

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0682/REM

Grid Ref: E: 287909
N: 246690

Community Council: Llanwrtyd Wells

Valid Date: 23.04.2019

Applicant: Mr T Van Rees

Location: War Memorial Institute, Irfon Terrace, Llanwrtyd Wells, LD5 4RH.

Proposal: Section 73 application for variation of condition 1 of permission P/2014/0473 to allow an extension of time to implement the permission

Application Type: Removal or Variation of Condition

The reason for Committee determination

The applicant is a Councillor of Powys County Council.

Consultee Responses

Consultee	Received
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Welsh Water

20th May 2019

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We can confirm we have no objections to this application. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer. However, the applicant is advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 917 2652 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of

access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

PCC-(S) Highways

21st May 2019

Does not wish to comment on the application

PCC-Built Heritage Officer

24th May 2019

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales – Annexe to TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and

Conservation areas) Act 1990, which 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 6.1.10 of Planning Policy Wales 10th edition 2018 which states, “ For any development proposal affecting 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.”

Section 6.1.9 of PPW 10 advises that “ Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place”

Section 6.1.7 of Planning Policy Wales 10th edition requires that “ it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way”

I note that the applications relate to a section 19 and section 73 application to vary the time limit to commence development previously approved with conditions, in order that works commence within 5 years of the date of the decision of the current applications (if approved).

I can confirm that as there is no material change to the previous listed building consent application I would have no objections to the proposal.

Community Council

No comments received at the time of writing this report.

PCC-Building Control

No comments received at the time of writing this report.

Wales & West Utilities - Plant Protection
Team

8th May 2019

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). Please note that this is a Liquid Petroleum Gas(LPG) network Gas pipes owned by other GT's and also privately owned 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, 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 and West Utilities, its agents or servants for any error or omission.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

If you have requested a new connection or diversion of our apparatus, information will be sent under a separate letter.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Representations

Following the display of a site notice on 13/05/2019 no public representations or objections have been received at the time of writing this report.

Planning History

App Ref	Description	Decision	Date
P/2014/0473	Refurbishment of ground floor Town Council meeting rooms, change of use of first floor to create a residential flat, removal of external staircase, installation of new internal staircase and changes to windows and doors in the east elevation.	Consent	10 th Jul 2014
P/2014/0474	LBC: Refurbishment of ground floor Town Council meeting rooms, change of use of first floor to create a residential flat, removal of external staircase, installation of new internal staircase and changes to windows and doors in the east elevation.	Consent	10th Jul 2014

Principal Planning Constraints

Listed Building

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (10 th Edition, 2018)		
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN 24	The Historic Environment		National Policy

DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026

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

Site Location and Description

The application site is located within the Community Council area of Llanwrtyd Wells. The application site is located along Irfon Terrace, with neighbouring properties located to the north- west and south- east, the County Highway to the north- west and the River Irfon to the south- west.

Planning permission was granted for the refurbishment of ground floor Town Council meeting rooms, change of use of first floor to create a residential flat, removal of external staircase, installation of new internal staircase and changes to windows and doors in the east elevation under planning permission reference P/2014/0473.

This Section 73 application seeks to vary condition 1 attached to planning permission reference P/2014/0473 in relation to extending the time limit for the commencement of development.

Principle of Development

The application site is located within the settlement development boundary of Llanwrtyd Wells, which is defined as a town under the Powys Local Development Plan (2018). Policy H1 of the LDP states the following with regard to housing development proposals in towns and large villages;

- i. On sites allocated for housing or on other suitable sites within the development boundary; or*
- ii. On sites forming logical extensions outside development boundaries for affordable housing in accordance with Policy H6.*

The application site is considered to be a suitable site within the settlement boundary of Llanwrtyd Wells and therefore the principle of development for the creation of a residential flat, remains acceptable under the previous planning application P/2014/0473, which was granted conditional consent.

The application seeks to extend the time limit for the commencement of the proposed development. It is therefore considered that the proposed development does comply with the principle of development subject the following:

Highways

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 11 & H7).

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 regarding the proposed development and has not raised any objection to the proposal.

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

Built Heritage

Due to the application site being a Listed Building, Llanwrtyd Wells War Memorial Institute, consideration has been given to LDP Policy SP7 and TAN 24: The Historic Environment.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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'. The Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

The Council's Built Heritage Officer has raised no objection to the proposed development. The Officer noted that there is no material change to the previous listed building consent application and as such has raised no objection to the proposed development.

In light of the above, it is considered that the proposed development remains in accordance with relevant planning policy.

RECOMMENDATION – CONDITIONAL CONSENT

In light of the above it is considered that the proposed development complies with relevant planning policy and the recommendation is 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 (drawing no's: 13/3941/3, 13/3941/2, 13/3941/4, 14/3941/7, 14/3941/8).
3. Notwithstanding the information submitted with the application, the window frames and door shall be constructed from timber.

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 the interest of design and amenity and to accord with policy DM13 of the Powys Local Development Plan.