

PCC – Building Control

Please be aware that the proposed scheme will require Building Regulations approval. For further information please feel free to contact me on 07876216734.

PCC – Built Heritage

I note the proposal is between a number of designated heritage assets namely;
Parish Church of St David Cadw ID 8143 included on the statutory list on 09/05/1988
Railway Station Cadw ID 8112 included on the statutory list on 09/05/1988
Royal Welsh Warehouse Cadw ID 8109 included on the statutory list on 09/05/1988
Royal Welsh Warehouse Cadw ID 8110 included on the statutory list on 09/05/1988

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 6.5.11 of Planning Policy Wales 9th 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”.

Cadw have prepared guidance on the setting of historic assets that is currently out for consultation, and whilst still out for consultation and not adopted the advice on how to assess the setting of listed buildings could be referred to in terms of advice on how to assess the setting of listed buildings, with the caveat that there may potentially be changes as a result of the consultation process. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

<http://cadw.gov.wales/historicenvironment/policy/historicenvironmentbill/guidancedocuments/?lang=en>

This emerging document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all heritage assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The heritage asset has been defined as;

Parish Church of St David Cadw ID 8143 included on the statutory list on 09/05/1988

Railway Station Cadw ID 8112 included on the statutory list on 09/05/1988

Royal Welsh Warehouse Cadw ID 8109 included on the statutory list on 09/05/1988

Royal Welsh Warehouse Cadw ID 8110 included on the statutory list on 09/05/1988

The Church of St David is a large church in a spacious churchyard facing New Road. Dating from 1843-44 to replace the older medieval church of ST Mary and to accommodate the growing population of Newtown. It is a very significant building in the street scene commanding an imposing condition.

The Railway Station was built c 1868 for the Cambrian Railway to replace the older station, and is sited on a lane leading off Kerry Road and between Agriculture House and the Royal Welsh Warehouse.

The Royal Welsh Warehouse is perhaps the most dominant building within Newtown built in 1879 for Pryce Jones the founder of the world's first mail order business.

Cadw draft document Setting of Historic Assets in Wales advises on how to consider the setting of listed buildings. "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. It often extends beyond the property boundary or 'curtilage' and into the surrounding landscape or townscape. Although many historic assets are visible and their settings are obvious, those that are buried also have a setting. "

"The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features."

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

"•How do the present surroundings contribute to our understanding and appreciation of the historic asset today?

- Thinking about when the historic asset was first built and developed:
 - What were its physical, functional and visual relationships with other structures/historic assets and natural features?
 - What topographic features influenced its location?
 - What was its relationship to the surrounding landscape?
 - Was it constructed to take advantage of significant views? Although there may be a 360 degree view, some areas of the view may be more significant than others.

- Thinking about changes since the historic asset was built:
 - Has its function changed?
 - What changes have happened to the surrounding landscape?
 - Have changes happened because of changes to the historic asset?
 - Has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?
 - Have historic and designed views to and from the historic asset changed?

- Thinking about the original layout of the historic asset and its relationship to its associated landscape:
 - Were these relationships designed or accidental?
 - How did these relationships change over time?
 - How do these relationships appear in the current landscape; are they visual or buried features?

- Are there other significant factors, such as historical, artistic, literary, place name or scenic associations, intellectual relationships (for example, to a theory, plan or design), or sensory factors that can be vital to understand the historic asset and its setting?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

- views that were designed and developed to overlook the historic asset and its setting
- incidental views to and from the historic asset which contribute(d) to its significance
- important modern views to and from the historic asset
- important modern views over and across the historic asset.”

The Old College is unlisted being a two storey brick building with a style reminiscent of post war architecture of municipal office and school buildings. The proposal is for a small single storey building to be sited at the rear of the almost L shaped building facing the Railway Station and as such only has the potential to be viewed from 2 sides. As such the proposal could not be readily viewed from St Davids Church and the principal impact would be on the Royal Welsh Warehouse and the Railway Station. It is noted that the small supermarket opposite the Railway Station will screen the proposal from the majority of the other 2 sides with limited potential for this building to be seen.

However irrespective of the limited views of the extension, the small brick common room has been designed to complement the building with its use of timber cladding and roof pitch to replicate the existing building. The windows differ from the principal building which has large vertical emphasis windows that would not look appropriate on a building of this scale, and also the design has been carefully thought out with the limited external views of the building being blank elevations.

