

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0087	Grid Ref:	310684.52 291361.35
Community Council:	Newtown and Llanllwchaiarn	Valid Date:	Officer: 16/01/2018 Luke Jones
Applicant:	Powys County Council		
Location:	Ysgol Dafydd Llywd, Park Street, Newtown, Powys, SY16 1EG		
Proposal:	Change of Use of recreation space of former primary school use (class D use) into extension of existing car parking area for new creative family centre (class use D)		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The applicant is Powys County Council.

Site Location and Description

The application site is located within the Town Council area of Newtown and Llanllwchaiarn. The existing site is a hard surfaced recreational area of the former school adjacent to the car park, and the proposal is to include the hard surfaced recreational area as an extended car park.

The site lies adjacent to Newtown Conservation area and is also adjacent to the Scheduled Ancient Monument - Newtown Hall Castle Mound. There are also a number of listed buildings within close proximity of the site.

The proposed development includes the change of use of recreation space associated with the former primary school use to facilitate an extension of an existing car parking area which serves the new creative family centre. There are currently 8 car parking spaces. The proposed extension to the car parking will accommodate 14 marked spaces.

Consultee Response

Newtown and Llanllwchaiarn Town Council

The Town Council supports this application

PCC Highways

Does not wish to comment on the application

Wales and West Utilities

Wales & West Utilities have been made aware of a planning application on 29.01.2018, advising us of the proposals at:

Park Street, Newtown, Powys, SY16 1EG

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission. Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works.

Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

Severn Trent Water

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

PCC Built Heritage

Thank you for consulting me on the above application.

The site lies adjacent to The Newtown Conservation area, and is adjacent to the Scheduled Ancient Monument Newtown Hall Castle Mound.

A number of listed buildings are close to the site namely;

1 Park Street Cadw ID 8163 included on the statutory list on 09/05/1988

Park House Cadw ID 8162 included on the statutory list on 09/05/1988

The site is a hardsurfaced recreational area of the former school adjacent to a car park, and the proposal is to include the hardsurfaced recreational area as a car park.

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

1 Park Street is a three storey Flemish brick bond early C19th house. Park House is a similar three storey Flemish brick bond early C19th house however the bricks have been painted.

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaptation has obliterated them or concealed them.

Both 1 Park Street and Park House retain external architectural features depicting their age and status.

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

Both 1 Park Street and Park House retain sufficient architectural merit to illustrate the evolution of Newtown.

Communal Value

The fourth principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities 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 where, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting.

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic 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”

1 Park Place currently overlooks the roadway and existing car park and the proposal will effectively be an extension of the existing car park, however the application area is screened from the lower windows of 1 Park Place by the single storey Park Street Clinic.

Park House has its principal windows looking onto Park Street and the application site will not be visible from Park Street, however the rear of Park House is visible from the existing car park.

The existing car park is centred at the centre of three buildings, The former Ysgol Dafydd Llwyd, Park Street Clinic and a day centre which limits the visual intrusion of the car park. The current proposal would utilise a former hard surfaced recreational area as a car park, which visually be very similar to the current layout, and possibly better as the fence would be removed along with the external storage shed.

I can confirm that I would not consider that the proposal would have an adverse effect on the character of appearance of the conservation area or the setting of listed buildings and would have no objections to the proposal.

Natural Resources Wales

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, *Natural Resources Wales and Planning Consultations* (March 2015): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does 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.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

CADW

Thank you for your letter of 24 January 2018 inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument MG160 Newtown Hall Castle Mound. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW),

Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting.

Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or

which would have a significant impact on the setting of remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The application area is located some 12m southwest of scheduled monument MG160 Newtown Hall Castle Mound although the area currently used as a recreation area that will be changed into car park is some 35m southwest of the designated area. The monument comprises the remains of a medieval earthwork castle.

The existing carpark is partly screened by hedges in views from the scheduled monument and this will remain and screen the additional car parking. The proposed development will see an adjustment in the layout of the car parking spaces in the existing carpark so all cars will be parked on the north side of the carpark rather than, as currently, on the east and west sides. This will slightly reduce the current damage being caused to the setting of the monument by having up to 4 cars parked in close proximity to it. Consequently we consider that the proposed development will have a neutral impact on the setting of scheduled monument MG160 when compared to the current situation.

Clwyd Powys Archaeological Trust

Thank you for the consultation on this application.

Although the proposed development is within the medieval historic core of the town and is also located 35 metres south of the Newtown Hall Castle Mound (SAM MG160) there will be no archaeological impacts due to the minor groundworks associated with altering the existing parking and recreation areas.

Representations

Following the display of a site notice there have been no public representations received.

