood Plan' and templates and guidance instructions can be found on the GOV.UK website:

<https://www.gov.uk/government/publications/community-flood-plan-template>

<https://www.gov.uk/government/publications/personal-flood-plan>

#### Dynamic Risk Assessment

09. Evacuation from a property is not always the best option and can actually increase the risk. It is sometimes (dependant on predicted flood depths) safer to move to a higher floor within a building and wait for water levels to dissipate. This decision should be taken after undertaking a Dynamic Risk Assessment.

*Please note the comments from Natural Resources Wales:*

Flood-proofing measures could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels.

We refer the applicant to insurance and flood proofing information. As the NRW website is being continually updated, we suggest that reference is made to the 'Flooding' pages of the website which includes useful information on these matters,  
<http://naturalresources.wales/flooding/?lang=en>

From 6th April 2016, the Flood Defence Consenting process changed, you will need to apply for a Flood Risk Activity Permit if you wish to undertake any work in, over, under or adjacent to a main river. Please use the following links for further information

<http://www.naturalresources.wales/apply-for-a-permit/flood-risk-activities/?lang=en>

QUICK GUIDE –

<http://naturalresources.wales/apply-for-a-permit/flood-risk-activities/guidance/?lang=en>

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

All works at the site must be carried out in accordance with PPG5: 'Works in, near or over watercourses' which is available at the Gov.uk website:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

If a pollution incident does arise the site must inform us immediately via our incident hotline 03000653000

Any waste produced during the demolition/construction should be disposed of as per Waste regulations. It is the producer's responsibilities to ensure that Waste regulations are followed. Please see our website [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) for Waste disposal Guidance.

*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.

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.

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 0845 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)