Given the careful design and small scale nature of the building proposed and the screening afforded of the building by the adjacent former supermarket, it is not considered that the proposal would have an impact on the setting of the adjacent listed buildings and I can confirm that I would have no objection to the proposal as submitted.

Public Response

Following display of a site notice on 28/04/2017, there have been no public representations received.

Planning History

None

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 8, January 2016)

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 18- Transport (2007)

Technical Advice Note 23- Economic Development (2014)

Technical Advice Note 24- The Historic Environment (2017)

Welsh Office Circular 11/99 – Environmental Impact Assessment
Welsh Office Circular 61/96 – Planning and Historic Environment: Historic Buildings and Conservation Areas

Local Policies

GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
ENV2 – Safeguarding the Landscape
ENV4 – Safeguarding Biodiversity and Natural Habitat
ENV7 – Protected Species
ENV14 – Listed Buildings
HP4 – Settlement Development Boundaries and Capacities
CS2 – Protecting existing Community Facilities and Services
CS5 – Educational Developments

Residential Design Guide (October 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

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.

Principle of Development

UDP policy GP1 sets out the general requirements applied to all developments such as this proposal. The main planning considerations relating to this type of proposal are design, proportion, scale, materials and fenestration whilst avoiding any unacceptable loss of parking or adverse impacts upon neighbouring properties.

It is therefore considered that the principle of development fundamentally complies with policy GP1 of the Powys Unitary Development Plan (2010) subject to the following:

Design

With respect to design specific reference is made to UDP policy GP1. The respective policies indicate that development proposals will only be permitted where the design, proportion, scale, materials and fenestration complements or enhances the character of the existing building.

Consent is sought for the erection of a single storey common room to the rear of the Old College.

The proposed common room is considered to be of a suitable design in this setting and is considered to be of an appropriate scale and proportion in its location. It is therefore considered that the common room has been sympathetically designed and is subservient to the Old College. The existing use of the proposed site is currently a grassed area to the rear of the Old College with the proposed common room providing a space for children to eat and spend their lunch breaks.

The common room will be finished with fibre cement slates for the roof and 'Log Lap' horizontal timber cladding for the walls. The proposed windows and doors will be finished with UPVC in an oak effect finish. It is therefore considered that the proposed materials are acceptable in this location.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Highways

A safe access, parking and visibility splays are a fundamental requirement of any development.

The application does not seek alterations to the existing means of access to the property and the proposal would not affect the existing parking area. The Local Highway Authority has been consulted on the development although they did not wish to comment on the application.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Listed Buildings

The proposed site is located near a number of listed buildings, St Davids Church is 49.7 metres away, Newtown Railway Station is 69.9 metres away and the Royal Welsh Warehouse complex is 75.2 metres away.

The Built Heritage officer was consulted regarding the proposed development and noted the building is to be sited at the rear of the almost L shaped building facing the Railway Station and as such only has the potential to be viewed from 2 sides. As such it is noted that the proposal could not be readily viewed from St Davids Church and the principal impact would be on the Royal Welsh Warehouse and the Railway Station. It is however noted that the small supermarket opposite the Railway Station will screen the proposed development.

However, irrespective of the limited views of the proposed development, it is considered that the timber cladding common room has been designed to complement the building with its roof pitch to replicate the existing building. The windows differ from the principal building which has large vertical emphasis windows that would not look appropriate on a building of this scale, and also the design has been carefully thought out with the limited external views of the building being blank elevations.

Given the careful design and small scale nature of the building proposed and the screening afforded of the building by the adjacent supermarket, it is not considered that the proposal would have an impact on the setting of the adjacent listed buildings. Therefore the Built Heritage officer has no objection to the proposed development.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Other Legislative Considerations

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)

Section 31 of the 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. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in 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

Having carefully considered the proposed development, Officers consider that the proposal complies with relevant planning policy. It is not considered that the proposal would have an impact on the setting of the adjacent listed buildings due to the careful design and small scale nature of the building. The recommendation is therefore one of conditional approval

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 XXXXXX (drawing no's: P6312/D/P, P6312/D/P1, P6175/12).
3. The common room shall not be occupied at any time other than for purposes ancillary to the educational use of the building known as The Old College

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 prevent the establishment of separate use in the interests of privacy and amenity in accordance with policies GP1 and HP6 of the Powys Unitary Development Plan.

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