Planning History

P/2013/1138 - Erection of a Welsh Medium Primary School and associated infrastructure together with the formation of vehicular access and associated works, Conditional Consent

NMA/2015/0016 - NMA: Application for non-material amendments to planning permission P/2013/1138 in respect of revision of the location of the recycled materials store and provision of additional covered bicycle rack, Conditional Consent

DIS/2016/0048 - Discharge of Condition Application

Principal Planning Constraints

Flood Zone

With close proximity of listed buildings

Within close proximity of a Scheduled Ancient Monument
Site adjacent to Conservation Area

Principal Planning Policies

National Policies

Planning Policy Wales (Edition 9, November 2016)
Technical Advice Note (TAN) 18 – Transport (2007)
Technical Advice Note (TAN) 5 - Nature Conservation and Planning
Technical Advice Note (TAN) 15 – Development and Flood Risk (2004)
Technical Advice Note (TAN) 24 – Historic Environment (2017)

Local Policies

SP3 – Natural, Historic and Built Heritage
SP9 – Local Community Services and Facilities
SP14 – Development in Flood Risk Areas
GP1 – Development Control
GP3 – Design and Energy Conservation
GP4 – Highway and Parking Requirements
CS - Additional Demand for Community Facilities
CS6 - Health Care Development
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV6 - Sites of Regional and Local Importance
ENV7 – Protected Species
ENV 10 - Conservation Area Enhancement and Town Schemes
ENV 11- Development in Conservation Areas
ENV 14 - Listed Buildings
ENV 17 - Ancient Monuments and Archaeological Sites
ENV 18 - Development Proposals Affecting Archaeological Sites
TP1 – Highway Improvement Schemes
T2 – Traffic Management
DC13 – Surface Water Drainage
DC14 – Flood Prevention Measures

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

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

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 GP4 sets out the general requirements applied to all highways developments such as this proposal. The main planning considerations relating to this type of proposal are adequate provision for visibility, turning and passing.

In accordance with UDP policy GP4, it is considered that the principle of the proposed development is fundamentally acceptable.

Highway Provision

In accordance with UDP policy GP4, the grant of planning permission is dependent upon a safe access, parking and visibility splays being provided.

The proposed development involves the change of use of land to facilitate an extension of an existing car park. There is currently 8 car parking spaces allocated and the proposed extension to the car parking area will accommodate 14 marked spaces. The Local Highway Authority has been consulted on the application and offered no objection to the proposed scheme.

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

Built Heritage

UDP policy ENV14 outlines the statutory duty of Local Planning Authorities in determining planning applications and emphasises the desirability of preserving listed buildings and their settings.

The proposed site of development is located adjacent to Newtown Conservation area and within close proximity of a number of listed buildings.

In the consultation response received, the Built Heritage Officer notes that the current proposal would utilise a former hard surfaced recreational area as a car park, which will be visually very similar to the current layout, and possibly better as the fence would be removed along with the external storage shed. On this basis, the Built Heritage Officer confirmed that the proposal would not have an adverse effect on the character or appearance of the conservation area or the setting of listed buildings and therefore indicated no objections to the proposal.

In light of the above it is considered that the proposed development fundamentally complies with UDP policies ENV11 and ENV14 of the Powys Unitary Development Plan, Technical Advice Note 24 and Planning Policy Wales.

Scheduled Ancient Monument

The application area is located some 12 metres southwest of scheduled monument MG160 - Newtown Hall Castle Mound although the land subject to the proposed change of use is located some 35m southwest of the designated area. The monument comprises of the remains of a medieval earthwork castle.

Cadw has been consulted regarding the proposed development and noted the existing carpark is partly screened by hedges in views from the scheduled monument and this will remain thus screening the additional car parking. The proposed development will see an adjustment in the layout of the car parking spaces in the existing carpark so that all cars will be parked on the north side of the carpark rather than, as currently, on the east and west sides. Cadw noted this will slightly reduce the current damage being caused to the setting of the monument by having up to 4 cars parked in close proximity to it. Cadw therefore consider that the proposed development will have a neutral impact on the setting of scheduled monument MG160 when compared to the current situation.

CPAT have also been consulted regarding the proposed development and noted there will be no archaeological impacts due to the minor groundworks associated with altering the existing parking and recreation areas.

In light of the above it is considered that the proposed development fundamentally complies with policies ENV17 and ENV18 of the Powys UDP, Technical Advice Note 24 and Planning Policy Wales.

Flood Risk

Natural Resources Wales (NRW) has been consulted regarding the proposed development as a small section of the site falls within the flood zone. Following consultation, NRW did not wish to comment on the application. On this basis and given the existing land use and proportion of land within the flood zone, it is not considered that the proposed development will have an unacceptable flood risk compliant with policies SP14 and DC14 of the Powys UDP, Technical Advice Note 15 and Planning Policy Wales.

RECOMMENDATION – Conditional Consent

In light of the above, it is considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

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: Proposed Site Plan, Proposed Site Location Plan).

3. The development hereby permitted shall not commence until a surface water drainage scheme has been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the drainage scheme as approved prior to the first use of the car park hereby approved.

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. In order to ensure that satisfactory drainage arrangements are provided in accordance with policies GP1, DC13 and DC14 of the Powys County Council Unitary Development (2010), Technical Advice Note 15 (2004) and Planning Policy Wales (2016).

Case Officer: Luke Jones- Planning Officer
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